UNIVERSITY OF BIRMINGHAM

CODE OF PRACTICE ON MISCONDUCT AND FITNESS TO PRACTISE COMMITTEE

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1 Introduction

1.1 This Code of Practice applies to all Registered Students, Students on Leave of Absence (including suspended Students), External Students, Thesis Awaited Students and Graduands (collectively referred to in this Code of Practice as "Students"). This Code of Practice sets out the procedures for the following:

1. misconduct cases referred to the College Misconduct and Fitness to Practise Committee in accordance with Regulation 8;
2. cases referred to the College Misconduct and Fitness to Practise Committee on the basis of concerns, including professional or health concerns of Students following Fitness to Practise programmes;
3. cases referred to the College Misconduct and Fitness to Practise Committee in accordance with the Code of Practice on Plagiarism;
4. appeals to the University Misconduct and Fitness to Practise Committee.

1.2 In relation to Students registered on a Fitness to Practise programme (as defined in Regulation 1), concerns about misconduct, either academic or non-academic (which could include professional concerns), will be dealt with under the procedures outlined in Regulation 8.

1.3 All references in this Code of Practice to the Academic Registrar, Pro-Vice-Chancellor (Education), Head of College, and other positions identified by title, include their nominee.

1.4 For the purposes of this Code of Practice 'working days' refers to University working days (i.e. Mondays – Fridays, excluding Public Holidays and University Closed Days).

1.5 In the case of students based at the University's overseas campuses working days will reflect national public holidays and any locally designated closed days.

1.6 In considering misconduct and fitness to practise matters, the University will observe the rules of natural justice and procedural fairness.

1.7 Students undertaking a period of study abroad will be subject to the misconduct procedures of the host institution in that time. They may appeal to the University Fitness to Practise Committee on the grounds set out in 6.1, below, at which point the University of Birmingham's review processes will operate.

1.8 The host institution will be asked to report any misconduct proceedings against a student on a Fitness to Practice programme. In such cases the University of Birmingham reserves the right to review decisions made by the host institution.

2 Referral to the College Misconduct and Fitness to Practise Committee

2.1. Students will be referred to a College Misconduct and Fitness to Practise Committee in accordance with the circumstances outlined in Section 1.1.

2.2. On receiving a referral, the Secretary, on behalf of the Head of College, will send to the Student an Investigating Officer's Report which will set out the reason for referral to a Committee, including any alleged breaches of Regulations, and details of the investigation (including any relevant evidence and incorporating any statement made by the Student during the investigation).

2.3 The Student will be provided with an opportunity to submit a response to the Investigating Officer's Report within 10 working days from the date of the letter. This response may include any evidence to support their explanation e.g. medical evidence or witness statements. Any evidence or response received after the relevant deadline may be admitted only at the discretion of the Chair.

Any evidence not written in English should be accompanied by a certified translation.

2.4 The Student's response to the Investigating Officer's Report will be given to the Investigating Officer and/or Case Presenter, as appropriate.

2.5 As soon as reasonably practicable, a College Committee will be convened. The Committee will be constituted in accordance with Appendix A.7. The Student will be sent the following information, at least 10 working days before the hearing:

a) the date and venue of the hearing;
b) the papers that will be considered by the Committee (including the Investigating Officer's Report and any response by the Student);
c) any supplemental report related to specific concerns regarding the Student's fitness to practise and / or previous findings of misconduct relating to the Student (which will be given to the Committee only if the case is found proven);
d) the names of the Committee members.

2.6 In cases where a supplemental report is sent to the Student, the Student will be invited to respond to the supplemental report in writing.

2.7 The Student will be asked to submit the following information at least five days before the hearing:

a) the name and status of their Friend (and/or representative if the Student is registered on a Fitness to Practise programme) that will be accompanying them to the hearing;
b) the names of any witnesses they wish to call, and a brief outline of the evidence the witness is expected to give; and
c) any request for a witness to attend by telephone or video conferencing

3 Common Principles for all Misconduct and Fitness to Practise Committees

3.1 The Student may object to a member of the Committee. The only ground for objection is that of possible bias arising from either:

a) involvement of the member in the issues to be considered by the Committee at an earlier stage, or

b) involvement of the member in a related appeal hearing, misconduct hearing or grievance procedure, or
c) material knowledge of the matter or Student.

