UNIVERSITY OF BIRMINGHAM

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UNIVERSITY OF BIRMINGHAM

Code of Practice: Reasonable Diligence

Approved - August 2007

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1. Introduction:

i. The Code of Practice provides guidance for Schools when a student is not showing reasonable diligence in their approach to their academic studies. This Code of Practice should be read in conjunction with Regulation 5.2: Attendance and Academic Duty.

ii. A student who does not show reasonable diligence in accordance with Regulation 5.2 may be barred from an opportunity of assessment in a module or required to withdraw from a programme. The appropriate penalty will depend on the extent and gravity of the student's failure to show reasonable diligence and their continuation in doing so after receipt of an appropriate warning.

2. Relationship to fitness to practise requirements:

Students who are registered for programmes subject to fitness to practise requirements, and who fail to show reasonable diligence, will be dealt with in accordance with the fitness to practise procedure (University Ordinance, Part 5), rather than the procedure set out in regulation 5.2.

3. Responsibility of Schools:

3.1 *For Students on Undergraduate and Postgraduate Taught Programmes and on Postgraduate Research Programmes with Taught Elements.*

The initial decision to recommend that a student be barred from an opportunity of assessment in a module, or be required to withdraw from a programme, for failure to show reasonable diligence, rests with each School. Accordingly, a School must consider whether, in relation to their modules and programmes, the general definition of failure to show reasonable diligence (absence from more than 30 per cent of teaching sessions at which a record of attendance is kept, and/or the failure to submit more than two items of formatively assessed work during an academic year) is appropriate.

3.2 *For Students on Research Programmes*

i. The initial decision to recommend that a student be required to withdraw from a programme, for failure to show reasonable diligence, rests with each School.

ii. Regulation 5.2.14 on Attendance and Academic Duty states:

A student registered for a higher degree by research may be required, on the approval of the Senate or delegated authority or other appropriate authority of a recommendation by the Head of School, to withdraw from his or her programme ***if it appears that there is no likelihood that he or she will successfully complete the programme within the maximum period allowed for the submission of a thesis permitted by the relevant regulations****. Such a recommendation may be made only after a full review of the student's progress, including consultation with his or her supervisor. The recommendation must be accompanied by a full report of the circumstances for consideration by the Reasonable Diligence panel. A student will not be required to withdraw under this regulation without being given the opportunity to submit representations to the appropriate body in writing and, if the student wishes, in person.*

3.3 For all Students

i. If a School wishes to adopt a stricter definition of failure to show reasonable diligence, either in relation to particular modules or to a programme, then this must be set out clearly in the relevant module descriptions and/or programme specification. A stricter definition may be appropriate, for example, where group assessments are included and where the behaviour of students could prejudice the performance of others; where health and safety is an issue; where core knowledge is essential for later study; or where attendance is a requirement of a professional body.

ii. **In either case, Schools must take appropriate steps (e.g. in a programme handbook, on School websites, in tutorials and orally at the start of a module) to draw to students' attention the need to show reasonable diligence. Evidence will be required of the information provided to students about reasonable diligence requirements in any subsequent proceedings.**

iii. In order to enforce the reasonable diligence requirement, Schools will need to have an effective system for monitoring and recording attendance, progress (in the case of research students) and the submission of assessments and written work during the academic year. A School's reasonable diligence panel can make recommendations only on the basis of evidence of absence, lack of contact, and/or of failure to submit assessments. In many Schools and Academic Units it will not be practicable to monitor attendance at large lectures and as a result absence from such teaching sessions may not be included in the requirement that students show reasonable diligence. In short, if attendance is not monitored and recorded then it cannot be the basis for proceedings against a student.

iv. Where Schools offer modules to students from other Schools, the student's home School should be informed immediately if there are concerns about the student failing to observe reasonable diligence. In the case of joint honours programmes, this will be the School taking primary responsibility for monitoring student's progress (referred to as the home school).

4. Steps prior to invoking the formal reasonable diligence procedure:

i. Invoking the formal reasonable diligence procedure set out below should be a matter of last resort. In some cases, lack of reasonable diligence may be dealt with more informally, for example through advice from a supervisor or senior welfare tutor. However, such informal advice should be formally recorded in case of later non-compliance. Schools should ensure that students are made aware of the support services available to them through the University and the Guild of Students.

For Students on Undergraduate and Postgraduate Taught Programmes and on Postgraduate Research Programmes with Taught Elements

ii. In considering when to invoke the formal reasonable diligence procedure, Schools or Academic Units should bear in mind that it is generally desirable for reasonable diligence panels to be convened before the fifth week of the second semester. This will enable any appeal made by a student to be heard before the May-June examination period.

