



**UNIVERSITY
COLLEGE
BIRMINGHAM**

Code of Practice on Discipline

Approved by the UCB Corporation

15th June 2022

1. Introduction

1.1 This Code of Practice applies to all undergraduate and taught postgraduate students, Further Education, Apprenticeships, part-time, collaborative and block students, and should be read in conjunction with:

[General Student Regulations](#)

[Code of Practice on Plagiarism and Academic Misconduct](#)

Assuring Students Fitness to Practice

Student Charter

UCB expects students to conduct themselves in an exemplary manner and to always show consideration for others. It is important that our students play their part in maintaining good order and a harmonious atmosphere in all teaching buildings, residential accommodation and in private sector accommodation, whilst undertaking any placements/visits/residentials organised as part of their programme or when participating in any activities organised by the Guild of Students. All behaviour reflects on the institution as a whole and not just on the individuals concerned, poor conduct will have impact on the reputation of UCB.

Students are expected to show respect for individuals, property and the environment and should not engage in behaviour which could cause distress to other users of UCB or our neighbours.

We reserve the right to take disciplinary action against any student whose deeds, actions or behaviour have the potential to bring the name of UCB into disrepute.

1.2 This Code of Practice sets out the procedures for the following:

- Cases referred to the Disciplinary Committee
- Cases referred to the Disciplinary Committee in accordance with the Code of Practice on Plagiarism and Academic Misconduct
- Appeals following a decision made by the Disciplinary Committee

1.3 A working day is deemed to be Monday-Friday, excluding Public Holidays and days on which UCB is closed.

1.4 UCB will maintain a record of the training/experience of the decision makers in these matters which will be held by HR.

2. Disciplinary Code

The following list is by no means exhaustive but serves merely as a guide as to the type of behaviour which may result in disciplinary action:

Academic

- Plagiarism - presenting someone else's work or ideas as the student's own. Link [UCB Code of Practice on Plagiarism and Academic Misconduct](#)
- Self-plagiarism - submitting the same work that the student has already submitted for another assessment when this is not permitted.
- Taking a copy of another student's work without their permission.
- Falsifying data, evidence or experimental results.
- Collusion - working with someone else on an assessment which is intended to be the student's own work.
- Contract cheating - where someone completes work for a student who then submits it as their own (including use of essay mills or buying work online).
- Arranging for someone else to impersonate a student by sitting their examination.
- Cheating in examinations (or other formal assessment), including possession of unauthorised material or technology during an examination, and attempting to access unseen assessment materials in advance of an examination.
- Submitting fraudulent, mitigating circumstances, claims or falsifying evidence in support of mitigating circumstances claims (this may also be considered a non-academic disciplinary matter).
- Breaches of research and ethics policies - e.g., carrying out research without appropriate permission.

Non-Academic

- Antisocial behaviour.
- Inappropriate, abusive or threatening behaviour, including on social media.
- Compromising the safety of and/or wellbeing of staff, other students, or UCB visitors.
- Sexual misconduct: Violence and harassment. See policy link <https://www.ucb.ac.uk/media/jmvpz2c/harassment-and-sexual-misconduct-policy.pdf>
- Hate crime.

- Behaviour likely to bring UCB into disrepute, such as disruptive behaviour in the community.
- Internet access abuse, such as visiting inappropriate websites, uploading/ downloading inappropriate content, propagation of computer viruses.
- Disruptive behaviour on UCB premises, such as setting off fire alarms or obstructing access to buildings or rooms.
- Damage to the UCB property or abuse of its facilities.
- Causing a health or safety concern.
- Relying on forged, falsified or fraudulent documentation, and other forms of deception that are intended to gain an advantage, for example submitting fraudulent extenuating circumstances claims or falsifying evidence in support of extenuating circumstances claims (the last may also be considered an academic disciplinary matter).
- Other behaviour which may also constitute a criminal offence.
- Misconduct that interferes with the academic or administrative activities of UCB.
- Misconduct in or near any premises managed by UCB; and
- Misconduct that has an impact on the interests and reputation of UCB.