An objection must be submitted within no more than five working days of the date of notification of the Committee membership. The Academic Registrar will decide whether that Committee member should continue or be replaced.

3.2 All hearings will be in private unless the Student requests otherwise and the Committee agrees to this request. The Committee will make its reasons known in this event. The University does not normally permit hearings to be recorded.

3.3 In the circumstances where a third-party has been appointed as Investigating Officer in accordance with Regulation 8, that person may act as the Case Presenter.

3.4 It is expected that the Student will attend the hearing in person. The University may, at its discretion, approve arrangements for the Student to attend by telephone or video conferencing where such arrangements are possible and it is unrealistic for the Student to attend in person.

3.5 Where a Student submits a request to defer the hearing, the Chair will consider the request. The Chair will consider whether the Student has provided a good reason for being unable to attend the hearing (whether in person or by telephone or video conferencing), and whether the length of the postponement is reasonable. The Student must submit appropriate evidence to support their request for a deferral.

3.6 Where a Student, for any reason, does not attend the hearing, the Committee will decide whether to proceed or adjourn the hearing. The Committee has the right to consider the case and to reach a decision in the absence of the Student. However, no adverse inference should be drawn if a Student does not attend the hearing.

3.7 No-one shall be asked to swear an oath, but those involved in the proceedings are expected to make statements and answer questions truthfully.

3.8 The Chair will decide whether any evidence submitted by any party is admissible, and their decision shall be final.

3.9 Committee hearings will normally proceed as set out in the Guidance Note. The Chair has the discretion to manage the hearing as appropriate to ensure fairness and in accordance with the following principles:

a) The Case Presenter and Student may each present their case and call witnesses;
b) The Case Presenter, the Student and each witness may be questioned by the other party through the Chair and by the Committee;
c) Once a witness has given evidence and been questioned, they must leave the room;
d) Each party may make a closing statement which must be based on the evidence provided, with the Student making the final statement.

3.10 Committee decisions shall be taken by a simple majority of the members present and voting. The Chair will have the casting vote in the event of a tie. Findings will be made based on a balance of probabilities.

3.11 The Student may be accompanied by a 'Friend' (as defined in Regulation 1) at the hearing. A Friend may speak for the Student at the hearing but cannot answer questions on behalf of the Student except with the express of agreement of the Chair. The Student is responsible for arranging a Friend to accompany them to the hearing. A Friend cannot also act as a witness or give evidence for the Student.

3.12 A Student may not be represented by a legal representative except in the case of students registered on Fitness to Practise programmes who are appealing to the University Misconduct and Fitness to Practise Committee who may be represented by a professional defence union or a legal representative at their own cost. The Case Presenter may also be similarly represented.

3.13 Students may not normally request a postponement because of the unavailability of any person who they wish to accompany them to the hearing as a Friend or representative.

3.14 It is the responsibility of the Student and the Case Presenter to arrange for their respective witnesses to attend the hearing. If a witness (including a Principal Academic Unit (PAU) representative) fails to attend, the Committee will decide whether to proceed in their absence, or to adjourn the hearing. If, in advance of the hearing a witness indicates that they are unable to attend, the Chair may postpone the hearing providing there are reasonable grounds to do so, and the length of any postponement is reasonable.

3.15 The Chair may, at their discretion, approve arrangements for a witness to attend by telephone or video conferencing where such arrangements are possible and a good reason has been provided why the witness cannot attend in person.

3.16 Students (or any individual acting or claiming to act on behalf of them) should not contact the Committee Chair and/or panel members in advance of, during any adjournment to, or after the conclusion of the hearing. Where attempts are made to influence the outcome of a Committee, disciplinary action may be taken in accordance with Regulation 8.

4 College Misconduct and Fitness to Practise Committee - Full Hearing: Evidence stage

4.1 The Committee will normally be conducted in accordance with procedures set out in the Guidance Note on Misconduct and Fitness to Practise Committee. The Committee will normally begin once all the members of the Committee are present, except that if the student member of the Committee nominated by the Guild of Students is not in attendance for whatever reason, then the Committee may proceed without a student member, at the discretion of the Chair.

