



**UNIVERSITY
COLLEGE
BIRMINGHAM**

Code of Practice on Discipline

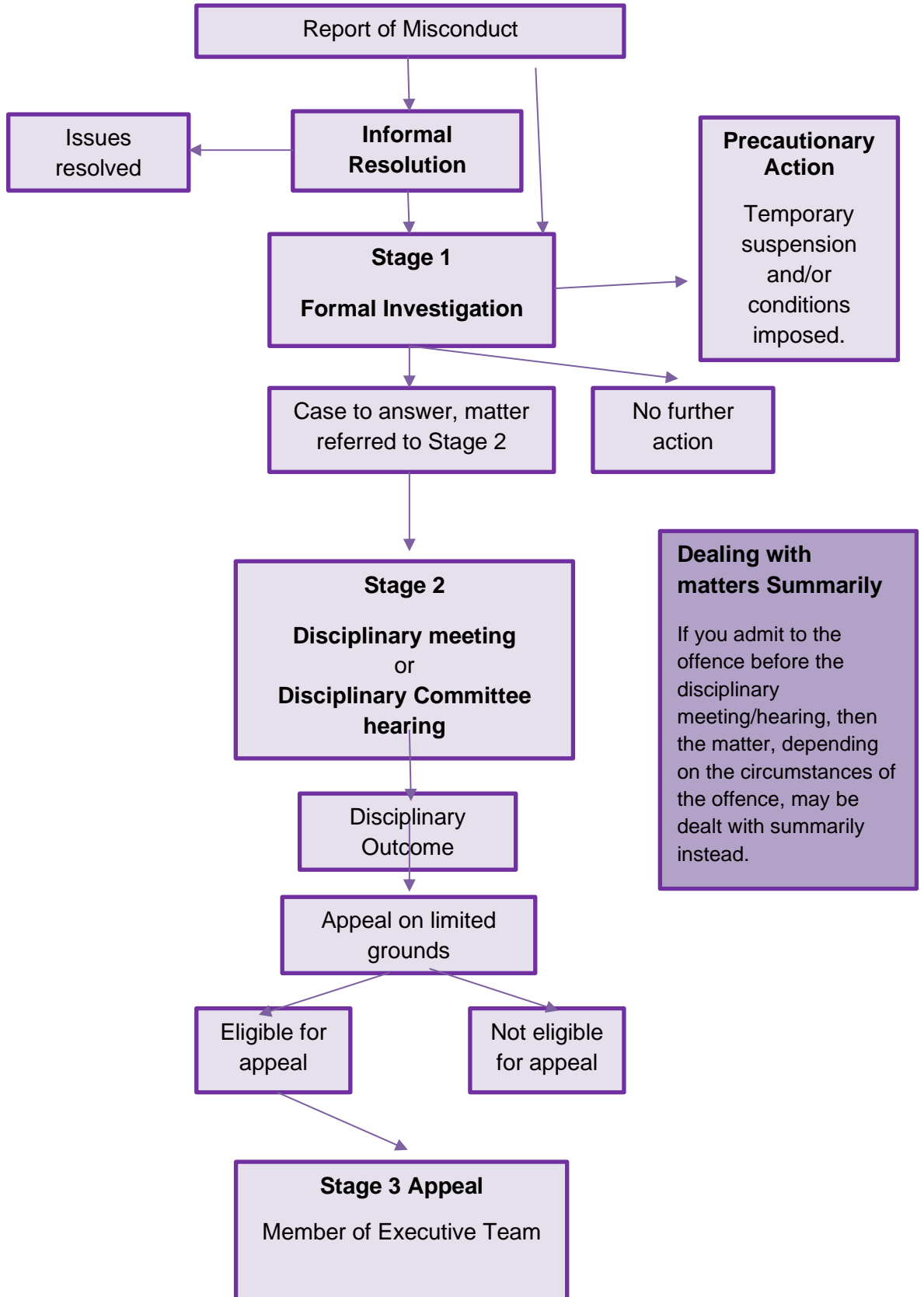
Approved by the Student Services and Standards Committee of the Corporation