UCB may take disciplinary action where the behaviour has affected:

- UCB itself.
- A student or employee of UCB.
- Others visiting, working or studying at the provider; or
- A member of the public.

UCB may also take disciplinary action in response to misconduct which:

- Happens during off-campus activities such as placements and field trips.
- Happens whilst studying at partner organisations, such as associate schools.
- Affects UCB's reputation in the local community or more widely; or happens on social media.

Part A

Academic Disciplinary Procedures

3. Stage One of the formal investigations

3.1 Incidents of academic misconduct, or an accumulation of disciplinary proceedings for academic misconduct, will be formally referred by a senior lecturer or Deputy/Head of Department to the Executive Dean of School/EMT member for further investigation. In most cases such incidents would be expected to attract a First Written warning but if repeated a Final Written Warning may be issued. Throughout this stage of the procedure students must be informed of all allegations made against them together with a copy of the investigation report. A minimum of 7 working days should be allowed for the student to respond in writing to the questions raised. A written record of all investigatory meetings and Disciplinary Hearings must always be kept. In some instances of serious academic misconduct or plagiarism, this may warrant Stage Two of the process being entered into immediately.

4. Stage Two of the formal investigation

4.1 Where a breach of this code is of a nature attracting more than a Final Written Warning, or where the breach is more minor but part of a series of persistent breaches, it would likely be referred directly to a member of EMT, or nominee, who will act as outlined below from 4.3.

4.2 Where the incident is of a more serious nature, any member of the Executive Management Team (EMT) may suspend the student with immediate effect whilst an investigation takes place. In these circumstances if the student is under 18 the Parent or Guardian will be informed, whilst suspended students should as far as practicable be allowed to continue with their programme of study.

4.3 Wherever possible the formal investigation will be carried out by a member of staff who has had no previous involvement in the case. It will not normally be appropriate to keep the name of the staff member investigating the allegation confidential.

4.4. The investigator will meet with the student at the earliest opportunity. The student will be given notice of the meeting and provided with sufficient information to allow them to respond to the allegation(s), and a copy of the relevant procedure at that time. The student will also be told how to access advice and support (for example, from the Student Guild), and who can accompany them to the meeting. Notes from the meeting will be provided to the student, but it will not need to be a full transcript.

4.5 The investigator must be clear about what is being investigated to ensure that both the investigator and student understand the purpose and scope of the investigation and the

possible outcomes. The investigator may talk to staff or other students and consider documents and other evidence.

4.6 The investigator should produce a report based on their investigations which outlines the process followed, the information gathered, and their conclusions. The student or their representative should receive copies of the information obtained during the investigation, a copy of the investigation report and information about the next steps in the process. The student should also be made aware of who they can contact for any queries about the progress of the case by the investigator.

4.7. The investigator may refer their report to another senior member(s) of staff for a decision to be agreed, or to a disciplinary panel. The student(s) will be kept informed of the outcome of these considerations in writing.

5. Disciplinary hearings or panel meetings

5.1. Hearings or meetings will be held in cases where the allegations against the student are serious, or where the potential consequences for the student are severe. Hearings or meetings will be held when there are questions of fact to be decided.

5.2. Panel members will be trained and include student representation on the panel where possible, although there must be appropriate separation between the representative on the panel, and those providing advice and support to students.

5.3 The Chair of the Hearing or Panel (always a member of the Executive team) will notify the student, against whom a complaint has been made, of the time and date of the Disciplinary Hearing at which his/her case will be heard. The Chair will also confirm the Panel members which will include a member of SMT, AMT, and the Student Guild. The student may be accompanied at the Disciplinary Hearing by another UCB student or a representative of the UCB Guild of Students or parent/guardian, who may speak on behalf of the student. Confirmation will be given to the student about whether they can attend the meeting by alternative means (video call). If for good reason the student cannot attend the hearing, it will be postponed and arranged through the Chair at the next mutually convenient time.