4.2 In cases of alleged misconduct, the Chair should establish whether the Student admits or denies the allegation and reach one of the following decisions:

(a) If the Student admits the offence, as detailed in the Investigating Officer's Report, the hearing may proceed to the sanctioning stage (Section 5), unless the Chair decides it is appropriate to hear the case in part or full.
(b) If the Student denies the offence or offences in whole or in part, a full hearing will be held, and the process outlined in Section 4.6 should be followed.

4.3 During the evidence stage of a hearing, the Case Presenter should not refer to any previous findings except in the following cases:

(a) where the allegation relates to a case of plagiarism, or
(b) where the case relates to a breach of conditions imposed by a previous Committee, or
(c) where the case relates to Fitness to Practise and there is important explanatory evidence about a pattern of behaviour that raises concerns about the Student's fitness to practise; or
(d) where it is evidence to correct inaccurate information from the Student about their conduct.

4.4 For cases referred to a Committee on the basis of health concerns of a Student following a Fitness to Practise programme, if the Student agrees that they have a health concern that may impair their Fitness to Practise, as detailed in the Investigating Officer's Report, the hearing may proceed to the outcome stage (Section 5), unless the Chair decides it is appropriate to hear the case in full. Otherwise, a full hearing will be held, and the process outlined in Section 4.5 should be followed.

4.5 The hearing will normally proceed in accordance with the principles in section 3.7.

4.6 In misconduct cases, the Committee should then decide in the absence of the student, their Friend and Case Presenter whether or not the allegation is found proven. In cases of plagiarism, the Committee will also decide on the categorisation of plagiarism in accordance with the categories listed in the Code of Practice on Academic Integrity. For Fitness to Practise cases relating to a Student's health only, the Committee will decide whether there is a health issue that may be impairing the Student's fitness to practise.

4.7 Once the Committee has made a decision, the hearing will be reconvened. The Chair will inform all parties of the Committee's decision.

5 College Misconduct and Fitness to Practise Committee: Outcome or sanction stage

5.1 At the start of this stage, any supplemental report will be distributed to the Committee. Additional evidence related to any mitigating factors or character references may also be admitted at the discretion of the Chair.

5.2 The Committee will then decide on the outcome or sanction to be imposed from Appendices B, C or D as appropriate, and decide on any Closing Considerations (Appendix E). In determining the sanction or outcome, the Committee may take into account any history of previous findings of misconduct.

5.3 Fitness to Practise

If a Student registered on a Fitness to Practise programme is found to have breached University Regulation 8: Student Conduct, before deciding an appropriate sanction, the Committee will consider the Student's fitness to practise, and whether it is impaired.

For other matters, the Committee will decide whether the Student's fitness to practise is impaired before deciding on an appropriate outcome in accordance with Appendix D.

The Committee may adjourn to consult a relevant professional body before deciding the outcome.

5.4 Decision Letters and Reports

The decision made by a Committee will be confirmed in writing to the Student in a report outlining the reasons for referral to Committee, a summary of evidence received, and the reasons for the decisions of the Committee (including any sanction imposed, if applicable). This report will normally be sent to the Student within five working days of the hearing, and in any case as soon as reasonably practicable.

6 University Misconduct and Fitness to Practise Committee

6.1 A Student may appeal against the decision of the College Misconduct and Fitness to Practise Committee on one or more of the following grounds:

a) the sanction is disproportionate to the offence;
b) a procedural irregularity;
c) relevant new evidence which was not available at the time of the initial hearing; and
d) the outcome is disproportionate to the fitness to practise impairment that needed addressing (for Students registered on Fitness to Practise programmes only).

The appeal must be submitted within 15 working days from the date the Outcome Report was sent to the Student. It is the responsibility of the Student to submit the appeal and any further supporting evidence in writing to the University Misconduct and Fitness to Practise Committee, specifying the grounds of appeal. Appeals received after the 15 working day deadline will only be considered in the most exceptional circumstances.

6.2 Following receipt of an appeal, a University Misconduct and Fitness to Practise Committee hearing will be convened. The Committee will be constituted in accordance with Appendix A.8.

6.3 The Case Presenter will be given an opportunity to respond to the Student's appeal.

6.4 The Student will be sent the following information at least 10 working days before the hearing:

a) the date and venue of the hearing;
b) the papers that will be considered by the Committee (including any response by the Case Presenter or Investigating Officer to the Student's appeal);

c) the names of the Committee members;
d) the names and status of any witnesses to be called by the Case Presenter.

