



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 on Leave of Absence, students with Thesis Awaited Status, External Resit Students, and Graduands (“students”).

These Regulations apply to conduct occurring in relation to a programme of study, conduct on campus, fieldwork, placements or study abroad and exchange programmes, on social media or whilst engaged in any other University related activity. The scope of these Regulations may be wider for Students subject to Fitness to Practise requirements (including those registered on an intercalated programme) as they are also required to comply with the relevant Code of Professional Conduct and Fitness to Practise.

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 student or Sabbatical Officer from a University committee is not disciplinary action in itself. Whilst disciplinary proceedings (including any appeal) are ongoing, the University may impose an administrative ‘Hold’ on the Student’s record which could prevent them from accessing certain services, progressing on their programme, graduating, or withdrawing from the University.

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. If a student withdraws or is withdrawn from the University during the course of an investigation or proceedings commenced under this Regulation, the University reserves the right to continue with the investigation and report the alleged offence to the Head of College for consideration by the College Misconduct and Fitness to Practise Committee.

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

- (a) Misconduct and Fitness to Practise Committee;
- (b) Student Attendance and Reasonable Diligence;
- (c) Academic Integrity;
- (d) Freedom of Speech on Campus.
- (e) Health, Wellbeing and Fitness to Study
- (f) Library Regulations
- (g) Research

- 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
- 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.
- 8.1.5 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 University Regulation Section 8 (Student Conduct), regardless of whether or not the incident is investigated by the police and/or results in a conviction.

8.2 Disciplinary Offences

- 8.2.1 Any student shall be subject to disciplinary measures if they are 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) serious disruption to, obstruction of or interference with the work, duties, or activities of any student, member of Staff, or visitor to the University;
 - (c) violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language, including that of a sexual nature;
 - (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) Academic Misconduct” means Plagiarism (when judged serious by the Academic Unit, as specified in the Code of Practice on Academic Integrity 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 Practice on Academic Integrity) 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.



- (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 and/or obscuring or attempting to disguise identity so that it cannot be ascertained by 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 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, community resolution order or other penalty imposed by the police, notwithstanding that 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
- (r) accessing or using confidential information or material, or giving confidential information or material to others without permission or the right to do so (unless the disclosure is permitted under the Public Interest Disclosure Act 1998 or in accordance with the University's Public Interest Disclosure Procedure or is required by law);
- (s) breaching the trust or confidence of the University in relation to holding office or membership of any University committee;
- (t) behaving in an inappropriate or unacceptable manner during or in connection with attendance at or conduct of a meeting of a University committee.
- (u) production, possession, storage, supply or offer to supply, sale, use or misuse of a controlled drug or psychoactive substance as defined by the Misuse of Drugs Act 1971 and Psychoactive Substances Act 2016 (as amended from time to time) on University property;
- (v) failure to comply with any sanction imposed under University disciplinary procedures;
- (w) failure to comply with any sanction imposed under the formal disciplinary procedures of the Guild of Students;



- (x) 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, who shall be the Academic Registrar or their nominee. Where the allegations relate to plagiarism or students on programmes subject to Fitness to Practise procedures, the Investigating Officer shall be nominated by the Head of College (or delegated authority). Where the alleged offence relates to a Sabbatical Officer, the Investigating Officer shall be nominated by the Academic Registrar. Where the alleged offence relates to discipline in residences, the Investigating Officer shall be the Student Village Manager or their nominee.

- 8.3.2 The student will be informed of the allegation(s) in writing and invited to attend a meeting with the Investigating Officer. The Student may be accompanied by a Friend, as defined in Regulation 1. For students registered on a Fitness to Practice programme, in accordance with any programme requirements, the Investigating Officer may present their findings to a decision-maker who is appointed by the Head of College or their nominee. If the Investigating Officer or decision-maker decides that there is a case to answer and if the student admits the alleged offence, the Investigating Officer or decision-maker may, with the consent of the student, then decide to deal with the matter summarily by:
 - (a) reprimanding the student; or
 - (b) imposing a fine subject to a maximum to be determined by the Senate or under delegated authority from time to time; or
 - (c) with the student's consent and for students aged 18 or over only, Community Service (as defined in Regulation 1), the specific details of which must be explained to the student before consent is obtained;
 - (d) accepting an undertaking from the student as to their behaviour or to engage with appropriate student support and/or remedial tuition.
 - (e) requiring that the Student make good any damage as determined by the University;
 - (f) exclusion from any specified University Residence(s) for a period not exceeding 12 months, 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.

- 8.3.3 Where the alleged offence relates to discipline in University residences, 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.

- 8.3.4 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. A record of this decision should also be communicated to the student.
- 8.3.5 The Investigating Officer shall report the alleged offence in writing to the College Misconduct and Fitness to Practise Committee in the following instances:
- If the student denies the allegation;
 - If the student does not wish the matter to be dealt with as a summary offence;
 - If the Investigating Officer or decision-maker deems the offence more serious than a summary offence; or
 - If the allegation is of serious plagiarism which has become a student conduct case under the Code of Practice on Academic Integrity.
- 8.3.6 If the student is referred to a College Misconduct and Fitness to Practise Committee in accordance with clause 8.3.5 above then the matter will be dealt with as a non-summary offence.
- 8.3.7 A College Misconduct and Fitness to Practise Committee shall be convened according to the Code of Practice on Misconduct and Fitness to Practise Committee.

8.4 Suspension from Placements

- 8.4.1 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 Academic Registrar, or the relevant Head of College (for students subject to Fitness to Practise procedures) or their nominee renders him or her a possible danger to themselves or to others with whom they 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,

The decision to suspend the student may be taken in consultation with the current or prospective placement provider (where appropriate).