5.4 At the commencement of the hearing, the Chair will ensure that the student understands the nature of the complaint against him/her and confirm the hearing process. During the

hearing the student will be given the opportunity to ask questions and to make a statement, and the panel will also be able to ask questions of the student. Both the student and the Chair will be able to call on witnesses, with all questions put through the panel Chair. Witnesses can also attend through alternative means such as video call. The outcome of a disciplinary hearing may, if determined by the Chair of the Hearing, be entered on the student's record.

6. Relevance of Previous offences

6.1 A student's previous disciplinary record will not normally be relevant to whether they have committed an offence. However, if the student has previously committed the same or a very similar offence then it may be relevant. For example, the fact that a student has previously been penalised for poor academic practice may be relevant to whether they have committed plagiarism.

6.2 The student's previous disciplinary record is likely to be relevant to decisions about penalty.

6.3 If the investigator decides the previous offence is relevant it should consider at what stage this information should be shared with the decision makers to ensure it is not prejudicial to a fair outcome being reached.

7. Penalty

In determining the penalty to be applied, consideration will be given to:

- i. The seriousness of the academic misconduct
- ii. The student's previous disciplinary record
- iii. The conduct of the student after the act of academic misconduct
- iv. Any mitigating factors.

The following range of sanctions may be imposed by the Chair of the Hearing on students found to be guilty of more serious breaches of the disciplinary code

- i. Expulsion from UCB and/or student residencies.
- ii. Suspension from all UCB activities for a period of up to 12 months.

- iv. Where the incident involves damage to property, restitution or payment of all costs incurred, in addition to, or instead of imposing a penalty upon the student.
- v. Removal of student privileges.
- vi. A final written warning.
- vii. A requirement to carry out specified voluntary work at UCB or in the community.

Where a suspension or expulsion is imposed usually as a last resort, UCB may be obliged to inform any appropriate external agency in line with its duties to that agency. If suspended, the student must be given every opportunity to continue their programme of study as far as reasonably practicable such as remotely.

The Chair of Hearing may decide to suspend any penalty imposed on a student for a specific time period. During this period, in accordance with General Student Regulations Issue 27 the student may be required to fulfil certain conditions. Any contravention of these conditions, or if the student commits a further offence, would result in the original penalty being enforced and new sanctions being imposed.

Part B

Non-academic disciplinary procedures

8. Early Resolution Phase/Preliminary Phase

8.1 The majority of behavioural, academic or matters of a general disciplinary nature will be dealt with by teaching staff at School level. This phase of the procedure allows for an informal resolution where a student admits to a minor offence. Written records of this informal stage will be kept, and where applicable, a first written warning will be implemented by the Head of Department (or nominee) for both Further Education and Higher Education students. This first written warning sets out the conditions to which the student would be expected to adhere. In the case of a student under 18 years of age the parent/guardian/representative will be informed.

8.2 In the event that the student fails to adhere to the first written warning, the matter may become a formal disciplinary matter to be dealt with in a disciplinary hearing, possibly resulting in a final written warning. A first written warning will be issued by the Head of Department (or nominee) and a final written warning by the Executive Dean of School. In the

case of a student under 18 years of age the parent/guardian/representative will be invited to attend the meeting.

9. Initial considerations and preliminary investigation

9.1 In all cases, the student must be told in writing at the beginning of the process about the allegations against them and how their behaviour is considered to have breached expected standards. The student should be given any available supporting evidence. The staff member carrying out this initial investigation should not have been involved in making the allegation against the student. The student should be given a reasonable opportunity to respond to the allegation and supporting evidence before a decision is made about whether they have committed the offence. If UCB brings additional or alternative charges against the student during the disciplinary process, it is important that the student is told about the new or amended allegations and offered the opportunity to respond.

9.2 UCB will tell the student that concerns have been raised about their behaviour, even if UCB decides to take no disciplinary action.

9.3 Mediation or conciliation can be particularly helpful in resolving disputes involving students at an early stage, provided the students agree to try it. It will not be appropriate for the resolution of all disciplinary matters.

