UNIVERSITY OF BIRMINGHAM

CODE OF PRACTICE ON DISCIPLINE IN RESIDENCES

Index of points

1. Introduction
2. Scope
3. Initial Procedure
4. Minor Offences – Summary Procedure
5. Non-summary Offences

1. Introduction

1.1 This Code of Practice applies to all Registered Students, students on Leave of Absence, students who are registered as writing up and Graduands ("Students") living in, visiting or using the facilities of residential accommodation owned and managed by the University ("University Residences.").

1.2 This Code of Practice sets out the procedure for handling alleged misconduct by Students which occurs within University Residences.

2. Scope

2.1 Students living in University Residences must comply with the terms and conditions of any contract for University accommodation ("the Contract"). Any Student may be subject to disciplinary measures in accordance with this Code of Practice if found to have breached any term or condition of the Contract.

2.2 Students living in, visiting or using the facilities of University Residences must comply with any rules, policies or other requirements displayed in University Residences or otherwise notified to those Students. Any Student may be subject to disciplinary measures in accordance with this Code of Practice if found to have breached any such rule, policy or requirement.

2.3 Disciplinary offences for the purpose of this Code of Practice means breach of:

.1 any term or condition of the Contract;

.2 any rule or requirement displayed in University Residences or otherwise notified to Students living in, visiting or using the facilities of University Residences; or

.3 any disciplinary offence set out in Regulation 8 insofar as it relates to misconduct in or relating to University Residences.

An incident which may constitute a criminal offence will normally be reported to the police. The University will review the incident and, determine whether any action should be taken under this Code of Practice or University Regulations Section 8 (Student Conduct), regardless of whether or not the incident is investigated by the police and/or results in a conviction

3. Initial Procedure

3.1 Every alleged disciplinary offence shall first be investigated by the Investigating Officer who shall be the Student Village Manager or his or her nominee. The Investigating Officer will normally, as part of the investigation, meet with the Student to discuss the allegation. At that meeting, the Student may be accompanied by a Friend, defined in Regulations Section 1 as a member of academic staff of the University or a Registered Student of the University or a Sabbatical Officer of the Guild of Students.

4. Minor Offences – Summary Procedure

4.1 If the Investigating Officer decides that there is a case to answer and:

.1 if the Student admits the alleged disciplinary offence and consents to it being dealt with summarily; and

.2 the Investigating Officer considers it appropriate to do so by reason of the seriousness of the offence or for any other reason

the Investigating Officer may decide to deal with the matter summarily.

4.2 The Investigating Officer shall have the power to impose one or more of the following summary penalties:

.1 a reprimand;

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

.3 with the consent of the Student, Community Service which shall comprise a specified number of hours completing a specified task or tasks for the benefit or enhancement of the residence or surrounding area or student life, the details of which must be specified before consent is solicited, save that this penalty cannot be applied to a Student who is under the age of 18 at the date on which consent is solicited;

.4 a requirement that Student make good any damage to University property or the property of a member of the University by payment or otherwise;

.5 in relation to a Student not living in the University Residence but who has committed an offence when visiting or using the facilities of the University Residence, an exclusion from any specified University Residence(s) for a period not exceeding 12 months.

Before imposing a fine by way of summary penalty, the Investigating Officer must enquire of the Student whether any exceptional financial circumstances should be taken into account and may as a consequence authorise payment of the fine by instalments in accordance with a payment schedule.

4.3 The Investigating Officer will record in writing:

.1 a summary of the disciplinary offence;

.2 a summary of his investigation and findings;

.3 that the Student consented to the matter being dealt with summarily;

.4 the summary penalty imposed, and in the case of student community service, that the Student consented to the hours and task(s) imposed

and provide a copy to the Student and to the Director of Academic Services or his nominee

4.4 Failure to comply with any punishment imposed under this Code of Practice shall be referred to the Director of Academic Services or his nominee for action as a disciplinary offence under University Regulations Section 8.2.1 (v).

5. Non-summary Offences

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

5.2 If the alleged disciplinary offence is referred to a College Misconduct Committee or College Fitness to Practise Committee then the matter will be dealt with as a non-summary offence in accordance with University Regulation 8 and the Code of Practice on Misconduct and Fitness to Practise Committee