On 11 June 2024

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Disciplinary procedure



1. Introduction – the principles behind the Code of Practice

- 1.1 All UCB staff, students, contractors and visitors have a right to work, study and learn in a safe environment and any conduct which unreasonably interferes with the safe and orderly operation of the UCB community will be investigated and addressed in accordance with this Code.
- 1.2 The security and integrity of UCB property must be safeguarded and any unacceptable conduct which jeopardises this will be investigated and addressed to ensure that security and integrity are maintained.
- 1.3 An attempt will be made where possible to resolve unacceptable conduct issues informally, and any investigation and necessary action will be undertaken as speedily as possible, normally within 90 days from the start of the formal process. This timeframe requires you to engage with the disciplinary process by meeting all of UCB's stipulated deadlines for submission of materials and attending the meetings you are invited to at each stage of this Code.
- 1.4 There may be cases where, for good reason(s), UCB will need to extend the timeframe for dealing with your case. When this is the case, we will contact you to explain the delay and set a new deadline for the next stage.
- 1.5 UCB will take steps to ensure that, so far as possible, any staff member involved in a formal disciplinary process under this Code has had no prior involvement with the case.
- 1.6 Meetings or hearings held under this Code may be conducted by video call at the discretion of the local manager or the Chair of the Disciplinary Committee.
- 1.7 Working days are Monday to Friday, excluding public holidays and days on which UCB is closed.
- 1.8 If you are under 18, UCB will inform your parent/guardian of any action taken against you under this Code.

- 1.9 Allegations of misconduct made in good faith will be taken seriously and dealt with in accordance with this Code. Such allegations of misconduct will be dealt with as allegations of breaches of UCB's own internal regulations and policies by the civil standard of proof, which is the balance of probabilities (i.e. more likely than not/51% or more) and are not treated as offences under the criminal law. Students against whom allegations have been made will be presumed innocent until proven to have committed a disciplinary offence. The possible sanctions and outcomes are those described in this Code.

2. Scope – who/what is covered by this Code?

- 2.1 This Code applies if you are a UCB undergraduate, taught postgraduate, further education, Sixth Form, apprenticeship, part-time or block student who:

- a) is enrolled and registered at UCB; or
- b) was enrolled at UCB at any time during the previous 12 months; or
- c) has interrupted their studies.

Any reference to “student” in this Code is a reference to any of the above categories of student and, for the avoidance of doubt, includes apprentices.

- 2.2 UCB reserves the right to carry out and/or complete the disciplinary process if you withdraw from UCB whilst the process is ongoing. As set out in paragraph 18.3, any penalty imposed may be referred to in a reference given by UCB on your behalf.
- 2.3 Where more than one student is involved in a case of suspected misconduct, UCB may choose whether to take joint or separate action against them under this Code. UCB will take steps to ensure that it adopts a consistent approach, as far as possible, in relation to all of the students involved.
- 2.4 This Code should be read in conjunction with the General Student Regulations, the Code of Practice on Plagiarism and Academic Misconduct and the Policy on Assuring Student Fitness to Practise, which set out when action may be taken under this Code.

2.5 Unacceptable conduct may be dealt with under this Code even if it occurs outside the physical boundaries of UCB premises (including electronically and/or via social media) where the conduct is connected to the UCB community and its safe and/or orderly operation and/or UCB's reputation. Where unacceptable conduct has taken place outside UCB premises (for instance, on a trip/placement/internship and/or professional or work experience setting) and been considered under the process of another institution (such as the placement/internship and/or professional or work experience provider), UCB retains the right to consider the conduct under this Code.

2.6 Unacceptable conduct in halls of residence may be dealt with additionally and/or independently of this Code under the terms of the halls of residence accommodation agreement.

3. Who is responsible for this Code?

3.1 The Vice-Chancellor and Principal has overall responsibility for this Code but has delegated day-to-day responsibility for overseeing its implementation to the staff identified in this Code. All relevant members of staff have been made aware of the Code and have received appropriate training.

3.2 Each Executive Dean of School, FE Principal or Sixth Form Principal has jurisdiction under this procedure over all students enrolled in that School. The Executive Dean/Principal of Further Education or Principal of Sixth Form shall nominate one or more members of the academic or management staff of the School to act as local manager/s for the purposes of this Code, usually the Head of Department/ Head of Year (Sixth Form). Outcomes of investigations undertaken as part of the disciplinary process by local managers are to be communicated to the University Secretary and Registrar by the Executive Dean of School, FE Principal or Sixth Form Principal

3.3 The University Secretary and Registrar is responsible for co-ordinating and centralising the disciplinary process and keeping a record of all disciplinary incidents and outcomes.

3.4 This Code will be reviewed by UCB from time to time (and at least every two years) to ensure that its provisions continue to meet our legal obligations and reflect best practice.

4. Disciplinary offences

4.1 Students may be subject to a formal disciplinary process under this Code if they are suspected of having committed academic or non-academic misconduct, which amounts to a disciplinary offence.

4.2 A list of examples of disciplinary offences is set out in Appendix A.

5. Support for students

5.1 Students are encouraged to seek advice regarding this Code from the Guild of Students.

5.2 If a student is invited to attend an investigatory interview, or a formal meeting or hearing under this Code, they may be accompanied by a fellow UCB student, a Guild of Students' representative or, if they are under 18, a parent/guardian. If they are an apprentice, they may be accompanied by a representative from their employer or professional body, including union representation, if this is deemed appropriate by UCB, given the nature of the alleged misconduct.