9.4 Where a student admits to a minor offence, their admission should be considered when considering what penalty to apply. UCB will ensure that students are fully aware of the consequences of agreeing to a penalty at this stage. For example, the student should be told whether the offence will be recorded on their student record, and whether it will be considered in future disciplinary or fitness to practise proceedings.

9.5 Following any preliminary investigation, the student should be given a written outcome setting out the decision reached. If the investigator has concluded that the student's behaviour was misconduct, the student should have a right to appeal against a decision reached or any penalty set at this stage. Where local resolution is not appropriate or possible and a formal investigation is needed, the student should be told what will happen next. The investigating manager should signpost students to sources of advice and support, for example from the Student Guild.

9.6 Where the incident is of a more serious nature, any member of the Executive Management Team (EMT) may suspend the student with immediate effect whilst an

investigation takes place. In these circumstances if the student is under 18 the Parent or Guardian will be informed. Whilst suspended students should as far as practicable be allowed to continue academic progress.

10. The formal stage of investigation

10.1 The formal investigation will be carried out by an Executive Team member of staff or nominee who has had no previous involvement in the case. It will not normally be appropriate to keep the name of the staff member investigating the allegation confidential. That would lack transparency and may undermine the student's confidence in the process. Staff members charged with investigating misconduct allegations will be properly trained, resourced, and supported.

10.2 The investigator will meet with the student, and they should do so at the earliest opportunity. The student will be given notice of the meeting and provided with sufficient information to allow them to respond to the allegation(s), and a copy of the relevant procedure at that time. The student will also be told how to access advice and support, for example from the UCB Student Guild, and who can accompany them to the meeting. It is good practice to provide the student with a note of the meeting, but it will not normally need to be a full transcript.

10.3 The investigator will be clear about exactly what is being investigated to ensure that both the investigator and student understand the purpose and scope of the investigation and the possible outcomes. The investigator of the case may talk to staff or other students and consider documents and other evidence. If the allegation has been made by another student, the investigator will also meet with the student making the allegation promptly to clarify the facts and explain the remit of the investigation and to answer any questions.

10.4 The investigator will produce a report based on their investigations which outlines the process followed, the information gathered, and their conclusions. The student or their representative will receive copies of the information obtained during the investigation, a copy of the investigation report and information about the next steps in the process. The student should also be made aware of who they can contact for any queries about the progress of the case.

10.5 The investigator will refer their report to a disciplinary panel.

11. Disciplinary hearings or panel meetings

11.1 Hearings or meetings will always be held in cases where the allegations against the student are serious, or where the potential consequences for the student are severe.

Hearings or meetings should also be held when there are questions of fact to be decided.

11.2 Student representation will be included on the panel, although there will be appropriate separation between the representative on the panel, and those providing advice and support to students.

12. The Disciplinary Hearing procedures is as follows:

12.1 The Hearing will be Chaired by a member of the Executive Management Team and will include a member of the Senior Management team. It will also include the President of the Student Guild or their representative. The panel can seek support from legal advisers or other external people if required.

12.2 The student can be accompanied at the Disciplinary Hearing by another UCB student or a representative of the UCB Guild of Students, who may speak on behalf of the student.

12.3 The student is permitted to attend the hearing or meeting by alternative means (For example, by video call).

12.4 The Disciplinary Hearing will proceed if the student chooses not to attend; and if they are not able to attend for good reason the Chair will ask to them to attend a rearranged meeting at a mutually convenient time.

12.5 The student can be questioned directly during the hearing or meeting; and can call witnesses; ask them questions through the panel's Chair.

12.6 Witnesses can attend by alternative means (for example by video call).

12.7 The hearing or meeting will be arranged promptly, and the student will be given adequate notice of it. This includes informing the student of the purpose of the meeting or hearing; of their right to attend; how to access advice and support; their right to be accompanied and/or represented and what role any representative or companion is permitted to play in the hearing or meeting. If the student is

permitted to attend the hearing or meeting by alternative means (for example by video call) the Chair of the Hearing should explain how it will arrange and facilitate this.

