

SENATE REGULATION 6 (August 2014 onwards): Student Misconduct and Professional Suitability

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SECTION 1: INTRODUCTION, DEFINITIONS AND POLICIES

1a: Introduction

This sub-section of the Regulation explains the context for the policies and procedures set out in this Regulation.

- 1.** This Regulation sets out general definitions of academic and non-academic misconduct and of professional suitability. It sets out the procedures by which concerns relating to these matters will normally be considered and the actions which may be taken. The University has also developed a Regulation on Fitness to Study (Senate Regulation 11) which is intended to be used in circumstances where, in the light of concerns regarding a student's health and/or wellbeing, the University considers it inappropriate to deal with the matter under its procedures for student misconduct or professional suitability.
- 2.** Students who are found to have gained or facilitated admission to the University by making false or misleading or incomplete statements or representations or producing falsified documents as applicants shall normally be subject to investigation and action under the relevant procedures set out in the Admissions Policy. This shall include any student found to have concealed or misrepresented offences, or to have deliberately provided misleading, incomplete or inaccurate information to the Disclosure and Barring Service.
- 3.** Students of the University are subject to: the University's Charter, Statutes, Council Ordinances and Senate Regulations; all the University's rules, policies and procedures (including the rules, policies and procedures of the University's Colleges, Departments and Institutes); and the information contained in the University's handbooks from time to time in force. Infringements of such legislation may render the student liable to action and/or penalty under this Regulation in addition in appropriate cases to action and/or penalty set down elsewhere in the legislation. Students are required to familiarise themselves with such University legislation, including this Regulation.
- 4.** Nothing in this Regulation shall prevent the University making local rules of conduct relating to particular services, facilities or areas of the University. Use of this Regulation for the investigation of misconduct does not preclude the use of local rules associated with conduct relating to academic or non-academic services, facilities or areas.
- 5.** The University recognises that many concerns regarding student conduct can and should be dealt with informally by members of staff. This Regulation sets out the formal processes by which matters of concern which cannot be dealt with informally will normally be investigated and outcomes determined.
- 6.** This Regulation shall apply to all students registered for a programme leading to a qualification of the University irrespective of their mode or place of study, to associate students on credit-bearing and non-credit-bearing courses, and students studying for Brunel awards through partner institutions, and to former students of the University. This Regulation shall apply at all times and is not restricted to conduct or other issues arising in term time or on University premises or in respect of University or University-related activities. Where partnership arrangements with other organisations are in place for the delivery of learning opportunities to students, any variations to the policies or procedures set out in this Regulation shall be set out in the relevant agreement and guidance to students.

7. In the operation of the processes set out in this Regulation the University will remain mindful of its legal obligations, including its duty of care and its obligations under the Equality Act 2010 where appropriate to make reasonable adjustments.

8. Where reference is made under this Regulation to the Head of Registry, the Deputy Head of Registry, or the University Investigating Officer such references are to be read as including references to the equivalent officer, to his or her nominee or a nominee of the Chief Operating Officer. Where reference is made under this Regulation to the Clerk or Secretary to the MPS Board, such references are to be read as including any member of staff delegated by the Deputy Chief Operating Officer, or by the equivalent officer, to perform the duties of the Clerk or the Secretary to the MPS Board, as set out in this Regulation.

9. Where reference is made under this Regulation to the Vice-Dean (Education) or those with such equivalent title, such references are to be read as including reference to alternates appointed by the Dean of College. Each Dean of College may appoint one or two alternate senior members of academic staff to act in the place of the Vice-Dean (Education) of the College in matters of student misconduct and (as required) one or more senior members of academic staff to act in place of the Vice-Dean (Education) in matters relating to professional suitability under this Regulation.

1b: The Misconduct and Professional Suitability Board and Vice-Chancellor's Representatives

This sub-section of the Regulation explains the roles of the MPS Board and Vice-Chancellor's Representatives within these procedures.

10. The powers of Senate to regulate matters relating to student misconduct and professional suitability, to suspend, discipline, exclude or expel any student, and to revoke awards or other distinctions are established in Council Ordinance 9 (Section 2.4 [ii, iv, v and vii]), and are delegated by Senate to Vice-Chancellor's Representatives, the Misconduct and Professional Suitability Board and its Panels and Appeals Panels under this Regulation. The powers of the Vice-Chancellor and his or her delegate(s) in relation to the expulsion, exclusion or suspension of students are established under the provisions set out in Council Ordinance 7 (Section 9.1).