5.3 Students are not normally permitted to be represented by a legally qualified solicitor or barrister, but UCB may allow legal representation at Disciplinary Committee hearings in exceptional circumstances; for e.g. where their conduct may amount to a serious criminal offence. Students must provide the name and contact details of their chosen companion to UCB in good time before the meeting/hearing.

5.4 If a student has a disability, they may additionally be accompanied by a support worker as may reasonably be required. UCB will make reasonable adjustments to this Code where it is reasonable to do so to prevent such students from suffering substantial disadvantage as a result of their disability.

5.5 The companion's role at the meeting will be to support the student, and who they can consult for advice and support during the meeting/hearing. The companion may speak on the student's behalf but may not answer questions put to the student (unless this is agreed in advance by the Chair as a reasonable adjustment for the student's disability).

5.6 Further details of support services offered both by UCB and externally are set out in Appendix B.

6. Reporting misconduct

6.1 All UCB staff and students are responsible for reporting what they reasonably believe to be misconduct by a student, which they witness or have evidence.

6.2 Any person who becomes aware of misconduct by a student should report the matter to the Head of Department/Head of Year (Sixth Form). Reports can be made by email or, if there is a concern that the misconduct constitutes a safeguarding incident, via MyConcern on the portal or by phone (for a serious incident). Relevant documentary evidence must be attached to the report where appropriate.

- 6.3 UCB staff who become aware of misconduct by a student through some other means (for instance, through a health and safety report or if the conduct is reported to them in person or by email) will ensure that the matter is reported through the correct channel either by advising the individual who witnessed the conduct, or if necessary, by reporting the matter themselves and attaching any email or other evidence to their report.
- 6.4 Anonymous reports of misconduct will not usually be accepted by UCB.

7. Reporting matters to the police

- 7.1 Students who witness or have evidence of misconduct by a student, which may also amount to a criminal offence, have a number of options available to them once they have brought the alleged incident to the attention of UCB. The main options are:
- a) reporting the matter to the police;
 - b) seeking support from internal and external services;
 - c) not reporting the matter to the police but requesting that UCB deals with the matter under this Code.
- 7.2 UCB will put no pressure on the reporting student in relation to any of the above options.
- 7.3 Where a suspected criminal offence is committed against UCB, UCB may report the incident to the police. Where the alleged victim is not UCB (e.g. not a member of UCB staff or not relating to UCB property), UCB will normally allow the victim to decide whether or not to report the matter to the police. However, UCB may start disciplinary action against the accused student and investigate the incident of its own volition.
- 7.4 UCB will only, in exceptional circumstances, report the alleged incident to the police against the wishes of the alleged victim/reporting student if the reporting is necessary to protect the alleged victim/reporting student or others from harm or to prevent further harm from taking place. UCB will explain its decision and the reasons to the victim/reporting student either in advance or as soon as possible after the report is made.

8. Student conduct under police investigation

- 8.1 If an allegation of misconduct reported under this Code is also subject to a police investigation, the local manager will ask the student to give consent for the police to provide information to UCB on the progress of the police investigation or require the student to keep UCB informed accordingly.

- 8.2 UCB reserves the right to either suspend or continue with the disciplinary process in cases where a police investigation is ongoing or has been suspended or discontinued. This will be decided on a case-by-case basis, where appropriate, in dialogue with the police. In some cases, witnesses will be interviewed prior to the suspension of the process. UCB also reserves the right to proceed with the disciplinary process where the student has been acquitted in criminal proceedings.
- 8.3 Where the student is unable or has been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, UCB reserves the right to take a decision based on the available evidence.
- 8.4 Whilst a police investigation is underway, UCB's normal policy is to provide any reasonable support to students so they can continue their studies safely whilst abiding by any bail conditions that may have been placed on them, if practicable to do so. Where possible, UCB will make reasonable adjustments to their academic programme to help them ensure their own safety and the safety of others and/or to comply with any bail conditions-placed on them.

9. Informal Resolution

- 9.1 Minor conduct issues, e.g. minor damage to property, conduct causing minor disruption or anti-social behaviour that is not directed at other individuals, can sometimes be dealt with informally without initiating the disciplinary process. Staff who observe conduct that may give cause for concern, if repeated, may inform the relevant local manager, who may discuss the concerns with the student. In some cases, an informal verbal warning may be given. A note of any such informal discussions and verbal warnings will be held on the student's file for the duration of one full academic year following the date of the incident. Formal steps may be taken under this Code if the local manager reasonably believes that the conduct is likely to be repeated, or if the conduct is repeated.

