UNIVERSITY OF BIRMINGHAM

CODE OF PRACTICE ON DISCIPLINE IN RESIDENCES

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1. Introduction

1.1 The aim of this Code of Practice is to set out the processes and procedures for handling breaches of discipline occurring within University residences.

2. Responsibilities of Students

2.1 Students resident in or using the facilities of, University residential accommodation are required not to be in breach of the Regulations Student Conduct Chapter. Additionally, they are required to obey the law, have consideration for others at all times, and not to interfere with other people's academic and social needs. They are also required to provide promptly identification if asked to do so by an authorised person such as a member of University staff or Student Mentor, a person appointed by the University as a student mentor, in the residence, and, in an emergency, to carry out the directions given by a member of University staff or other authorised person.

3. Minor Offences (Dealt with Summarily)

3.1 Minor offences shall be dealt with summarily by the relevant Student Village Manager, a person designated by the University as being responsible for the day-to-day running of a specified cluster of student residences, following an investigation of the circumstances to determine whether there is a case to answer. The investigation should include an opportunity for the student to attend an interview with the Student Village Manager to allow representations to be made.

3.2 For a student on a programme where Fitness to Practise does not apply:

3.2 .1 If a student does not wish the offence to be dealt with summarily, they may elect for their case to be heard directly by the Accommodation Discipline Committee. The student's right to this course of action must be confirmed in writing by the Student Village Manager when providing the opportunity to attend an interview

3.3 For a student on a programme where Fitness to Practise applies:

3.3 .1 If a student does not wish the offence to be dealt with summarily the offence must be referred to the relevant College Fitness to Practise Committee.

3.3 .2 The student's right for this course of action must be confirmed in writing by the Student Village Manager when providing the opportunity to attend an interview.

3.4 If the Student Village Manager determines that an alleged disciplinary offence has arisen at a level of seriousness that makes it inappropriate to be dealt with by summary means, the Student Village Manager must instead refer the case to the Director of Academic Services for consideration under Regulations Student Conduct Chapter section 4.

3.5 Having decided that there has been a breach of this Code of Practice, the Student Village Manager shall have power to impose the following penalties:

3.5 .1 a reprimand;

3.5 .2 a fine, not exceeding a set maximum as determined from time to time by Senate;

3.5 .3 with the student's consent, student community service, the details of which must be specified before consent is solicited. Student community service shall mean that the student shall spend a specified number of hours completing a specified task or tasks for the benefit or enhancement of the residence or its environs or student life.

3.6 In addition, and if appropriate, the student may be required to make good any damage to University property or the property of a member of the University by payment or otherwise.

3.7 Before imposing the punishment of a fine the Student Village Manager shall enquire of the student whether there are any exceptional financial circumstances, which might be taken into account and, as a consequence, may authorise the arrangement of a payment schedule.

3.8 Disciplinary action must always be confirmed in writing to the student and a copy should be sent to the General Manager, Student Accommodation, and the Director of Academic Services' nominee. All records relating to student discipline must be treated as confidential and destroyed after a period of three years.

3.9 The right of appeal against summary disciplinary action must be specified to the student in writing.

4. The Accommodation Discipline Committee

4.1 Each Accommodation Discipline Committee shall be responsible for investigating the circumstances that apply to the case.

4.2 The Accommodation Discipline Committee may choose to hold a hearing to receive information or assist its investigation.

4.3 The membership of each Accommodation Discipline Committee shall comprise:

4.3 .1 the Student Village Manager (Chair);

4.3 .2 a Student Village Manager from a different Student Village, i.e. a cluster of student residences, to that where the student resides;

4.3 .3 the Vice President (Housing and Community), Guild of Students, or another Guild Executive Officer;

4.3 .4 two student representatives from any of the Residents' Associations, i.e. an association whose members are currently resident at one of the University's student residences.

4.4 A student may be accompanied at any hearing of the Committee by a Friend, i.e. a member of the staff of the University or a registered student of the University or a Sabbatical Officer of the Guild of Students.

4.5 Having decided there has been a breach of this Code of Practice the Committee shall have available to it the following penalties:

4.5 .1 A reprimand;

4.5 .2 A fine, not exceeding a set maximum as determined from time to time by

Senate;

4.5 .3 With the student's consent, student community service, the details of which must be specified before consent is solicited. Student community service shall mean that the student shall spend a specified number of hours completing a specified task or tasks for the benefit or enhancement of the residence or its environs or student life

4.6 In addition, and if appropriate, the student may be required to make good any damage to University property or the property of a member of the University by payment or otherwise.