6.5 The Student will be asked to submit the following information at least five days before the hearing:

a) the name and status of their Friend (and/or representative if the Student is registered on a Fitness to Practise programme);
b) the names of any witnesses they wish to call, and a brief outline of the evidence the witness is expected to give;
c) any request for a witness to attend by telephone or video conferencing

Any evidence or response received after the relevant date will be admitted only at the discretion of the Chair.

6.6. The Chair may, at their discretion, approve arrangements for a witness to attend by telephone or video conferencing where such arrangements are possible and a good reason has been provided why the witness cannot attend in person.

6.7 The University Misconduct and Fitness to Practise Committee may, prior to the hearing, or at the hearing itself, decide in its discretion whether to hear the matter afresh and in full or whether it should consider only the specific ground for appeal specified by the Student. If it is to be heard afresh, the Chair may postpone the hearing to allow both parties to prepare accordingly, or, with the consent of both parties, to continue with the hearing. If the case is heard afresh, the Committee will have all of the powers and sanctions of the College Misconduct and Fitness to Practise Committee, and the procedures outlined above in Section 4 should be followed. Otherwise, the procedures outlined in Section 7 should be followed.

6.8 If a case is heard afresh by the University Misconduct and Fitness to Practise Committee, there is no further right of appeal.

7. University Misconduct and Fitness to Practise Committee – Appeal Hearing Process

7.1 The hearing will normally proceed in accordance with the principles in section 3.7.

7.2 The Committee will then decide in the absence of the student, their Friend and Case Presenter whether the appeal is allowed in whole or part. The Secretary and (if appointed) independent legal advisor will remain in attendance to advise as necessary.

7.3 All sanctions and outcomes set out in Appendices B, C and D are available if the Committee decides that the sanction imposed or outcome decided by the College Misconduct and Fitness to Practise Committee is not appropriate.

7.4 Decision Letters and Reports

The decision made by a Committee will be confirmed in writing to the Student in a report outlining the grounds for appeal, a summary of evidence received, and the reasons for the

decisions of the Chair and Committee (including any sanction imposed, if applicable) and will normally be sent to the Student within five working days of the hearing, and in any case as soon as reasonably practicable.

8 Relationship to Other Procedures – Extenuating Circumstances and Academic Appeals

8.1 A Student cannot use other processes e.g. those under the Code of Practice on Extenuating Circumstances and/or the Code of Practice on Academic Appeals, to request an outcome that would change the outcome of the College Misconduct Committee or the University Misconduct Committee.

8.2. Where a decision has been made under the Extenuating Circumstances procedure prior to a College Misconduct Committee taking place; that decision, in relation to the relevant assessment and/or module will be overridden by the outcome of the College Misconduct and Fitness to Practise Committee.

Appendix A: Referral and Constitution of the Committees

A.1 Students will normally be registered on a programme in a particular College and will be referred to that College's Misconduct and Fitness to Practise Committee. For students registered on programmes that are not subject to Fitness to Practise requirements, allegations of non-academic misconduct may be heard by a Committee made up of panel members drawn from more than one College. None of the Committee members appointed to the hearing panel shall have been previously involved with the case concerned.

A.2 If two or more Students are alleged to be involved in related misconduct, the Investigating Officer may request that the Academic Registrar (or Head of College where the student is registered on a Fitness to Practise programme) decide whether the cases should be heard jointly or separately.

A.3 For cases involving two or more Students registered in different Colleges, the Chair (in consultation with the Academic Registrar may appoint a member of staff from each relevant College, to reflect as closely as possible the College membership of those Students, or refer the case to the Misconduct and Fitness to Practise Committee of the College where the majority of Students involved are registered. Students registered on a Fitness to Practise programme must be referred to the relevant Misconduct and Fitness to Practise Committee.

A.4 Students who are registered on a Programme situated outside the University's College structure (e.g. Birmingham International Academy or Liberal Arts Programmes) will have their case heard by the Misconduct and Fitness to Practise Committee deemed most appropriate by the Academic Registrar. Normally this will be the College to which the majority of their programme or the module concerned belongs.

A.5 Sabbatical Officers of the Guild of Students will be referred to such College Misconduct and Fitness to Practise Committee as the Academic Registrar deems to be appropriate.