10. Precautionary action

- 10.1 If, after reviewing a report of alleged misconduct and having carried out the relevant risk assessment, the local manager decides that the student's continued access to UCB creates a significant risk in one or more of the following situations, namely:
- a) there may be a recurrence of unacceptable conduct by the student acting alone or with others;
 - b) staff, visitors, service users, or any student may be harmed; and/or

c) due process under this Code may be inhibited or impeded,

They will refer the matter to a member of the Executive Team and or the Senior Leadership Team, who may, in consultation with another member of the Executive Team as appropriate, decide that the student should be suspended temporarily from access to all or any part of UCB premises, UCB activity, and/or placement/internship and/or professional or work experience until the process set out in this Code is concluded; and/or that conditions be placed on the student (e.g. not to contact a named student).

- 10.2 The decision to suspend and/or to place conditions on the student will be only made where the risk level is high and where there are no alternative measures that could be put in place instead to mitigate the risk. It is, therefore, a precautionary rather than a punitive measure. UCB will take steps to ensure that, as far as practicable, the student can continue with their programme of study through remote access.
- 10.3 Any suspension/conditions will be limited to a specified period of time and reviewed regularly by the Executive Team member but may be extended where necessary.
- 10.4 If the student is suspended and/or conditions are placed on them, the Executive Team member will contact them, setting out the decision and clear reasons for the decision, which will relate to the allegations made, supported by a statement of the basic alleged facts.
- 10.5 A student can appeal against a decision to suspend and/or place conditions on them to the University Secretary and Registrar within five working days of the date you were notified of the decision (making clear representations). The University Secretary and Registrar (or nominee) will notify you of the decision within five working days of receipt of your appeal.
- 10.6 A student can also request that the Executive Team member review the precautionary action decision if they can demonstrate that there has been a material change in the circumstances of the case.

11. Formal process, Stage 1: Investigation

- 11.1 On receipt of a report of misconduct, the Executive Dean of the School, FE Principal or Sixth Form Principal will make a record of the matter and will forward the report to the relevant local manager as soon as possible.

- 11.2 Prior to starting the investigation, the local manager should consider whether they have a conflict of interest, and if there is a conflict of interest, they should ask another suitably qualified person to take over the investigation. The local manager can also refer the matter to a specialist interviewer in complex or sensitive matters where specialist skill and knowledge are required, e.g. in cases of alleged sexual misconduct.
- 11.3 If there is no conflict of interest, the local manager will review the report and determine whether the misconduct, if proven, could be considered a disciplinary offence. If so, the local manager will usually commence an investigation. If not, the local manager may deal with the matter informally or may decide to take no further action.
- 11.4 The local manager may decide an investigation is not required under paragraph 11.3 if the misconduct has already been investigated under another UCB procedure, e.g. Code of Practice on Plagiarism and Academic Misconduct.
- 11.5 The investigation will be started as promptly as possible, and normally within 10 working days of the report being made. UCB reserves the right to extend this period during holidays and exam times.
- 11.6 As part of the investigation, the local manager will:
- a) interview the student;
 - b) identify and interview any other relevant witnesses or obtain written witness statements from them; and
 - c) seek documentary evidence where appropriate (e.g. emails, logs from relevant UCB systems or other relevant evidence).

The local manager will write to the student at least three working days in advance of the investigatory interview, inviting the student to the interview and explaining the reason for the interview and the allegations made against them.

- 11.7 If the student fails to attend the investigatory interview without good reason or is unable to do so on more than two occasions, the local manager may continue with the investigation without interviewing the

student, provided the local manager is satisfied that the student was given due notice of the date and time of the meeting. The local manager shall decide, in their discretion, what constitutes “good reason”. If it is decided that an investigatory interview has not been attended or avoided without good reason, the local manager shall formulate a decision based on the available information.

- 11.8 The local manager will compile a report which will include the allegations and a summary of the evidence gathered during the investigation, including copies of relevant documents and witness statements, including evidence and witness statements provided by the student in support of their case.
- 11.9 The local manager may:
- a) decide that no further action should be taken;
 - b) decide to deal with the matter informally;
 - c) decide that there is a case to answer, and the matter should be referred to Stage 2 of this Code.
- 11.10 If the local manager decides that there is a case to answer, the local manager will invite the student to a disciplinary meeting under paragraph 12 or will refer the matter to the Disciplinary Committee under paragraph 13. Cases that the local manager considers complex or may warrant a penalty of suspension or expulsion from UCB will usually be referred to the Disciplinary Committee.
- 11.11 You will be informed in writing of the decision of the local manager within five working days of the conclusion of the investigation.