12.8 The Chair of the Hearing will provide the student in advance with information about who will be on the panel and a copy of the information to be considered.

If the Chair of the Hearing finds it difficult to convene a panel of people who have no previous involvement with the student, it can consider:

12.8.1 Using staff from other departments.

12.8.2 Using staff from a partner institution

12.8.3 Consulting with the student about the selection of panel members

12.9 A written record will be kept of any meeting or hearing, setting out who attended, a brief outline of the proceedings, and the reasons for the decisions taken, including any penalty applied. The reasons given should be sufficiently detailed to enable the student to understand the rationale for the decision and for any penalty applied. It is not normally necessary to make an oral recording or full transcript of the meeting or hearing, but it may be helpful to do so, particularly where the case is complex, or there is a significant factual dispute. All written records will be held confidentially by the PA to the Executive Team.

13. Relevance of previous offences

13.1 A student's previous disciplinary record will not normally be relevant to whether they have committed an offence. However, it is likely to be relevant to decisions about penalty. If the investigator decides the previous offence is relevant it should consider at what stage this information should be shared with the Executive Team decision makers to ensure it is not prejudicial to a fair outcome being reached.

14. Penalty

14.1 The nominated Executive Team decision maker should give reasons for the penalty selected. They will explain why any lesser penalty was not suitable. It is good practice for the decision maker to go through the range of penalties available for the type of misconduct, consider each one, and record that they have done so. If the misconduct is so serious that

the most severe penalty is the only option, then the Executive Team decision maker should explain why that is.

14.2 The nominated Executive Team decision maker should bear in mind that being found guilty of a disciplinary offence might have more serious implications for some students. For example, a penalty that involves a period away from their studies may have an unintended impact on a student with a deteriorating health condition or an international student's visa status. The decision maker will explain how they have taken these implications into account, as well as the student's extenuating circumstances and other mitigating factors.

14.3 The University Secretary and Registrar will ensure that decision makers apply penalties consistently, for example by keeping anonymised summary records of offences, mitigating factors, and penalties applied, which decision makers can refer to.

14.4 Students will have the opportunity to present any mitigating circumstances or factors that they believe should be considered. Those factors are not normally relevant to deciding whether a student is guilty of an offence. But they will normally be considered when deciding on the penalty if the student is found to have committed an offence. Mitigating factors might include:

- The offence is a minor example of a serious offence, for example, minor damage to property.
- It is a first offence.
- The student admitted the offence at the earliest opportunity.
- The student has expressed remorse.
- The student has compelling personal circumstances that affected their judgment.

15. Cases involving more than one student

15.1 UCB will ensure that all students involved here can respond to what the other/s have said or evidence they have provided. For panel hearings, joint or group allegations will be considered at a single hearing with all students in attendance. Students will also be given an opportunity to speak to the panel privately so that they can raise confidential or sensitive matters relating to mitigation.

15.2 Where it is not possible or practical to hear cases together, UCB will take steps to ensure there is a consistent approach to all the students involved. UCB will convene the same panel to consider the case against all the students involved whether at a joint hearing or individually.

15.3 A decision will be made for each student individually, taking their circumstances into account. However, there should be broad consistency in the penalty given to all students who commit the same offence with similar circumstances.

15.4 UCB will ensure that where cases are heard separately, a conclusion that one student has not committed the offence does not lead to the conclusion that another student must have committed it before their case has been heard.

16. Concluding the Formal Stage

16.1 UCB will write to the student setting out the outcome of the formal stage, giving a clear explanation of, and setting out the reasons for, each decision and any penalty in straightforward language. This will help the student decide whether to appeal.

16.2 The decision letter will give information about:

- The student's right to appeal.
- The grounds on which they can do so.
- The time limit for submitting an appeal.
- The appropriate procedure; and
- Where and how to access support.