4.7 Before imposing the punishment of a fine the Accommodation Discipline Committee shall enquire of the student whether there are any exceptional financial circumstances, which might be taken into account and, as a consequence, may authorise the arrangement of a payment schedule.

4.8 Disciplinary action must always be confirmed in writing to the student and a copy should be sent to the General Manager, Student Accommodation, and the Director of Academic Services' nominee. All records relating to student discipline must be treated as confidential and destroyed after a period of three years.

4.9 The right of appeal against disciplinary action taken by the Accommodation Discipline Committee must be specified to the student in writing.

5. Appeals

5.1 An appeal may only be made on one, or any, of the following grounds:

5.1 .1 administrative or procedural irregularity;

5.1 .2 existence of new material evidence, which was not available when the penalty was imposed.

5.1 .3 severity of the penalty imposed.

5.2 The Accommodation Discipline Committee shall act as an Appeal Committee to hear any appeal against a summary punishment imposed by the Student Village Manager in respect of a student for whom Fitness to Practise does not apply. In respect of a student on a programme where Fitness to Practise applies, the appeal must be referred to the relevant College.

5.3 Any such appeal must be submitted in writing by the student to the Chairperson of the Accommodation Discipline Committee within 10 working days of the date of the letter confirming that disciplinary action has been taken and that a penalty has been imposed.

5.4 The letter outlining the appeal must clearly state the grounds for the appeal. The letter should also include any information or circumstances not taken into account when the summary penalty was imposed. In the case of an alleged administrative or procedural irregularity, evidence of the alleged irregularity must be provided.

5.5 The Accommodation Discipline Committee acting as an Appeal Committee shall consider the appeal within 10 working days of the receipt date of the letter of appeal.

5.6 The Accommodation Discipline Committee may decide to hear the matter afresh

without reference to the investigational decision by the Student Village Manager. In that event, the Chair of the Committee may decide to postpone the hearing to allow both parties to provide additional evidence or, with the consent of both parties, the Accommodation Discipline Committee may decide to continue with the hearing immediately. During the hearing, the Accommodation Discipline Committee will review the evidence and determine whether the appeal should be upheld or what penalty, if any, is to be imposed. The original summary penalty may be increased or decreased or changed to a different penalty within the powers available to the Accommodation Discipline Committee. The Appeal Committee may also refer the matter to the Director of Academic Services to be dealt with as an alleged offence under Regulations Student Conduct Chapter section 3.

5.7 A student may also appeal against any decision reached in his or her case by the Accommodation Discipline Committee where the student had elected to have their case heard by this body. Any such appeal must be submitted in writing by the student to the Director of Academic Services within 10 working days of the date of the letter confirming that disciplinary action has been taken and that a penalty has been imposed.

5.8 The letter outlining the appeal must clearly state the grounds for the appeal. The letter should also include any information or circumstances not taken into account when the summary penalty was imposed. In the case of an alleged administrative or procedural irregularity, evidence of the alleged irregularity must be provided.

5.9 Such appeals will be dealt with by the Vice-Chancellor or his nominee, who will review the evidence and determine whether the appeal should be upheld or what penalty, if any, is to be imposed in line with those available to an Accommodation Discipline Committee or refer the appeal to be dealt with under the procedures prescribed in Regulations Student Conduct Chapter section 3.

6. Failure to Comply

6.1 A failure to comply with any punishment imposed under these regulations shall constitute contempt of the procedure and shall be referred to the Director of Academic Services for action as a separate offence under the provision of Regulation Student of Conduct Chapter section 3.

7. Guests

7.1 Misconduct or cases of damage to University property within a Student Village, committed by a student of the University of Birmingham who is not resident within the Student Villages, may be dealt with in accordance with this Code of Practice. A failure to comply with any punishment imposed under these regulations shall constitute contempt of the procedure and shall be referred to the Director of Academic Services for action as a separate offence under the provisions of Regulation Student of Conduct Chapter section 3.

7.2 Students may bring guests, i.e. visitors to the Student Village who are not students of the University, into University residential accommodation, but must accept responsibility for the behaviour of their guests. Guests are expected to obey the rules of conduct laid down for residents. A guest who misbehaves will be required to leave the residence immediately if directed to do so by a member of staff of the University. The Accommodation Discipline Committee may impose an exclusion from the Student Village for a period not exceeding one calendar year.

8. Criminal Matters

8.1 Criminal matters should be reported to the Security Section of the University with a minimum of delay. It shall be a matter of judgement for the member of staff or authorised person present whether the nature of an incident, in or near the residence, requires the summoning of the police. If so, he or she will ask the Security Section to call the police. Once the police attend, the incident must be managed by the police. The University will review the incident and determine whether any further action under this Code of Practice or Regulations Student Conduct is required.