11. Senate has established a Misconduct and Professional Suitability (MPS) Board to regulate matters of student misconduct and professional suitability. The composition of the Board shall be as prescribed by Senate from time to time. The MPS Board shall operate through Panels and Appeals Panels convened to consider each case of student misconduct and/or professional suitability, which shall be chaired by a member of the Board appointed for that purpose who shall normally be a Professor or Reader of the University.

12. If the disqualification and/or non-availability of members of the Board makes it impossible to convene a Panel or an Appeals Panel to consider a concern in a timely manner, OR where it is determined by the Chair of the Board that consideration of the concern requires additional or specialist expertise, the Vice-Chancellor, as the Chairman of Senate, may appoint one or more additional members to the Board for the purpose of sitting on a Panel or Appeals Panel, who may be persons external to the University.

13. There shall be a Clerk to the MPS Board, who shall be a senior member of the University administration, who shall provide the MPS Board, its Panels and Appeals Panels and the Secretary to the MPS Board with guidance on the policies and procedures set out in

the Regulations relating to student misconduct and professional suitability. The duties of the Secretary to the MPS Board are set out in this Regulation. Panels and Appeals Panels shall be supported by Panel Secretaries, appointed by the Head or Deputy Head of Registry.

14. The Senate shall appoint Vice-Chancellor's Representatives (Academic and Non-Academic) with authority as set out under this Regulation to consider and determine certain types of case relating to student misconduct and apply appropriate penalties. The Chief Operating Officer shall appoint a University Investigating Officer, who may investigate non-academic cases in accordance with this Regulation.

15. Brief details of temporary exclusions and/or suspensions authorised by the Vice-Chancellor or his or her delegate, and of meetings of Misconduct Panels, Professional Suitability Panels, Misconduct Appeals Panels and Professional Suitability Appeals Panels shall be reported to Senate. The MPS Board shall also produce an annual report of its work to Senate.

1c: Scope and Definitions of Student Misconduct and Professional Suitability

This sub-section of the Regulation sets out key definitions relating to student misconduct and professional suitability.

Student Misconduct

16. The following is a non-exhaustive list of misconduct. No student shall engage in conduct either on or off University premises which:

- a) is in breach of any Statute, Ordinance, Regulation, policy, procedure, code of practice or other rule of the University or the law of the land including but not limited to the University's policies on Equality and Diversity and policy on Acceptable Computer Use;
- b) constitutes plagiarism, collusion, or any form of cheating, or otherwise attempts to gain unfair advantage in any formal assessment or examination;
- c) attempts to gain advantage, or to deceive, through the falsification, forgery, or misuse of any record or document, or through false statements or representations (written, verbal or otherwise);
- d) constitutes research misconduct, as defined in the University's policies, including conducting research with human participants without first obtaining research ethics approval;
- e) obstructs or otherwise interferes or attempts to interfere with any member or employee or student of the University or visitor to the University;
- f) threatens, harasses, intimidates, abuses or constitutes an assault or attempted assault on another member or employee or student of the University or a visitor to the University;
- g) misappropriates, wilfully damages, defaces, steals or converts to improper use any property of the University or of a member or employee or student of the University or of a visitor to the University;

- h) constitutes anti-social behaviour, including but not limited to anti-social behaviour as a result of intoxication through alcohol or drugs;
- i) involves the possession, use or supply of drugs or weapons;
- j) prevents, or is intended to prevent, any person exercising or intending to exercise his or her right to freedom of speech or freedom of belief within the law on University premises;
- k) is at variance with appropriate standards of conduct or published codes governing conduct whilst engaged in professional practice or training or employment or whilst on placement forming part of his/her programme of study;
- l) jeopardises or damages or interferes with (or is intended to jeopardise or damage or interfere with) the good order or functioning of the University or brings or is likely to bring the University into disrepute;
- m) does not follow safe practice or is otherwise in breach of the University's health and safety policy;
- n) failure to disclose relevant criminal convictions or, where directed to do so, cautions or other warnings or sanctions imposed by the police or other law enforcement agencies, in accordance with the relevant University policies and guidance.

