

Code of Student Discipline

College policy made under paragraph 9 of the Standing Orders on Student Procedures

I General Principles

- I.1 The aim of this Code is to ensure, as far as is practicable and reasonable:
- (a) that each student of the College has the right of equality of access to academic and other provisions and facilities of the College;
 - (b) that each student of the College has the right, save as prescribed elsewhere in Standing Orders, policies or regulations, to attend and participate in activities and events organised or provided by the College for students;
 - (c) that within the College as a community of scholars, the exercise and preservation of the rights and freedoms of individual students requires a respect for the rights of all in the community to enjoy them to the same extent;
 - (d) that the property, facilities and provisions of the College are not subjected to wilful damage, abuse or misuse;
 - (e) that no advantage is gained by any student as a result of deceit, deception or non-compliance with approved regulations;
 - (f) that the College and its members are in a position to provide education, promote learning, engage in research and provide other facilities effectively, efficiently and economically and with due regard to safety and security;
 - (g) that the College is able to take reasonable, just and fair action to protect and defend its name and reputation;
 - (h) that the College is able to discharge its wider duty of care and responsibility to students and staff as members of the College; and
 - (i) that principles of justice and fairness are applied.
- I.2 Enrolment as a student of the College shall carry with it an obligation and an undertaking on the part of the student to conduct himself or herself in a manner compatible with the principles in section I.1.
- I.3 Any student who is the victim of a criminal act is encouraged to report without delay the crime to the police.

2 Misconduct

- 2.1 Any act by a student which is contrary to or incompatible with the principles in section 1.1 of this Code shall be regarded as grounds for making a representation of misconduct against the student. Any student whose conduct is incompatible with the principles in section 1.1 may be subject to the disciplinary proceedings laid out in this Code.
- 2.2 Disciplinary action in cases of infringement of other codes, rules and regulations of the College may be dealt with under this Code.
- 2.3 Any member of the College may make a representation of misconduct against a student under these provisions.

3 Procedures in cases of harassment, victimisation or bullying

- 3.1 The provisions of the College policy on *Dignity at Work and Study* shall apply in any case of harassment, victimisation or bullying on the part of a student. If, under the procedures laid out in the *Dignity at Work and Study* policy, it is found that there is a case to answer, the procedures for disciplinary action in this Code shall apply.

4 Assessment Offences

- 4.1 The provisions of the *College Policy on Assessment Offences* shall apply in respect of allegations of assessment offences as defined by the College's *Regulations for Taught Programmes of Study* or other appropriate programme regulations. This includes alleged cases of plagiarism.

5 Procedures in other cases of misconduct

- 5.1 A member of the College wishing to complain of misconduct by a student shall bring it to the attention of a senior member of staff in the school concerned or a senior College officer. The head of the school or section shall be informed. The complaint shall be thoroughly investigated. The head of school or section may designate a senior member of staff to carry out this investigation.
- 5.2 The person investigating the matter may do one or more of the following:
- (a) discuss the complaint informally with the subject of the complaint, the person making the complaint or any other person involved;
 - (b) ask the subject of the complaint to attend a meeting to discuss the complaint. A member of the School or section staff not involved in the matter should be present at any such meeting and the student may be accompanied by a member of the College;
 - (b) give warning in writing to the student setting out the nature of the misconduct and noting that failure to remedy the matter or to observe the *Code of Student*

Discipline may lead to formal disciplinary action under the provisions of the *Code*; a copy of any such written warning shall be sent to the Academic Registrar.

6 Formal disciplinary proceedings

- 6.1 If alleged misconduct by a student is sufficiently serious, a written request for formal disciplinary proceedings, which may include supporting evidence, may be submitted by any member of the College to the Academic Registrar.
- 6.2 The Academic Registrar shall consider the proposed charges and supporting evidence and shall determine whether there shall be a hearing of a complaint of breach of discipline.
- 6.3 If the Academic Registrar determines that there shall not be a formal hearing of the complaint, he or she shall advise the complainant and the subject of the complaint accordingly. The Academic Registrar may issue to the subject of the complaint a written reprimand for violation of the *Code of Student Discipline*.
- 6.4 If the Academic Registrar determines that there shall be a hearing, then:
- (i) the Academic Registrar may recommend that the Master suspends a student or imposes restrictions on membership, attendance at the College or access to its property or facilities;
 - (ii) the Academic Registrar shall inform the student who is the subject of the complaints in writing of any action taken by the Master as set out in (i) above and of the charges which shall be considered at the hearing. Such notification shall be accompanied by a copy of this *Code of Student Discipline* and shall inform the student of his or her entitlements as set out in section 6.7.1 and invite the student to respond in writing to the Academic Registrar within fourteen days;
 - (iii) the Academic Registrar shall summon a College Disciplinary Panel on a date which shall be not less than twenty-one days after the date of notification to the student in (ii) above, provided always that in any case which includes an allegation against a student of a criminal offence, proceedings of the College Disciplinary Panel may be deferred as in 6.5 below.
- 6.5 In any case which includes an allegation against a student of a criminal offence which is to be, or has been, referred to the police, the proceedings of any College Disciplinary Panel may be deferred until the outcome of consideration of the alleged criminal offence has been determined by the police, the Crown Prosecution Service or the courts, as may be the case. Postponement of the proceedings of the College Disciplinary Panel shall not prejudice the Master's discretion to exercise the powers described under paragraph 6.4(i).
- 6.6 *Composition of a College Disciplinary Panel*
- 6.6.1 The College Disciplinary Panel shall consist of:
- (i) Two senior members of academic staff, one of whom shall be Chair;

