

SENATE REGULATION 13: Revocation of degrees and other awards and other distinctions

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Introduction and Definition of the Scope of this Regulation

1. Under its Supplemental Charter (Article 4.1), the University may revoke degrees and other awards it has awarded. Under Council Ordinance 9, the Senate may 'revoke, with good cause, persons of any Degrees (other than Honorary Degrees and Titles conferred by the Council pursuant this Ordinance) or other distinctions conferred on them and to revoke any Diplomas or Certificates granted to them by the University'.
2. Under the Supplemental Charter (Article 11), the Senate is responsible for the academic standards of the University and the regulation of academic matters.
3. This Regulation is not applicable to Honorary Degrees and Titles conferred by the Council. This Regulation is also not applicable where, under Senate Regulations relating to academic awards, a previous award is revoked prior to the conferral of a subsequent award or where the University takes action to correct an administrative error relating to an award which has been conferred.
4. In this Regulation, degrees and other academic awards awarded to a student are referred to as the '**award**'. In this Regulation '**distinctions**' will include but not be limited to any prize or medal awarded by the University in recognition of academic or other achievements.
5. This Regulation sets out the procedure which will normally be followed where the University is concerned that there may be cause to consider the revocation of an award or distinction which has been conferred onto a person (whether or not that person is a current or former student of the University). This Regulation does not regulate the process by which the University might determine not to make a recommendation for an award to which a current or former student is entitled, or to withdraw a recommendation for award before that award as been conferred. Such matters will normally be dealt with under Senate Regulation 6 (regarding student discipline), Senate Regulation 14 (regarding professional suitability) or Council Ordinance 18 (regarding research misconduct). Implementation of this Regulation does not preclude the University from implementing any other University regulations or procedures (as appropriate in the circumstances), for example to deal with allegations of student misconduct in addition to a concern arising that there may be cause to consider the revocation of an award which has been conferred.
6. The University may, at its discretion and as is appropriate in the circumstances of a matter, implement this Regulation notwithstanding that the person subject to consideration under the Regulation is a member of staff and this Regulation may be instigated prior to, during, or following any disciplinary procedure against the member of staff under Statute 2.
7. References in this Regulation to specific University staff will include their nominees.
8. The Chairman of Senate may nominate another member of staff to act in the place of the Secretary to Senate under this Regulation.
9. Under this Regulation, what may constitute '**with good cause**' for the revocation of awards or distinctions will be at the reasonable discretion of the Senate (within the scheme of delegation made in connection with this Regulation) in the circumstances of a particular matter. It may include, but will not be limited to: commission by a person of serious misconduct (including academic misconduct or professional misconduct) or causing severe damage or risk of severe damage to the University's interests and/or its reputation relevant to the award or distinction in question and/or otherwise substantially connected with the award or distinction in question. For example, good cause may include, but will not be limited to:

- a. serious plagiarism, collusion or cheating according to the definitions of such student misconduct set out in Senate Regulation 6.21, committed during the period of registration leading to the award or distinction;
- b. fraud or falsification of documentation or misrepresentation in connection with the award or distinction, committed before, during or after the period of registration for the award or distinction;
- c. serious misconduct relating to research conducted while registered for a programme leading to a research or taught degree award;
- d. serious professional misconduct committed during the period of registration for the award or distinction.

10. Under this Regulation, the balance of probabilities shall be the test applied in determining whether or not a concern is sustained.

11. Neither the person subject to this Regulation nor the University will normally be permitted to be represented in person by a legal practitioner at any hearing or meeting held under this Regulation. Whether any such legal representation will be permitted will be at the reasonable discretion of the Chairman of Senate.

12. In the implementation of the processes set out in this Regulation the University will remain mindful of its legal obligations, including its obligations under the Equality Act 2010 (including where relevant its duty to make reasonable adjustments) and for the fair and lawful processing of personal information under the Data Protection Act 1998. The University will also remain mindful of whether any support may reasonably be offered to the person subject to this Regulation, for example from its Student Support Services.