12. Formal process, Stage 2: local manager disciplinary meeting

- 12.1 The local manager will invite the student to attend a disciplinary meeting, providing the meeting date, time, and place. This meeting may be held online if the student is not local at the proposed time. The meeting will be held as soon as reasonably possible, but the student will be given at least seven working days’ notice to prepare their case based on the information provided by UCB.
- 12.2 The notice will set out the allegations against the student, the basis of those allegations and the likely range of penalties if it is decided, after the disciplinary meeting, that the allegations are true.
- 12.3 The local manager will also provide the student with copies of all the relevant documents related to their case. In limited circumstances (e.g. a risk of harm to the witness), a witness's identity may be kept confidential unless doing so would prejudice the fairness of the proceedings.

- 12.4 The purpose of the disciplinary meeting is to discuss the evidence gathered and to provide the student with an opportunity to make representations. The local manager will then decide, on the basis of the evidence and your representations, whether the allegation is proven. If the allegation is considered to be proven, depending on the nature of the disciplinary offence, the local manager will ask the student to submit any evidence in mitigation in order to decide on the appropriate penalty.
- 12.5 The local manager may impose any of the penalties set out in paragraph 15, except that the local manager does not have the power to suspend/exclude the student from UCB.
- 12.6 If the student or their companion cannot attend the disciplinary meeting, the student should inform the local manager immediately, and the local manager will arrange an alternative time. The student must make every effort to attend the meeting, and failure to attend without good reason may be treated as a disciplinary offence. If you fail to attend without good reason or are unable to do so on more than two occasions, the local manager may take a decision based on the available evidence, provided the local manager is satisfied that the student was given due notice of the date and time of the meeting. The local manager shall decide, in their discretion, what constitutes “good reason”.
- 12.7 The local manager will notify the student in writing of the outcome of the disciplinary meeting, the reasons for the decision and (where relevant) any penalty imposed within seven working days of the meeting. The student will also be informed of their right of appeal under paragraph 16.

13. Formal process, Stage 2: Disciplinary Committee hearing

- 13.1 Disciplinary Committee hearings are undertaken when the local manager refers the case under paragraph 11.9.
- 13.2 The Chair of the Disciplinary Committee will, within 10 working days of the referral by the local manager, invite the student to attend a Disciplinary Committee hearing, providing the date, time and place of the hearing. This hearing may be held online if the student is not local at the proposed time/date. The hearing will be held as soon as reasonably possible, but the student will be given at least seven working days’ notice to prepare their case based on the information provided by UCB. The student may invite a companion to the meeting.
- 13.3 The notice will set out the allegations against the student, the basis of those allegations and the likely range of penalties if it is decided, after the disciplinary hearing, that the allegations are true.
- 13.4 The Chair of the Disciplinary Committee will also include:
- a) a summary of relevant evidence gathered during the investigation;

- b) a copy of any relevant documents which will be relied on at the disciplinary hearing; and
 - c) a copy of any relevant witness statements. In limited circumstances (e.g. a risk of harm to the witness), a witness's identity may be kept confidential unless doing so would prejudice the fairness of the proceedings.
- 13.5 The student will be invited to respond to the allegations in writing. All written documents the student wishes to rely on must be received by the Chair of the Disciplinary Committee at least three working days prior to the disciplinary hearing.
- 13.6 The Disciplinary Committee shall consist of:
- a) a member of the Executive Team (to chair the hearing);
 - b) a member of the Senior Management Team; and
 - c) An elected officer of the Guild of Students.
- 13.7 The Chair of the Disciplinary Committee will also attend the hearing to take notes and advise members of the Disciplinary Committee on procedural matters.
- 13.8 If the student or their companion cannot attend the disciplinary hearing, they should inform the Chair of the Disciplinary Committee immediately, and an alternative time will be arranged. They must make every effort to attend the hearing, and failure to attend without good reason may be treated as a disciplinary offence. If they fail to attend without good reason or cannot do so on more than two occasions, UCB reserves the right to take a decision based on the available evidence, provided it is satisfied that they were given due notice of the date and time of the hearing. The Chair of the Disciplinary Committee shall decide in their discretion what constitutes "good reason".
- 13.9 At the disciplinary hearing, the local manager will present the case against the student, including any previously disclosed evidence. The student will be able to respond and present any evidence of their own.
- 13.10 Both the student and the local manager may ask relevant witnesses to appear at the disciplinary hearing. The student must give the Disciplinary Committee at least three working days advance notice to arrange their attendance. The student will be given the opportunity to respond to any information given by a witness and to ask a witness questions.
- 13.11 The disciplinary hearing may be adjourned at the discretion of the Chair in the interests of fairness, for e.g. new evidence has come to light which

could not have reasonably been disclosed in accordance with the prescribed time scales under this Code.