- (ii) A nominee of the Executive Committee of Birkbeck College Students' Union.
- 6.6.2 No member of the College Disciplinary Panel shall be from the same school as the subject of the complaint.
- 6.6.3 A secretary, who is unconnected with the complaint, will make and keep a record of the proceedings but otherwise will take no part in the proceedings.
- 6.7 *Procedure of a College Disciplinary Panel*
- 6.7.1 Any student against whom charges are to be heard shall be:
- (i) provided with a copy of this *Code of Student Discipline*;
 - (ii) entitled to be present at the hearing, to give evidence and otherwise be heard;
 - (iii) entitled to be represented or accompanied by a member of the College;
 - (iv) entitled to have access to all relevant documents to be submitted to the hearing and to call and examine or cross-examine witnesses;
 - (v) entitled to submit written evidence which shall be considered by the College Disciplinary Panel. Any such written evidence shall be submitted to the Academic Registrar by 1pm on the fourth working day preceding the meeting of the College Disciplinary Panel.
- 6.7.2 The College Disciplinary Panel shall be informed of any response made by the student under section 6.7.1 (v).
- 6.7.3 The College Disciplinary Panel shall determine whether the charge of misconduct is well-founded and what action should be taken. Such action may include termination of the student's membership of the College together with restriction on attendance at the College or access to its property. The *College Policy on Assessment Offences* specifies the sanctions that may be applied by a College Disciplinary Panel considering an alleged assessment offence. The Panel shall otherwise determine the order and conduct of its business.
- 6.7.4 The College Disciplinary Panel shall produce a report setting out its decisions, including the action to be taken.
- 6.7.5 The student shall be informed by letter of the College Disciplinary Panel's decisions and shall receive a copy of the Panel's report.
- 6.8 *Appeal Procedure*
- 6.8.1 The student may lodge an appeal against the College Disciplinary Panel's decision. The appeal shall be in writing and shall be lodged with the Academic Registrar within seven days of notification of the College Disciplinary Panel's decision. Grounds for appeal, which shall be specified in writing by the student in the appeal letter, must be from among the following:
- (i) that the penalty imposed was excessive or inappropriate;

- (ii) that there was a procedural irregularity or a failure to observe the provisions of this Code;
- (iii) that the conclusions of the College Disciplinary Panel could not, given the evidence, be reasonably sustained.

6.8.2 The appeal shall be considered by the Master, who may dismiss or allow it. If the appeal is allowed, the Master may reverse or modify all or any of the decisions of the College Disciplinary Panel or may call for a re-hearing of the case.

6.8.3 If the case is to be re-heard, the College Disciplinary Panel procedures in section 5 above shall apply, but new members of the Panel with no prior involvement in the case shall be appointed.

6.8.4 The Master's decision shall be communicated to the student within seven working days of receipt of the appeal and shall be final.

7 Delegation

7.1 The Master may delegate his or her powers and duties under this Code to the Vice-Master or to a Pro-Vice-Master.

7.2 The Academic Registrar may delegate his or her powers and duties under this Code to an appropriately qualified senior officer of the College.

8 Office of the Independent Adjudicator for Higher Education (OIAHE)

Students who have exhausted the College's internal procedures for complaints or appeals may bring their complaint to the Office of the Independent Adjudicator for Higher Education (OIAHE). The OIAHE's website (at www.oiahe.org.uk) contains full information, and the OIAHE can also be contacted at: OIA, Fifth Floor, Thames Tower, Station Road, Reading, RG1 1LX, tel: 0118 959 9813, email: enquiries@oiahe.org.uk. Anyone wishing to pursue a complaint through the OIAHE must complete a special Scheme Application Form, downloadable copies of which are available from the website.

Agreed by the Academic Board 17 June 2008