# UNIVERSITY OF BIRMINGHAM

# REGULATIONS OF THE UNIVERSITY OF BIRMINGHAM

# SECTION 8 - STUDENT CONDUCT

## Executive Brief

Sets out the principles and Regulations to be followed in cases of Student misconduct, including instances of misconduct which do not take place on University property.

## Section 8: Student Conduct

### 8.1 Introduction

8.1.1 These Regulations apply to all Registered Students, Students who are registered as writing up and Graduands ("Students"). Under these Regulations the University has the power to discipline and to suspend or expel students for good cause. Once disciplinary proceedings have been instituted against a student under these regulations, no disciplinary action may be taken against the student under other disciplinary rules or Regulations within the University for the same misconduct.

8.1.2 The following Codes of Practice also apply and should be followed where applicable:

(a) Procedures for Misconduct and Fitness to Practise Committees;

(b) Discipline in University Halls of Residence;

(c) Reasonable Diligence;

(d) Plagiarism;

(e) Freedom of Speech on Campus.

8.1.3 Students registered for a programme which the programme requirements define as a Fitness to Practise programme are subject to Fitness to Practise procedures. Students on these programmes who are referred to the Head of College under clause 8.3.5 of this Regulation will be referred to a College Fitness to Practise Committee; Students on all other programmes will be referred to a College Misconduct Committee.

8.1.4 All investigations carried out under this Regulation shall be carried out in accordance with the guidelines approved from time to time, by Senate or its delegated authority.

### 8.2 Disciplinary Offences

8.2.1 Any Registered Student, Student who is writing up or Graduand shall be subject to disciplinary measures if he is found to have breached the disciplinary offences as defined below:

(a) any breach of any University Statute, Ordinance, Regulation, Code of Practice or Code of Professional Conduct and Fitness to Practise;

(b) substantial obstruction of, or substantial improper interference with, the functions, duties or activities of any student or member of Staff of the University, or any visitor to the University;

(c) violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language;

(d) harassment of any student or member of Staff of the University, or any visitor to the University;

(e) fraud, deceit, deception or dishonesty in relation to the University or its Staff, students or visitors;

(f) theft, misappropriation or misuse of University property, or the property of the University's Staff, students or visitors;

(g) misuse or unauthorised use of University premises;

(h) damage to University property, or the property of the University's Staff, students or visitors, caused intentionally or recklessly;

(i) action likely to cause injury or impair safety on University premises;

(j) cheating or plagiarism (when judged serious by the Principal Academic Unit, as specified in the Code of Practice on Plagiarism) in assessed academic work or in examinations;

(k) failure to respect the reasonable exercise of the rights of others to freedom of belief and freedom of speech;

(l) failure to disclose identity (i.e. name, University ID number, address and Principal Academic Unit at the University) to a member of Staff of the University in circumstances in which it is reasonable to require that such information be given;

(m) causing nuisance by the distribution of advertising materials on University premises without specific permission either by mounting posters on notice boards, or mounting posters on any other surface, or by distributing unsolicited leaflets to individual rooms or via pigeon holes in residences or Principal Academic Units, or by handing leaflets to passers-by on University premises;

(n) conduct (wherever occurring) resulting in the student receiving a formal police caution, even if the student is not subsequently charged or convicted of an offence;

(o) conviction of a criminal offence by any court of competent jurisdiction;

(p) conviction of a breach of military discipline by due process of military law;

(q) conduct (wherever occurring) likely to bring the University into disrepute or adversely affecting other members or Staff of the University whether or not the student has been convicted of a criminal offence in respect of that conduct;

(r) the possession, storage, sale, use or misuse of a controlled drug as defined by the Misuse of Drugs Act 1971 (as amended from time to time) on University property;

(s) failure to comply with any punishment imposed under the Code of Practice on Discipline in University Residential Accommodation;

(t) failure to comply with any punishment imposed under the formal disciplinary procedures of the Guild of Students;

(u) contempt of the University's discipline procedures by failure to co-operate with

the University's discipline authorities or otherwise.

**8.3. Initial Procedure**

8.3.1 Every alleged offence shall first be investigated by the Investigating Officer, where the Investigating Officer is a member of the same College as the student and shall either be appointed by the Head of College, where the Student is subject to Fitness to Practise procedures, or shall be the Director of Academic Services or his nominee for students on all other programmes.