- 13.12 Following the disciplinary hearing, the members of the Disciplinary Committee will consider whether the allegation made against the student has been proven on the balance of probabilities.
- 13.13 If the allegation has not been proven, the Disciplinary Committee will write to the student to confirm the outcome and the reasons.
- 13.14 If the allegation is considered to be proven on the balance of probabilities, depending on the nature of the disciplinary offence, the Disciplinary Committee will ask the student to submit any evidence in mitigation in order to decide on the appropriate penalty, as set out in paragraph 15 below.
- 13.15 The Chair of the Disciplinary Committee will notify the student in writing of the outcome of the disciplinary hearing, the reasons for the decision and (where relevant) any penalty imposed within 10 working days of the hearing. The student will also be informed of their right of appeal under paragraph 16.

14. Dealing with matters summarily

- 14.1 If the student admits the disciplinary offence before a disciplinary meeting or Disciplinary Committee hearing under this Code has taken place, the local manager or Chair of the Disciplinary Committee may (where they think it appropriate to do so) dispense with the need to hold the meeting/hearing and instead, deal with the matter summarily.
- 14.2 Prior to dealing with the matter summarily, the local manager or Chair must:
 - a) explain to the student the potential consequences of dealing with matters summarily;
 - b) outline a range of penalties that may be imposed for the offence in question; and
 - c) seek the student's consent to do so.
- 14.3 If the student agrees for the matter to be dealt with summarily, they will be required to sign a statement (also acceptable via email) in which they must:
 - a) admit the misconduct;
 - b) acknowledge awareness of the potential consequences of that admission under this Code; and

- c) agree to the disposal of the disciplinary process without a disciplinary meeting/hearing.
- 14.4 The local manager or Chair may then dispense with the disciplinary meeting/hearing and, if having considered the evidence, the local manager or Chair is satisfied that the student committed the disciplinary offence, proceed to impose a penalty under this Code taking any mitigating circumstances into account where relevant.
- 14.5 It will not be appropriate to deal with a matter summarily if:
- a) the misconduct could also amount to a criminal offence;
 - b) someone was hurt; or
 - c) expulsion is within the range of reasonable penalties which could be imposed.

15. Penalties

- 15.1 The local manager or Disciplinary Committee (as appropriate) shall have discretion in choosing the appropriate penalty or penalties for any disciplinary offence under this Code.
- 15.2 The local manager or Disciplinary Committee may impose one or more of the following penalties under this Code:
- a) final written warning;
 - b) removal of student privileges;
 - c) a requirement to carry out specified voluntary work at UCB or in the community;
 - d) where the incident involves damage to property, restitution or payment of all costs incurred;
 - e) suspension from all UCB activities for a period of up to 12 months;
 - f) termination of a UCB halls of residence accommodation agreement;
 - g) expulsion from UCB (to be imposed by the Disciplinary Committee only);
 - h) behaviour agreement with conditions for improvement of the student's conduct stated by the local manager;
 - i) requirement to provide a written apology;

- j) formal written warning;
- k) fine up to £200;
- l) payment of compensation equivalent to a financial estimate of any damage or loss caused;
- m) requirement to attend relevant training;
- n) partial suspension from certain facilities at UCB.

15.3 In exercising discretion in deciding on a penalty, the local manager or the Disciplinary Committee shall have regard to:

- a) whether action has already been taken by another body (such as a placement/internship and/or professional or work experience provider);
- b) whether there is evidence of remorse on the student's part (for instance, evidence that they have apologised, made restitution or improved their behaviour since the incident);
- c) any professional body standards or regulations that apply; and
- d) any mitigating and/or aggravating factors. Multiple or repeated incidents of misconduct may be more serious than a single act of misconduct. Previous disciplinary offences may be taken into account when determining what penalty should be imposed. Mitigation may include disability or pre-existing, clinically diagnosed mental health conditions.

15.4 A decision to impose a penalty of suspension or expulsion will be reported to a member of the Executive Team. A member of the Executive Team will action the suspension or expulsion and write to the student informing them of the suspension or expulsion.

16. Formal process, Stage 3: Appeal

16.1 If the student is dissatisfied with Stage 2 of the disciplinary Code outcome (i.e. the decision of the local manager or the Disciplinary Committee), they will have 10 working days to appeal against that decision by submitting a request to the University Secretary and Registrar in writing, by email or by letter. UCB will normally acknowledge their request within five working days of receiving it.