For Students on Research Programmes

iii. Formal reasonable diligence procedures may be invoked at any time as set out in 3.7 of the Code of Practice on Supervision and Monitoring of Research Students: *Any concerns arising about students' progress outside the formal progress reviews should be raised immediately with the Chair of the School Progress Panel without waiting for the next formal meeting of the Panel. The Chair of the School Progress Panel and the Head of School should instigate whatever action and/or investigations might be appropriate.*

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5. Reasonable Diligence Panels:

i. In order to ensure independence and impartiality, a School's reasonable diligence panel is to be chaired by a member of academic staff from another School.

ii. The panel shall have three members:

- A suitably experienced member of academic staff (such as a Head of Academic Programmes, a Director of Learning and Teaching or a Welfare Tutor) from a School other than the home School of the student, who shall act as the chairperson; and
- Two members of academic staff from the student's home School who have no close academic or pastoral connection with the student. (If there is not such a member of staff available within the School, a member of the panel can be drawn from another School, as long as they are independent of the case and impartial.)

6. Modules taken by students from other Schools:

i. Where a School offers modules to students from other Schools, the student's home School should be informed immediately if there are concerns about a student failing to show reasonable diligence.

ii. Where the reasonable diligence procedure relates to a module delivered by a School other than the student's home School, the home School shall be responsible for invoking the procedure and convening the reasonable diligence panel. In this scenario the panel members may include one member from the School in which the student has failed to demonstrate appropriate diligence in a module, but they must have no close academic or pastoral connection with the student. There should be full consultation with the School delivering the module throughout the process.

7. Role of the Progress and Awards Board of Senate:

i. Decisions taken by Reasonable Diligence Panels are in the form of recommendations to the Progress Board. The role of the Progress Board isto ensure that such recommendations have been made in accordance with University legislation and the procedures laid out in this Code of Practice.

ii. If a procedural irregularity has occurred during the Reasonable Diligence Panel procedure or a decision is made contrary to the regulations the Progress Board will be required to decide on the case. If it is found that a procedural irregularity has occurred, the Progress Board will inform the Head of School, who may be asked to immediately review the decision and to convene a new Reasonable Diligence Panel with new members to re-consider the case.

iii. In order to monitor the implementation of the requirement to show reasonable diligence regulations across the University, the Progress Board will receive an annual report.

8. Reasonable diligence procedure:

i. The Head of School (or nominee) shall invite the student to an interview to discuss the student's lack of reasonable diligence.

ii. If appropriate, following the interview a formal written warning will be sent to the student. A copy of the letter should be copied to Academic Services and should clearly state expectations and time scales for improved performance of the student.

iii. If the student continues to fail to show reasonable diligence, a School may convene a panel for the purpose of deciding whether the student should be required to withdraw from a programme or be barred from assessment in a module.

iv. When convening a Reasonable Diligence panel a School should contact Student Records to inform them that a case is being heard and the subsequent decision should also be communicated.

v. The student shall be given not less than 10 working days' written notice of the arrangements for the panel and shall be provided with full details of the allegation of failure to show reasonable diligence. The student shall also be invited to submit a written statement for consideration by the panel (which shall be submitted at least two days before the hearing) and to attend the hearing in person.

vi. The student (if present) and the Head of School (or nominee) shall appear jointly before the panel. The student may be accompanied by a friend (who may be a member of the academic staff of the University or a registered student of the University or a Sabbatical Officer of the Guild of Students). Both the Head of School (or nominee) and the student shall have power to request the attendance of witnesses (though no power to compel them to attend) and witnesses attending may be asked questions by either or both parties and by the panel.

vii. Subject to the guidance of the chairperson, the normal procedure at the hearing shall be as follows:

(a) A secretary shall be appointed to provide a record of the meeting.

(b) The Head of School (or nominee) shall outline the case against the student.

(c) The student or the student's friend may make a statement.

(d) Members of the panel may, under the direction of the chairperson, question the student and the Head of School (or nominee) regarding the contents of their written and oral statements or on any other issue relevant to the case.

(e) The Head of School (or nominee) and student or student's friend may make closing statements to the panel. The student or the student's friend shall, in all cases, be invited to speak last.

(f) The Head of School (or nominee), the student and the friend shall then be required to leave so that the panel can deliberate and come to a decision.

(g) The recommendation of the panel shall be communicated to the Head of School and the relevant Progress Board. A report of the proceedings of the panel hearing should be submitted to Student Records for consideration by the relevant Progress Board (or sub-group thereof).

(h) If the Progress Board is satisfied that correct procedures have been followed, they will ratify the decision and a letter will be sent, normally within 5 working days, to the student notifying them of their right to appeal.

viii. If the student fails to submit a written statement or to attend the hearing, and the panel is satisfied that the student received the written notice referred to in paragraph 8.4 above, the panel may proceed with its deliberations on the basis of the evidence presented by the School.

ix. If the panel decides to impose a penalty, it shall ensure that the penalty (either withdrawal from a programme, barring from an opportunity of assessment of a module is proportionate to the student's failure to show reasonable diligence.

x. A student may appeal against a decision requiring withdrawal from a programme or barring from an opportunity of assessment of a module under regulation 4.7.5 (for students on taught programmes) and regulation 4.4.24 (for students on research programmes.

xi. The Code of Practice on Primary Appeals sets out the Appeal Procedures.

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