In the case of suspension under (a) above, the decision must be taken in consultation with the University Medical Officer or their nominee, and where the Student is not following a fitness to practise programme the matter should be dealt with as a Level 3 Serious/Persistent Concern in accordance with the Code of Practice on Health, Wellbeing and Fitness to Study.

8.5 Temporary Exclusion, Debarment or Suspension of Students on Health Grounds

8.5.1 The Academic Registrar or the relevant Head of College (for students subject to Fitness to Practise procedures), or their nominee may, due to concerns over a student's health, suspend a student and/or 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.

(a) in relation to students other than those following a fitness to practise programme, in accordance with the Code of Practice on Health, Wellbeing and Fitness to Study;

(b) in relation to students following a fitness to practise programme in accordance with these Regulations,

8.5.2 The Academic Registrar's decision under 8.5.1 above must be taken in consultation with the student's Head of College and the University Medical Officer. For students not subject to Fitness to Practise procedures, the suspension will be dealt with in accordance with the Code of Practice on Health, Wellbeing and Fitness to Study.

8.6 Temporary Exclusion, Debarment or Suspension of Students on Grounds of Misconduct

8.6.1 Where there is a reasonable suspicion that a student has committed a serious or significant disciplinary offence or has been accused of, charged with or is being investigated by the police for a serious or significant criminal offence, the Academic Registrar or their nominee may:

(i) temporarily suspend the student and/or:

(ii) require that the student temporarily ceases attendance on the programme; and/or

(iii) temporarily debar the student from use of some or all of University facilities; and/or

(iv) temporarily debar the student from entry to the whole or any part of the University premises, or to University property situated elsewhere.

8.6.2 The Academic Registrar's decision in 8.6.1 above may where deemed necessary be taken in consultation with the relevant Head of College unless it is considered that there is an immediate danger to the student or other members of the University or to other persons with whom the student will come into contact, in which case the Academic Registrar or their nominee may suspend the student with immediate effect.

8.6.3 The decision to impose any temporary restrictions or suspension on the grounds of an alleged disciplinary or criminal offence is made as a precautionary measure and does not prejudice the outcome of any University disciplinary process, police investigation, or court proceeding.

8.7 Duration of Suspensions, Debarments or Temporary Exclusions

8.7.1 Suspensions, debarments or temporary exclusions made under Regulation 8.4, 8.5 (for students subject to Fitness to Practise procedures only) and 8.6 will be for an initial period not exceeding three months and may be extended in accordance with Regulation 8.9.1.

8.8 Appeal against a Suspension, Debarment or Temporary Exclusion

8.8.1 A student may appeal to the Pro-Vice-Chancellor (Education) or their nominee against a decision made by the Academic Registrar or the relevant Head of College (for students subject to Fitness to Practise procedures) in accordance with paragraphs 8.4, 8.5 or 8.6. Students may appeal on one or more of the following grounds:

- a) the suspension, temporary exclusion or debarment is disproportionate;
- b) there has been a procedural irregularity;
- c) relevant new evidence which was not available at the time of the initial decision.

The student must submit any appeal within 15 University working days of the date of letter advising the student of suspension, debarment or temporary exclusion.

The Pro-Vice-Chancellor (Education) may decide to reject the appeal in full or in part, or uphold the appeal in full or in part. The Pro-Vice-Chancellor (Education) will have the full range of options outlined in paragraphs 8.4, 8.5 and 8.6 available to them should they deem it appropriate to modify the restrictions or suspension. The Pro-Vice-Chancellor (Education) may consult with relevant members of Staff and/or the University Medical Officer in order to reach a decision.

8.9 Review of Suspension, Debarment or Temporary Exclusion

8.9.1 Suspension from placements or temporary exclusion, suspension or debarment of students on grounds of misconduct imposed in accordance with Regulations 8.4 and 8.6 shall be reviewed by the Academic Registrar or their nominee in consultation, where appropriate with the relevant Head of College at any time and the student will have the right to make representations at any time. Where a student subject to Fitness to Practise procedures has been suspended in accordance with Regulations 8.4 or 8.5, the relevant Head of College shall normally review the suspension. Following any review by the Academic Registrar or relevant Head of College (for students subject to Fitness to Practise procedures), the suspension, debarment or temporary exclusion may be lifted, or extended for an additional period of up to three months.

8.9.2 A student may appeal against a change made to the suspension, temporary exclusion or debarment which is made as part of any review under Regulation 8.9.1. Students may appeal against the suspension, temporary exclusion or debarment on the grounds set out in Regulation 8.8.1.

8.10 General Provisions

8.10.1 A record of all proceedings shall be kept by the Secretary to the College Misconduct and 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 Misconduct and Fitness to Practice Committees.

8.10.2 Failure to comply with any sanction, condition, or compensation order imposed by the Committee shall be dealt with by reference of the case to the Academic Registrar or their nominee, or the Head of College for Students registered on Fitness to Practise



programmes) to decide whether to refer the matter back to the College Misconduct and Fitness to Practise Committee or for consideration as a separate disciplinary offence as per clause 8.2.1 (x) above.

- 8.10.3 The University has a duty to refer to the Independent Safeguarding Authority any information about a student's conduct where such conduct gives rise to concerns about harm or the risk of harm to children or vulnerable adults.
- 8.10.4 Any decision by the University to take action (or not to take action) under this Regulation cannot be overturned by a Senate Review Panel considering a complaint submitted by a Student in accordance with the Code of Practice on Concerns and Complaints.
- 8.10.5 Where a Student Conduct investigation is prompted by a complaint from another Student, information about that disciplinary investigation and any subsequent proceedings may be shared with the complainant Student in accordance with data protection legislation.