13. The processes described below for dealing with matters under this Regulation may be varied where, in the reasonable opinion of the Secretary to Senate, it is necessary to do so in order to ensure the fair and proper consideration and/or determination of a matter. However, in no circumstances will action be taken under this Regulation to revoke an award or distinction until a reasonable attempt has been made to inform the person subject to the Regulation of the concern(s) arising under the Regulation and he or she has been given a reasonable opportunity to present his or her case to the University.

Procedure: Preliminary Consideration

14. Concerns that there may be cause to consider the revocation of an award or distinction awarded to a person will, in the first instance, be reported to the Secretary to Senate.

15. On receipt of a concern, the Secretary to Senate will, in consultation with the Registrar (or equivalent officer) and a senior member of Senate (being a Provost, Vice-Provost, Vice-Dean or Professor) appointed by the Chairman of Senate, give preliminary consideration to the concern reported and may (as is appropriate in the circumstances) make enquiries into the matters raised. The Secretary to Senate will retain the right to bring the concern to the attention of the person about whom the concern has been raised at this stage, but will be under no obligation to do so or to interview the person during his/her preliminary consideration.

16. Where the Secretary to Senate determines that the concern reported is vexatious, malicious or has insufficient substance to warrant substantive consideration, he or she may dismiss the concern at any time.

17. Where, after preliminary consideration, the Secretary to Senate determines that the concern should receive substantive consideration, s/he will refer the matter for such consideration in accordance with this Regulation, and will take reasonable steps to notify the person about whom the concern has been raised of this determination. The Secretary to Senate shall prepare a report setting out the concern and information in support at this stage to be passed to the Panel and where possible the person about whom the concern has been raised.

Procedure: Substantive Consideration by a Senate Panel

18. Where the Secretary to Senate determines that the concern warrants substantive consideration, he or she will normally refer the matter for such consideration by a Panel of Senate (the 'Senate Panel'). The Senate Panel will have delegated authority from Senate to consider and determine such matters, and to revoke awards and distinctions. The Senate Panel will not include any of the Examiners or members of any other Body which made the original recommendation for the award and/or for the distinction concerned.

19. The Senate Panel will be appointed to consider the case by the Chair of Senate and will normally comprise:

- A Chair, who will be a member of Senate (normally a Vice-Provost who is not also a Dean of a College);
- A Vice-Provost and Dean of College;
- one other academic staff member of Senate;
- A student member of Senate who shall be a sabbatical officer of the Union of Brunel Students;
- An external academic expert, normally in the relevant field.

20. The Chairman of Senate will appoint a Secretary to the Senate Panel.

21. The Senate Panel will undertake such inquiry as it considers relevant and appropriate in the circumstances to consider and determine the matter. It may appoint a senior University manager to conduct an investigation into the concern and to prepare a report setting out his/her findings in respect of the concern to be provided to the Senate Panel and copied to the person subject to this Regulation. The Secretary to the Senate Panel will take reasonable steps to inform the person subject to this Regulation of the identity of any investigator so appointed by the Senate Panel.

22. Following appropriate investigation into the concern, the Secretary to the Senate Panel will convene a hearing for the further consideration of the concern. The Senate Panel (through the Chair) may call for such further information (including by way of witness and expert evidence) as he or she deems relevant and necessary to determine the case. In the interests of fairness, copies of all information collated and/or provided to the Senate Panel in connection with its consideration and determination of the matter will normally be made available to the person subject to this Regulation.

23. The person subject to this Regulation will be given an opportunity to attend the hearing and to make both oral submissions to the Senate Panel at the hearing and written submissions prior to the hearing. S/he will be entitled to bring with him/her to the hearing a representative and someone to accompany them in a supportive capacity and to call witnesses at the hearing. The Secretary to the Senate Panel will take reasonable steps to

provide the person subject to this Regulation with at least ten working days' written notice of the date, time and place of the hearing, the nature of the concern raised and the information in support of the concern, and details of the proposed order of proceedings to be adopted at the hearing.

24. In circumstances where the Chair is satisfied that the Secretary to the Senate Panel has taken reasonable steps to contact the person who is subject to this Regulation and to provide him/her with the details set out in paragraph 23 above, the hearing may proceed in his/her absence.