A.6 In exceptional circumstances (for example, in the interests of fairness or where there may be a potential conflict of interest), the Academic Registrar may decide that the Misconduct and Fitness to Practise Committee of another College hear the case in accordance with Regulation 8.3.5.

A.7 Constitution of the College Misconduct and Fitness to Practise Committee

A.7.1 The College Misconduct and Fitness to Practise Committee pool shall comprise at least 12 members of Academic Staff of the College, which shall be appointed at the beginning of each academic session by the Head of College.

A.7.2 For cases involving Students registered on a Fitness to Practise programme, the Committee shall be drawn from two pools, A and B, which shall be appointed at the beginning of each academic session by the Head of College.

A.7.3 Pool A shall comprise at least 12 members of Academic Staff of the College, taken from PAUs whose students are subject to Fitness to Practise procedures.

A.7.4 Pool B shall comprise at least six members who are either honorary members of staff or external profession-specific representatives who are associated with programmes of study that include Fitness to Practise procedures, including those registered with an appropriate regulatory body and practising in a relevant profession.

A.7.5 For cases involving Students not registered on a Fitness to Practise programme, the Committee shall normally consist of four members:

a) The Chair (appointed by the Head of College from the College Pool)
b) Two members from the College Pool who have not been involved with the case
c) A full-time Registered Student nominated by the Guild of Students who is from a different PAU to the Student subject to the allegations, and who has received training from the University on misconduct procedures.

A.7.6 For cases involving Students registered on a Fitness to Practise programme, the Committee shall normally consist of four members:

a) The Chair (from Pool A and appointed by the Head of College)
b) A member from Pool A who has not been involved with the case
c) A member from Pool B who has not been involved with the case
d) A full-time Registered Student nominated by the Guild of Students who:
    i. is from a different PAU to the Student subject to the allegations
    ii. is on a programme that is subject to Fitness to Practise procedures (including intercalated programmes)
    iii. and has received training from the University on Fitness to Practise procedures.

A.8 Constitution of the University Misconduct and Fitness to Practise Committee

A.8.1 The University Misconduct and Fitness to Practise Committee shall be drawn from two Pools, 1 and 2.

A.8.2 Pool 1 shall comprise of no fewer than 12 members of Academic Staff of the University, at least one of whom shall hold current General Medical Council (GMC) registration.

A.8.3 Pool 2 shall comprise of no fewer than 12 members of honorary members of staff or external profession-specific representatives who are associated with Fitness to Practise programmes. At least one of these members shall hold current GMC registration.

A.8.4 The Committee shall consist of four members:

a) The Chair (normally the Pro-Vice-Chancellor (Education))
b) Two members chosen from Pool 1 and none from Pool 2 for appeals from Students not registered on a Fitness to Practise programme
c) One member from Pool 1 and one member from Pool 2 for appeals from Students registered on a Fitness to Practise programme
d) The President of the Guild of Students or their nominee

A.8.5 For appeals from Students registered on a Fitness to Practise programme, the members chosen from Pool 1 and 2 should have experience of fitness to practise issues through their involvement with designated Fitness to Practise programmes as defined in Regulation 1. In the case of appeals from Students registered for the degree of MBChB, the Committee shall include at least one member holding current GMC registration.

A.9 Others in Attendance at the Committees

A.9.1 The Academic Registrar, or the Head of College (in cases involving plagiarism or fitness to practise), should appoint a relevant member of University staff as Case Presenter. The Case Presenter will normally be the Investigating Officer.

A.9.2 For College Committees, the Academic Registrar, or the Head of College (for Fitness to Practise cases), will appoint a Secretary to make necessary arrangements, notes of the hearing and advise the Committee as appropriate. For the University Misconduct and Fitness to Practise Committee, the Academic Registrar will appoint a Secretary to the Committee. A note-taker may also be present.

A.9.3 The University may appoint an independent legal advisor to advise the Committee.

Appendix B: Sanctions for non-academic misconduct

B.1 **One** of the following sanctions may be imposed when a Student admits the offence, or the offence is found proven, and the Committee has considered the circumstances of the case:

a) a formal written warning;
b) 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;
c) a fine not exceeding the maximum decided by the Senate or its delegated authority;
d) restrict the Student from accessing specified University premises, services or facilities, including attending or participating in events or social activities connected to the University for a specified period;
e) to suspend the Student temporarily from attending placement for a specified period or until the Committee is satisfied that the Student's fitness to practise impairment has been remediated (option available for Fitness to Practise cases only);
f) suspend the Student from the University for a specified period, not exceeding one year;
g) withdrawal of the Student from the Programme (option available for Fitness to Practise cases only);
h) withdrawal of the Student and exclusion from the University and its premises, with an award;
i) withdrawal of the Student and exclusion from the University and its premises, without an award.