16.2 A request for an appeal will be granted on limited grounds, namely:

- a) that the procedures were not followed properly;
 - b) that the local manager or Disciplinary Committee reached an unreasonable decision;
 - c) that the student has new material evidence that they were unable, for valid reasons, to provide earlier in the process;
 - d) that there is bias or reasonable perception of bias during the procedure;
 - e) that the penalty imposed was disproportionate or not permitted under the procedures.
- 16.3 The student should set out their concerns clearly and succinctly and provide supporting evidence (where possible). They must explain how their request for an appeal falls within one or more of the grounds set out above in paragraph 16.2.
- 16.4 The University Secretary and Registrar will decide whether the student's request for an appeal is based on the permitted grounds and, hence, eligible to be considered. They will notify the student within five working days of receiving their request.
- 16.5 If the University Secretary and Registrar believes that the grounds are not satisfied, the student will be informed of the decision to reject their request for an appeal. A Completion of Procedures letter ("COP") will be issued to the student (see paragraph 16.9 below for further information).
- 16.6 If the University Secretary and Registrar believes that one or more of the grounds of appeal apply to the student's case, it will be referred to another member(s) of the Executive Team. They will review all information collated for the original decision, along with any new evidence presented (but may contact the student and/or anyone else involved in the matter if they consider it necessary).
- 16.7 The outcome of the appeal will be that the Executive Team member(s) either upholds the outcome of Stage 2 or makes a different finding which overturns that outcome. The Executive Team member(s) may remit the matter to the same or a different local manager/Disciplinary Committee to consider again or may reduce the penalty.

- 16.8 The decision taken at the appeal stage is final. The final decision on the appeal will be communicated to the student in writing, with reasons, usually within 28 working days from the appeal request being accepted.
- 16.9 If the appeal is successful, the student can request UCB to provide a COP within 30 working days of the date of the outcome letter. Where such a request is made, a COP will be provided within 14 working days of the request. If the appeal is unsuccessful, a COP will be sent to them automatically within 28 working days of the decision letter being issued.

17. Independent external review

- 17.1 If the student is not satisfied with the outcome of this process, they may make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA - <https://www.oiahe.org.uk/>) provided they have been issued with a COP. That letter will explain how they can submit a complaint; the deadline for doing so is 12 months from the date of the letter.

18. Record keeping and notification

- 18.1 A formal disciplinary penalty imposed in accordance with paragraph 15.2 or 15.4 shall be a permanent part of a student's record.
- 18.2 It shall not be considered confidential that the student has been subject to proceedings under this Code. Relevant members of UCB staff such as the Registry, key members in the School, Student Administration, Employability Services and HR (in cases where a student is employed by UCB in any capacity) may also be notified. If the student is an apprentice, UCB will notify their employer.
- 18.3 UCB reserves the right to disclose any penalty imposed on the student (including their suspension or expulsion from UCB) in any references provided to third parties or to comply with regulatory reporting requirements. This may include completing a Fitness to Practise review as required by a Professional Statutory and Regulatory Body (PSRB).
- 18.4 Once the process under this Code has been completed (including any appeal), the local manager (or nominee) will write to the person who reported the misconduct to confirm the case outcome and that the case has closed.
- 18.5 If the reporting student 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 against the outcome of that process but may bring a complaint under the Student Complaints Procedure if they have concerns about how the process was handled.

19. Use of data

- 19.1 UCB will collect data on disciplinary outcomes at each stage of this Code and any complaints submitted by a student to any regulators (including the OIA), and use the data:
- a) internally for reporting, evaluation, learning and training; and
 - b) externally for discussion with regulators.
- 19.2 The data used by UCB for the purposes in paragraphs 19.1a) and b) will be anonymised. A student's personal data and sensitive personal data ("Personal Data"), as defined by the Data Protection Act (DPA) 2018, may be disclosed to UCB's members of staff and regulators only for the purposes of dealing with an allegation of misconduct under this disciplinary Code, a complaint arising out of it and/or implementing any recommendations. Personal Data will not be shared with any other third parties unless UCB has the student's express consent, has a statutory obligation to do so, or is otherwise permitted under the DPA.

Appendix A: Disciplinary offences

The following are examples of misconduct which, if proven, may amount to a disciplinary offence leading to formal disciplinary action under this Code:

Academic offences

- a) Collusion – working with someone else on an assessment which is intended to be your own work;
- b) Arranging for someone else to impersonate you by sitting your examination;
- c) Submitting fraudulent mitigating circumstances claims or falsifying evidence in support of mitigating circumstances claims, to gain admission to UCB (this may also be considered a non-academic offence);
- d) Breaches of research and ethics policies e.g. carrying out research without appropriate permission;
- e) A ‘serious plagiarism’ finding under the Code of Practice on Plagiarism and Academic Misconduct.