25. The precise process to be followed at the hearing will be at the discretion of the Chair of the Senate Panel. At the discretion of the Chair, the proceedings (including a Senate Panel hearing) may be adjourned at any stage. Where, notwithstanding that reasonable steps have been taken by the Secretary to the Senate Panel to contact the person who is subject to this Regulation, it has been unable to contact that person (and/or where such a person does not without good reason attend a hearing or otherwise engage in the process), the University may nonetheless proceed with any stage of the process (including a hearing) and/or to reach a determination under this Regulation.

26. In a matter where the Senate Panel concludes there is good cause to revoke an award and/or distinction, the Senate Panel shall (having reached such a finding) give consideration to evidence of any relevant mitigating circumstances submitted by the person concerned before proceeding to reach a determination in relation to whether or not his/her award or distinction should be revoked.

27. Following the hearing, the Senate Panel will retire in private (save, where appropriate, for the Secretary to the Panel and/or a note-taker) to deliberate and reach a determination in the matter and any associated recommendations. The Panel may conduct (or arrange to be conducted) such further inquiries prior to retiring as it considers appropriate in the circumstances in order to reach a decision in the matter. The Senate Panel will record its decision (with reasons) in writing.

28. The Secretary to the Senate Panel will take reasonable steps to inform the person subject to this Regulation of the outcome of the matter and to provide him/her with a copy of the written decision, normally within ten working days of the date of the hearing together with details of the right of appeal available under this Regulation.

Appeals Procedure

29. A person about whom a decision has been made following a substantive consideration under the process described above may submit a request for an appeal against the decision of the Senate Panel on one or more of the following grounds only, that:

- a. there has been procedural irregularity;
- b. there was prejudice or bias on the part of the Senate Panel;
- c. the decision of the Senate Panel is unreasonable;
- d. new material evidence is available which was not previously reasonably available.

30. A request for an appeal must be submitted by the person about whom a Senate Panel decision has been made in writing within 20 working days of the date of written notification of the decision of the Senate Panel. The request for an appeal must refer to the

ground(s) for appeal upon which the person is seeking to rely and must be submitted in writing to the Secretary to Council. In considering a request for an appeal, the Secretary to Council may extend the time period in which a request for an appeal may be submitted if s/he considers it in the interests of fairness to do so.

31. The Secretary to Council will consider the request for an appeal and, in consultation with the Registrar (or equivalent officer) may refer to available relevant documentation for the purposes of doing so but will not request comments from or interview the person submitting the appeal or any other parties. The Secretary to Council will determine, normally within 10 working days of receipt of the request, whether or not grounds for appeal are disclosed:

- a. if no grounds are disclosed, the Secretary to Council will inform the person making the request in writing of this decision normally within 10 working days of the date of receipt of the request for appeal;
- b. if grounds are disclosed, the Secretary to Council will inform the person making the request in writing of this decision normally within 10 working days of receipt of the date of the request for appeal. The Secretary to Council will arrange for a hearing of a Senate Appeals Panel. The Secretary to Council will invite the appellant to submit detailed written submissions in support of the appeal (on the basis only of the grounds determined to have been disclosed by the request) and any supporting evidence normally within 10 working days.

Procedure: Consideration by a Senate Appeals Panel

32. The Senate Appeals Panel will have authority on behalf of Senate to consider and determine appeals as set out below. The Senate Appeals Panel will have delegated authority from Senate to consider and determine the appeal and to revoke awards and distinctions. The Senate Appeals Panel will not include any of the Examiners or members of any other Body which made the original recommendation for the award and/or for the distinction concerned.

33. A Senate Appeals Panel will be appointed by the Chair of Senate and will normally comprise

- A Chair, who will be a member of Senate (normally a Provost or Vice-Provost);
- A Vice-Provost;
- one other academic staff member of Senate;
- A student member of Senate who shall be a sabbatical officer of the Union of Brunel Students;
- An external academic expert, normally in the relevant field.