8.3.2 If the Investigating Officer decides that there is a case to answer and if the student admits the alleged offence and, if appropriate, undertakes to pay compensation for any damage arising in respect of it, the Investigating Officer may, with the consent of the student, then decide to deal with the matter summarily by:

(a) reprimanding the student; or

(b) imposing a penalty subject to a maximum to be determined by the Senate or under delegated authority from time to time; or

(c) determining that the student undertakes Community Service, the details of which must be specified before consent is solicited.

8.3.3 A record of all such decisions and summary penalties shall be kept by the Investigating Officer and should be taken into account in any subsequent proceedings under this Regulation.

8.3.4 Failure to comply with any penalty or punishment imposed under clause 8.3.2 shall amount to a separate disciplinary offence and shall be dealt with by reference of the case to the Head of College for consideration in accordance with clause 8.2.1 (u) above.

8.3.5 If the student denies the allegation, or does not wish the matter to be dealt with as a summary offence, or the Investigating Officer deems the offence more serious than a summary offence, the Investigating Officer shall report the alleged offence in writing to the Head of College for consideration by the College Misconduct Committee or College Fitness to Practise Committee.

**8.4 Non-summary Offences**

8.4.1 If the student is referred to a College Misconduct Committee or College Fitness to Practise Committee in accordance with clause 8.3.5 above then the matter will be dealt with as a non-summary offence.

8.4.2 A College Misconduct Committee or College Fitness to Practise Committee shall be convened according to the Code of Practice on Procedures for Misconduct and Fitness to Practise Committees.

**8.5 Appeals to University Misconduct Committee**

8.5.1 A student may appeal in writing to the Director of Academic Services within five working days against the decision of a College Misconduct Committee or College Fitness to Practise Committee, specifying the grounds of appeal. The grounds of appeal will be one of the following:

(a) the punishment is disproportionate to the offence;

(b) a procedural irregularity;

(c) relevant new evidence which was not available at the time of the initial hearing.

8.5.2 All appeals will be dealt with in accordance to the procedures laid down in the Code of Practice on Procedures for Misconduct and Fitness to Practise Committees.

**8.6 Suspension from Placements**

8.6.1 Where there is a reasonable suspicion that a student:

(a) may have a medical illness or condition, including but not limited to, alcohol, drug and substance abuse, which in the judgement of the Head of College or his nominee renders him or her a possible danger to themselves or to others with whom he or she will come into contact whilst attending a placement; or

(b) may have committed a disciplinary offence under Regulation 8.2; or

(c) may otherwise have behaved in such a way that the placement provider is not willing to continue to provide the placement,

then the Head of the College or his nominee may suspend the Student from attending placements until the student's case has been heard by the College Misconduct Committee or the College Fitness to Practise Committee. The decision to suspend the student will be taken in consultation with the placement provider and in the case of suspension under (a) above must be taken in consultation with the University Medical Officer or his nominee.

8.6.2 The College Misconduct Committee or the College Fitness to Practise Committee must meet to hear the student's case as soon as practicable and certainly no later than three weeks from the date of the suspension. In the event that the student provides a medical certificate from a General Practitioner indicating that the student is unwell and unable to attend, the College Misconduct Committee or the College Fitness to Practise Committee may in its absolute discretion decide to postpone the hearing.

**8.7 Exclusion Pending a Hearing**

8.7.1 The Vice-Chancellor or his nominee may due to concerns over a student's health or conduct require that student to cease attendance on the programme and/or debar any student from use of University facilities, entry to the whole or any part of the University premises, or to University property situated elsewhere, until the student's case has been heard by the College Misconduct Committee or the College Fitness to Practise Committee provided that such exclusion shall not exceed three months. Subsequent periods of exclusion, each of three months, may be imposed if a hearing is delayed to take account of some external event or circumstance.

8.7.2 The Vice-Chancellor's decision under 8.7.1 above must be taken in consultation with the student's Head of College and if suspension is on health grounds, with the University Medical Officer.

## 8.8 General Provisions

8.8.1 A record of all proceedings shall be kept by the Secretary to the College Misconduct Committee or College Fitness to Practise Committee, but no reference to the record shall be made in the student's personal file, except as permitted by this Regulation and the Code of Practice on Procedures for Misconduct and Fitness to Practice Committees.

8.8.2 Failure to comply with any penalty or punishment or compensation order imposed by the Committee shall be dealt with by reference of the case to the Head of College for consideration as a separate disciplinary offence as per clause 8.2.1 (u) above.