Note: When suspending a Student from placement until the fitness to practise impairment has been remediated in accordance with B.1.e), the Committee must specify the timescales and mechanisms for reviewing the Student's fitness to practise.

B.2 In addition to the above, the Committee may:

a) order the Student to make good in whole or part any damages resulting from the misconduct, either by payment or otherwise as may be appropriate;
b) order the Student to make a written apology to any person(s) affected by the misconduct;
c) accept an agreement from the Student that they will engage with appropriate student support and/or remedial tuition.

B.3 Additional sanctions for Sabbatical Officers and Student members of University Committees

In addition to, or instead of, any of the sanctions listed above, the Committee may also impose one or more of the following further sanctions:

1. require the return of any or all documents, materials or other resources provided by the University in relation to holding an office or membership of a University committee by a specified date;

2. recommend to the Vice-Chancellor that a Sabbatical Officer's status as a Registered Student is withdrawn.

B.4 Suspension of a Sanction

The Committee may suspend a sanction, subject to conditions which should be specified and communicated to the relevant parties. Any conditions imposed should be appropriate, proportionate, workable, and measurable.

B.5 Failure to Comply with a Sanction or Condition

When imposing certain sanctions or conditions (including those outlined in Appendix D), the Committee should specify any consequences if the Student does not comply. The Academic Registrar (or Head of College for Students registered on Fitness to Practise programmes) may refer any non-compliance back to the College Misconduct and Fitness to Practise Committee (with the original membership where possible) for further consideration, and an additional sanction may be determined.

Appendix C: Sanctions for academic misconduct

C.1 In cases where academic misconduct (a breach of Regulation 8.2.1.j), or research misconduct (a breach of Regulation 8.2.1.a in relation to the Code of Practice on Research) is admitted by the Student or is found proven, the Committee may impose **one** of the following sanctions after considering of all of the circumstances:

Taught Programmes and Taught Modules

C.1.1 For Students on taught programmes of study, or where the academic misconduct takes place on a taught module which is part of a research-based programme of study:

a) require the Student to undertake appropriate remedial tuition. The Committee should specify any consequences of failure to comply with any such requirement;
b) allow the examination or assessment mark obtained to stand;
c) reduce the examination or assessment mark to an appropriate level, including an award of zero. If this leads to failure of the module, a further attempt shall be permitted, with the overall module mark awarded capped at the pass mark or a mark decided by the Committee which would still enable the Student to obtain credit or to progress. Any such further attempt shall be taken:
    i. at the next available opportunity; or
    ii. at a time specified by the Committee;
d) reduce the module mark to an appropriate level, including an award of zero. If this leads to failure of the module, a further attempt shall be permitted, with the overall module mark awarded capped at the pass mark or a mark decided by the Committee which would still enable the Student to obtain credit or to progress. Any such further attempt shall be taken:
    i. at the next available opportunity; or
    ii. at a time specified by the Committee;
e) reduce the examination or assessment mark to an appropriate level, including an award of zero. If this leads to failure of the module, no further attempts at passing the module shall be permitted;
f) reduce the module mark to an appropriate level, including an award of zero with no further attempt at passing the module permitted;
g) limit the award of a Postgraduate Certificate, Postgraduate Diploma or Taught Postgraduate Degree to Pass or Merit only where a Merit or Distinction might otherwise have been awarded;
h) reduce the degree classification which would have been awarded[1] (which may include a fail categorisation or award of a lower alternative qualification);
i) suspend the Student from the University for a specified period not exceeding one year;
j) withdrawal of the Student from the Programme (option available for Fitness to Practise cases only);
k) withdrawal of the Student from the University, with an award;
l) withdrawal of the Student from the University, without an award.

[1] The Panel should note that the weighted mean mark and grade point average will **not** be altered when choosing this outcome.

Note: Where the offence occurs in a supplementary examination or assessment the mark from the original assessment shall not stand.