34. The Chairman of Senate will appoint a Secretary to the Appeals Panel.

35. The Secretary to the Senate Appeals Panel will convene a Senate appeals hearing for the consideration of the appeal.

36. The Senate Appeals Panel will undertake such inquiry as it considers relevant and appropriate in the circumstances to consider and determine the appeal. It may appoint a

senior University manager to conduct an investigation into the appeal and to prepare a report setting out his/her findings in respect of the concern to be provided to the Senate Appeals Panel and copied to the person subject to this Regulation. The Secretary to the Senate Appeals Panel will take reasonable steps to inform the person subject to this Regulation of the identity of any investigator so appointed by the Senate Appeals Panel.

37. Following appropriate investigation into the appeal, the Secretary to the Senate Appeals Panel will convene a Senate appeals hearing for the further consideration of the appeal. The Senate Appeals Panel (through the Chair) may call for such further information (including by way of witness and expert evidence) as he or she deems relevant and necessary to determine the case. In the interests of fairness, copies of all information collated and/or provided to the Senate Appeals Panel in connection with its consideration and determination of the matter will normally be made available to the person subject to this Regulation.

38. The appellant will have an opportunity to attend the Senate appeals hearing and to present his/her appeal in person to the Senate Appeals Panel. S/he will be entitled to bring with him/her to the Senate appeal hearing a representative and someone to accompany them in a supportive capacity and to call witnesses at the hearing. The Secretary to the Senate Appeals Panel will take reasonable steps to provide the appellant with at least ten working days' written notice of the date, time and place of the appeals hearing and details of the proposed order of proceedings to be adopted at the appeals hearing. The appeals hearing may proceed in the absence of the appellant in circumstances where the appellant fails, without good reason, to attend the appeals hearing.

39. The precise process to be followed at the Senate appeals hearing will be at the discretion of the Chair of Senate Appeals Panel.

40. Following the Senate appeals hearing, and having concluded its consideration of the appeal, the Senate Appeals Panel will retire in private (save, where appropriate, for the Secretary to the Senate Appeals Panel and/or a note-taker) to deliberate and reach a determination in the matter. The Senate Appeals Panel may conduct (or arrange to be conducted) before retiring such further inquiries as it considers appropriate in the circumstances in order to reach a decision on the appeal. The Senate Appeals Panel will record its decision (with reasons) in writing.

41. The Senate Appeals Panel may determine on of the following outcomes:

- a. that the appeal be dismissed (in whole or in part) and that the outcome previously determined should be confirmed (in whole or in part);
- b. that the appeal be upheld (in whole or in part), on one or more of the grounds for appeal.

42. Where an appeal is upheld, wholly or in part, a Senate Appeals Panel may either:

- a. substitute a different decision and / or outcome to that determined by the original Panel; or
- b. determine that the circumstances require a fresh consideration of the case, and advise the Chairman of Senate that the original decision and outcome of the original Panel should be set aside and a new Senate Panel be convened to hear the case as if for the first time; or
- c. refer the case back to the original Senate Panel for further consideration

43. The Secretary to the Senate Appeals Panel will take reasonable steps to inform the appellant of the outcome of the matter and to provide him/her with a copy of the written decision, normally within ten working days of the date of the Senate appeals hearing.

44. The decision of the Senate Appeals Panel will be final and not subject to further appeal within the University.

45. A short report on the meetings and actions of Senate Panels and Senate Appeals Panels under this Regulation shall be made to Senate.

Disclosure of Information

46. Where it has good cause to do so, the University will disclose the outcomes of action under this process and/or information ascertained through this process to relevant professional, regulatory or statutory bodies. There may also be circumstances in which disclosures may have to be made to other parties.

Office of the Independent Adjudicator

47. The guidance published by the Office of the Independent Adjudicator shall be followed in the issuing of Completion of Procedures Letters to persons in respect of the procedures set out in this Regulation. Once a Completion of Procedures Letter has been issued, a student may apply to the Office of the Independent Adjudicator for Higher Education (<http://www.oiahe.org.uk>) for external review in accordance with the rules to which the OIA scheme operates.

Principle of Limitation

48. Nothing in this Regulation obliges the University to take action in a matter whether under this Regulation (or otherwise) to respond to a concern regarding the potential revocation of an award or distinction.

(Updated September 2018)