Non-academic offences

- a) Antisocial behaviour;
- b) Inappropriate, abusive or threatening behaviour, including on social media;
- c) Compromising the safety of and/or wellbeing of staff, other students, or UCB visitors;
- d) Sexual misconduct: Violence and harassment. See policy link <https://www.ucb.ac.uk/media/jmvpyz2c/harassment-and-sexual-misconduct-policy.pdf>
- e) Hate crime;
- f) Behaviour likely to bring UCB into disrepute, such as disruptive behaviour in the community;
- g) Internet access abuse, such as visiting inappropriate websites, uploading/ downloading inappropriate content, and propagation of computer viruses;

- h) Disruptive behaviour on UCB premises, such as setting off fire alarms or obstructing access to buildings or rooms;
- i) Damage to the UCB property or abuse of its facilities;
- j) Causing a health or safety concern;
- k) 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);
- l) Behaviour which may also constitute a criminal offence;
- m) Misconduct that interferes with the academic or administrative activities of UCB;
- n) Misconduct in or near any premises managed by UCB;
- o) Misconduct that has an impact on the interests and reputation of UCB;
- p) Non-payment of monies due to UCB;
- q) Possession, use, distribution, production, being under the influence during UCB-related activities, alcohol for under 18s, supply of and/or trade in illegal substances and drugs, the misuse of and/or trade in prescription drugs, or any conduct relating to psychoactive substances which is unlawful under the Psychoactive Substances Act 2016;
- r) Possession, use or threat of use of a weapon or an imitation weapon;
- s) Spiking the drinks of others;
- t) Any conduct which amounts to harassment i.e. behaviour which causes alarm or distress, or which is unwelcome, uninvited and causes a detrimental effect;
- u) Distributing or publishing a poster, notice, sign, or any publication which is intimidating, threatening, indecent or illegal is likely to create alarm or distress or cause offence where it is reasonable in all the circumstances for a person to feel offended;
- v) Engaging in or assisting, enticing or encouraging others to engage in deliberate or intentional conduct, which is dangerous, violent, aggressive, disruptive, abusive, intimidating, indecent, dishonest or corrupt (including via social media);
- w) Misuse or unauthorised use of UCB intellectual property or confidential information (including assessment materials);

- x) Misappropriation of funds or assets of UCB or the Guild of Students;
- y) Offering, promising or giving a financial or other bribe to a member of UCB staff or a contractor;
- z) Conviction of a criminal offence by any court of competent jurisdiction, including an offence committed outside UCB premises;
- aa) Conduct resulting in the student receiving a formal police caution or other penalty imposed by the police regardless of whether the student is actually charged or convicted of an offence;
- bb) Breach of any UCB regulation or policy, including the Harassment and Sexual Misconduct Policy and the Freedom of Expression policy;
- cc) Acts, omissions, and statements intended to deceive UCB, including deliberate falsification of records or making vexatious allegations;
- dd) Committing a breach of the halls of residence accommodation agreement;
- ee) Failure on the part of a student reported under this Code to acknowledge, observe and/or co-operate with any investigation, formal interview, appeal, or other process arising from that report (including failure to attend a disciplinary meeting or hearing without good reason);
- ff) Failure to comply with any sanction imposed under this Code or another UCB procedure;
- gg) Other serious misconduct that, in the reasonable belief of UCB, should be dealt with under this Code.

Appendix B: Support for students

UCB provides a number of student support services. These are open to any student against whom an allegation of misconduct is made under this Code, and any student who is a victim of or witness to misconduct. Students are encouraged to engage with the services and take up any appropriate support.

The following are UCB-run services:

- Counselling Service (located in the ground floor of the Link or online via <https://www.ucb.ac.uk/student-support/health-and-wellbeing>)
- Mentoring (available through <https://www.ucb.ac.uk/student-support/learning-support/mentoring/>)
- Dedicated Nurse (located on the 3rd floor of Summer Row)

Support is also available through the Guild of Students:

Ground Floor, Moss House,
3 Holland Street, Birmingham B3 1QH
+44 (0)121 232 4173
<https://www.ucbguild.co.uk/>

External support

As well as accessing internal support through UCB, the following external providers offer support services for the victims of sexual violence:

- NHS Choices**
The team has information on local and national organisations that can support people who have been victims of sexual violence.
- Rape Crisis**
Rape Crisis England & Wales is an organisation that exists to promote the needs and rights of women and girls who have experienced sexual violence, to improve services to them and to work towards the elimination of sexual violence. They have a telephone helpline and have centres throughout the country which can be searched by postcode. They provide support in the immediate aftermath and in the longer term.
- SurvivorsUK**
Offer a range of support services, including counselling and therapy appointments, as well as web and SMS chat for men who have experienced sexual violence. All services are provided by trained professionals who, as specialists in the field of male sexual violence, have helped many men to work through their experiences. They provide support in the immediate aftermath and the longer term.