C.2 In addition to any of the above, the Committee may accept an agreement from the Student to engage with appropriate student support and/or remedial tuition. The Committee should specify the consequences if the Student fails to comply with any agreement.

Additional Sanctions for Postgraduate Research Students

C.3 For Students on research-based programmes of study, the following additional sanctions are available for academic and research misconduct in addition to those sanctions outlined above:

a) for research assessments that do not carry a numerical mark, the outcome will be considered a fail or non-submission. For example, in a case of plagiarism in a Research Student's upgrade submission, a Student may be prevented from upgrading and will remain on the original programme;
b) for research assessments that do not carry a numerical mark, a further opportunity to resubmit the assessment at a date specified by the Committee will be given;
c) the Student is permitted to submit/resubmit their dissertation/thesis for the **original qualification:**
    i. with the offending sections/data removed, and
    ii. the length of time given for resubmission determined by the Committee (maximum allowable 12 months), and
    iii. with the extent of any additional work on the thesis determined by the Committee.
d) the Student is permitted to submit/resubmit their dissertation/thesis for **a lower award** of the University, as determined by the Committee:
    i. with the offending sections/data removed, and
    ii. the length of time given for resubmission determined by the Committee (maximum allowable 12 months), and
    iii. with the extent of any additional work on the thesis determined by the Committee.

For sanctions C.3.(c) and (d) the Committee may decide that no additional work may be carried out.

Appendix D: Conditions and Outcomes in Fitness to Practise Cases

D.1 Conditions

In addition to the sanctions which may be applied in cases of academic or non-academic misconduct, if a Committee has found that the Student's fitness to practise is impaired, a condition may be imposed if the Committee is satisfied that:

a) the impairment can be remedied through the conditions; and
b) the conditions are necessary to address the impairment to the Student's fitness to practise; and
c) the conditions are appropriate, proportionate, workable and measurable.

The Committee shall specify any consequences if the Student fails to comply with any condition imposed.

D.2 Outcomes for cases referred on the basis of health grounds

For Students on Fitness to Practise programmes where the Committee agrees that the Student's fitness to practise is impaired on health grounds, the Committee may decide that **one** of the following outcomes is appropriate, after consideration of the evidence:

a) that the Student be allowed to continue the programme under close supervision, as specified by the Committee with clearly set conditions;
b) to accept an agreement from the Student that they will engage with appropriate support (The Committee should specify any consequences of failure to comply);
c) to restrict the Student from accessing specified University premises, services or facilities for a specified period;
d) to suspend the Student temporarily from attending a placement for a specified or unspecified period subject to regular review;
e) to suspend the Student temporarily from the University for a specified or unspecified period subject to regular review;
f) withdrawal of the Student from the Programme;
g) withdrawal of the Student from the University.

The Committee may also impose a condition, in accordance with Appendix D.1, outlined above.

D.3 Review of a Student's Fitness to Practise

If a Student's fitness to practise is to be reviewed to determine if any outcome or conditions have been successful, the Committee should specify when the review will take place and who will conduct it. The Committee (with the original membership where possible) has the right to undertake this review.

Note: The decision of a College Misconduct and Fitness to Practise Committee or University Misconduct and Fitness to Practise Committee is not binding upon the relevant professional body.

Appendix E: Closing Considerations

E.1 Having made a decision, the College Misconduct and Fitness to Practise Committee shall decide:

1. whether any record of the decision shall be placed in the Student's PAU file and, if so, whether permanently or for a limited time (for poor academic practice or moderate plagiarism this would not normally be the case); and
2. whether any report of the matter should be made to the appropriate Head of PAU; and
3. whether any particular reference should be made with regard to the individual's fitness to practise; and
4. whether the Student is entitled to an academic transcript and if so what module marks should be included; and
5. whether the Student is entitled to undertake another programme of study at the University during a specified period of time; and
6. whether, and if so in what form, the decision should be publicised within the University in accordance with the relevant legislation relating to data protection; and
7. whether a report should be sent to the employer or professional body or relevant record-holding body (such as the Medical Schools Council), in accordance with the relevant legislation relating to data protection; and
8. whether the University may be required to make a referral to the Independent Safeguarding Authority or any successor organisation (in cases where there is concern that the Student's conduct gives rise to concerns about harm or the risk of harm to children or vulnerable adults).