16.3 If the student does not appeal within the time limit for doing so, UCB panel Chair will close the matter and notify the student in writing. UCB will issue a Completion of Procedures Letter at this stage if the student asks UCB to do so, but the letter will explain that the student has not completed the provider's internal processes. For guidance - The OIA publishes examples on issuing Completion of Procedures Letters.

16.4 UCB Panel Chairs will keep all records of disciplinary processes and their outcomes.

17. The appeal stages

17.1 The student will be permitted to appeal against a decision that they have committed a disciplinary offence, and/or against the penalty imposed. The appeal should be addressed to the panel Chair. The appeal will be considered by a member of staff who has not been involved at any previous stage. UCB can require a student (or their representative) to submit an appeal in writing, by email or online by completing the appropriate form.

17.2 The appeal stage will involve a review of the formal stage, or a complete rehearing of the case. It is good practice to set out the grounds on which a student may appeal. Those grounds might include:

- That the procedures were not followed properly.
- That the decision maker(s) reached an unreasonable decision.
- That the student has new material evidence that they were unable, for valid reasons, to provide earlier in the process.
- That there is bias or reasonable perception of bias during the procedure.
- That the penalty imposed was disproportionate, or not permitted under the procedures.

17.3 Appeal hearing Chairs should be clear about the remit of an appeal to ensure that students understand its purpose and scope. If the student's expectations appear to exceed the scope of the appeal stage, the Chair should explain this to the student as soon as possible in writing so that they understand the possible outcomes.

17.4 If the Chair of the Appeal Hearing is not satisfied with the outcome of the formal stage the matter will be referred back to the formal stage for reconsideration.

17.5 If the student successfully appeals the outcome of a disciplinary process, the Chair of the Appeal panel will need to consider whether there has been an adverse impact upon the student, and whether it should provide a remedy.

18. Complaint from another student

18.1 If the disciplinary processes were initiated following a complaint from another student, UCB will inform that student when the formal stage has been completed. If the other student's behaviour is found to have had an adverse impact on the student who made the complaint, then UCB should offer a remedy for that impact.

18.2 If the student who made the complaint is dissatisfied with the outcome of the disciplinary process, UCB will inform them what steps they can take. A witness in a disciplinary process cannot appeal the outcome of that process, but they may be able to make a complaint under the student complaints procedure if they have concerns about how the matter was handled, or the outcome. At the end of the complaint's procedure, the Chair of the Appeal panel will issue the student who made the complaint with a Completion of Procedures Letter.

19 Concluding the appeal stage

19.1 If the appeal is not upheld or is not permitted to proceed under the grounds of appeal, a Completion of Procedures Letter should be sent to the student within 28 working days. This will include, or be accompanied by, an explanation of the decision reached and the reasons for it. This will help the student decide whether to pursue the matter further.

19.2 The decision should also advise the student about:

19.2.1 Their right to submit a complaint to the Office for the Independent Adjudicator (HE only) for review.

19.2.2 The time limit for doing so.

19.2.3 Where and how to access advice and support.

19.3 The time limit for bringing a complaint to the OIA (HE only) is 12 months. The Chair of the Appeal panel will draw the student's attention to any factors of which UCB is aware that mean that it is particularly important for the student to bring the matter to the OIA promptly (for example because the course is being discontinued).

19.4 Where an appeal is upheld, the Chair of the Appeal panel will provide the student with a written outcome that explains what action UCB will take, and to issue a Completion of Procedures Letter if requested by the student. If the outcome involves referring the case back to the formal stage for reconsideration, the Chair of the Appeal panel will ensure that reconsideration is concluded as soon as possible and, where practicable, within the 90 calendar days' timeframes.

20 Higher Education Independent external review (OIA)

20.1 Once the appeal stage has been completed, the student is entitled to ask the OIA, the independent ombudsman service, to review their complaint about the outcome of UCB's disciplinary process. The complaint needs to be submitted to the OIA within 12 months of the date of the Completion of Procedures Letter.

Reference

The Good Practice Framework: Disciplinary Procedures (2018) – The Office for the Independent Adjudicator