For APRC
16th May 2013

APRC.13.05.**03**

Amendment to Regulations:
Section 1 – Definitions and Interpretation and Section 8 – Student Conduct

1. Topic and Purpose of Paper

The Committee is invited **to *consider*** and, if thought appropriate, ***to approve*** amendments to the Regulations of the University Birmingham Section 1 – Definitions and Interpretation and Section 8 – Student Conduct, with effect from 2013/14 session.

2. Proposal

That amendments are made to the above Regulations as follows (insertions underlined, deletions struck through):

2.1 Regulation 1 – Definitions and Interpretation

"Academic Misconduct" means Plagiarism (when judged serious by the Principal Academic Unit, as specified in the Code of Practice on Plagiarism or by a College Misconduct Committee or College Fitness to Practise Committee), actions which constitute an examination irregularity (as described in Regulation 7.2.3 (d) and the Code of Centrally Co-ordinated Examinations) or other actions or conduct by a student, or students, in exams, assessed work, or other work required for academic progress, which intentionally or otherwise gives or has the potential to give a student an unfair advantage or benefit, whether successful or not.

"Fitness to Practise" means a standard of behaviour ~~whilst~~ required of Registered Students, students on a Leave of Absence, External Resit Students, students with Thesis Awaited Status and Graduands ~~on~~ following a programme of study, successful completion of which gives a direct or partial licence to practice commensurate to the professional standards and ethics of the relevant regulatory body. A student registered for such a programme of study shall adhere to the appropriate Fitness to Practise procedures and breaches of these procedures may be referred to a College Fitness to Practise Committee, which may result in a student being withdrawn from their programme of study or the University.

2.2 Regulation 8 – Student Conduct

1. Introduction

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8.1.1 These Regulations apply to all Registered Students, students on Leave of Absence, students with Thesis Awaited Status, External Resit Students, and Graduands ("students"). Under these Regulations the University has the power to discipline and to suspend or require students to withdraw. 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, and for these purposes, suspension or removal of a Registered Student or Sabbatical Officer from a University committee is not disciplinary action in itself and can be implemented without constituting disciplinary action. The University reserves the right to refuse to accept a student's request to withdraw from the University pending the investigation and completion of proceedings commenced in relation to Regulation 8.2.1.

2. Disciplinary Offences

2.1 Any student shall be subject to disciplinary measures if he is found to have breached the disciplinary offences as defined below:

…

(j) Academic misconduct ~~cheating or plagiarism~~ (including 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 or other work required for academic progress including actions which constitute an Examination Irregularity under Regulation 7.2.3 (d) (iv) and the Code of Practice on the Conduct of Centrally Co-ordinated Formal Written Examinations;

…

3. Initial Procedure

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8.3.5 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 in the following instances:

- If the student denies the allegation;
- If the student ~~or~~ does not wish the matter to be dealt with as a summary offence;
- ~~Or~~ If the Investigating Officer deems the offence more serious than a summary offence; or
- ~~Or~~ If the allegation is of serious plagiarism which has become a student conduct case under the Code of Practice on Plagiarism.

~~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. In relation to alleged offences involving two or more students registered within two or more Colleges, if the Investigating Officer believes that it would be more appropriate for all the alleged offences to be heard by a single Misconduct Committee, the Investigating Officer may report the alleged offences in writing to the Director of Academic Services who will decide to which College Misconduct Committee the alleged offences should be referred, normally the Misconduct Committee of the College within which the majority of students involved are registered; this shall not apply to a student following a fitness to practise programme who must in every instance be referred to the Fitness to Practise Committee of the College within which the student is registered.~~

…

8.3.6 In relation to alleged offences involving two or more students registered within two or more Colleges, if the Investigating Officer believes that it would be more appropriate for all the alleged offences to be heard by a single Misconduct Committee, the Investigating Officer may report the alleged offences in writing to the Director of Academic Services who will decide to which College Misconduct Committee the alleged offences should be referred, normally the Misconduct Committee of the College within which the majority of students involved are registered; this shall not apply to a student

following a fitness to practise programme who must in every instance be referred to the Fitness to Practise Committee of the College within which the student is registered.

5. Appeals to University Misconduct Committee

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8.5.1 A student may appeal against the decision of a College Misconduct Committee or College Fitness to Practise Committee. The student must submit the appeal and any further evidence which he/she may wish to present, in support of the appeal, in writing to the Director of Academic Services not later than 15 University working days from the date on which the Committee report of the proceedings was sent to the student (whether by post or electronic mail), specifying the grounds of appeal.

3. Arguments to Support Proposal

1. Amendments to Regulation 1 bring clarity and ensure students and staff are fully aware of the applicability of the misconduct processes.

   1.1. The introduction of the term 'Academic Misconduct', which is broader than that of 'cheating or plagiarism' currently included in Regulation 8.2.1.j, will ensure that all forms of academic malpractice can be pursued by the University. This new definition will also include, but will not be limited to, the purchase of essays/presentations and other academic work which is passed off as the student's own. This definition also removes any doubt as to whether evidence of intent is required for plagiarism or other malpractice to have occurred. This new definition is intended to make clear that any actions, carried out dishonestly, deceitfully, or not, which give the student an advantage, amount to an offence. This amendment, if approved, will result in the term Academic Misconduct being incorporated into other Legislation, however for brevity this has not been included here. 'Academic Misconduct', is a phrase used at many other universities, and this would offer some consistency in terminology to those studying at University of Birmingham after concluding studies elsewhere.

   1.2. Other terminology was considered such as 'Academic Irregularity' but there was concern that this did not sound sufficiently serious and could be confused with Examination Irregularities or irregularities committed in Examination Boards, for instance. Feedback from the VPE at the Guild of Students stated that the term 'Academic Misconduct' was expressed clearly.

   1.3. The use of the phrase 'other work required for academic progress' enables the University to investigate cases of alleged Academic Misconduct in work that is not formally assessed but is used as an 'internal hurdle' which students must overcome in order to progress to the next year/level of study, such as the Doctoral Research annual progress review.

   1.4. The amendment to the definition of Fitness to Practise is required to ensure that the Fitness to Practise procedures can be applied to all relevant student groups.

2. The amendments to Regulation 8 intend to bring clarity to the procedures and incorporate appropriate links to other Regulations, but do not impact on the process.

2.1. The University may currently, if it considers appropriate, place a “hold” on a student who is undergoing a disciplinary investigation, which has the effect of preventing the student from voluntarily withdrawing from the University. This means that any investigation can be completed and, where appropriate, a report of the outcome can be placed on the student’s record or notified to a professional regulatory body. The proposed amendment to Regulation 8 does not change the current position but is intended to highlight to students that they cannot unilaterally withdraw from the University during an investigation.

2.2. A change is required at 8.3.5 and the inclusion of 8.3.6 in order to separate a long paragraph into two for the ease of understanding and for consistency with the Code of Practice on Procedures for Misconduct and Fitness to Practise Committees 3.1.

2.3. A change is required at 8.5.1 to highlight to the student that evidence to support the appeal should also be submitted during the 15 working day Appeal timeframe (following the time allowed to appeal a College Committee decision being increased from 5 days to 15 days). This does not remove the student’s right to submit evidence after the deadline or at the hearing, although the admissibility of this evidence will be at the Chair’s discretion as per point 9.12 of the Code of Practice on Procedures for Misconduct and Fitness to Practise Committee.

4. Consultation

Legal Services and the Vice President (Education) at the Guild of Students have been consulted along with the Fitness to Practise User Group.

Sara Anderson
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