17. Concerns relating to both academic and non-academic misconduct of students may be considered under these procedures. Academic misconduct may relate to any aspect of a student's studies or academic assessment. Non-academic misconduct may relate to any other aspect of a student's conduct which is relevant to his or her relationship with the University. In the event that a concern may relate to both the academic and non-academic conduct of a student the Clerk to the MPS Board shall determine the appropriate procedure for its investigation and consideration.

18. In this Regulation, plagiarism is defined as the knowing or reckless presentation of another person's thoughts, writings, inventions, as one's own. It includes the incorporation of another person's work from published or unpublished sources without indicating that the material is derived from those sources. It includes the use of material obtained from the internet.

19. In this Regulation, collusion is defined as aiding, or attempting to aid another student to gain an unfair advantage in any formal assessment or examination.

20. In this Regulation, cheating is defined as any attempted or actual deception and/or dishonest action in relation to any academic- or other programme-related work or research, including in respect of any assessment or examination. For example, taking unauthorised material into an examination (including revision notes or unauthorised equipment) shall normally be regarded as deception.

21. The University recognises that a distinction should be made between plagiarism and cheating, on the one hand, and poor academic practice, on the other. The University considers judgements made regarding this distinction in relation to particular matters to be a matter of academic judgement.

22. When determining the process for the consideration of alleged plagiarism or collusion in any assignment (an 'assignment' being an assessment which is not classified as an examination or test) which forms part of the assessment for a taught programme or taught element of a research degree, the University makes a distinction between 'Type One' and 'Type Two' cases:

- A 'Type One' case is when a concern is raised about alleged plagiarism or collusion in an assignment (or assignments) by a student who has not, on a previous occasion, been issued with formal judgement under this Regulation that either plagiarism or collusion in an assignment has been committed.
- A 'Type Two' case is any other concern about plagiarism or collusion in an assignment (or assignments).

When a case is referred to the Secretary to the MPS Board for action under this Regulation, 'Type One' cases are considered by the Vice-Chancellor's Representative (Academic) in the first instance, and 'Type Two' cases by a Panel (see below paragraph 66).

23. When determining the process for the consideration of alleged collusion or another form of cheating in an examination or test which forms part of the assessment for a taught programme or taught element of a research degree, the University makes a distinction between 'Type One' and 'Type Two' cases.

- A 'Type One' case is when a concern is raised about alleged collusion or cheating in an examination or test by a student who has not, on a previous occasion, been issued with a formal judgment under this Regulation that either collusion or another form of cheating has been committed in an examination or test, and the concern relates to a potential single instance of collusion or another form of cheating in an examination or test.
- A 'Type Two' case is any other concern about collusion or another form of cheating in an examination or test.

When a case is referred to the Secretary to the MPS Board for action under this Regulation, 'Type One' cases are considered by the Vice-Chancellor's Representative (Academic) in the first instance, and 'Type Two' cases by a Panel (see below paragraph 66).

24. Failure by a student without, in the University's view, good reason to comply with any decision reached by the University under this Regulation (including by the Vice-Chancellor or his/her delegate, a Vice-Chancellor's Representative, a Misconduct Panel, a Misconduct Appeals Panel, Professional Suitability Panel or Professional Suitability Appeals Panel or to comply with the terms of a temporary exclusion or suspension made under this Regulation, may itself constitute an act of misconduct or give rise to a professional suitability concern and may be dealt with by the University in accordance with this Regulation.

Professional Suitability

25. The University has a responsibility throughout the whole period between the application and graduation of students to assess the suitability of its students on certain professional programmes to seek to practise or to practise within certain professions. The programmes to which these professional suitability procedures apply are set out in Appendix B to this Regulation. Students registered for these programmes are required to familiarise

themselves with this Regulation and also with the programme-specific policies and codes of practice relating to professional suitability for their relevant programme. Students who are already registrants with a relevant regulatory or professional body should also ensure that they are familiar with any requirements of that regulatory or professional body for self-reporting which are associated with professional suitability.

26. Professional suitability (referred to in some professions as fitness to practise) relates to the skills, knowledge, standards of behaviour, character and standards of health required to be attained and demonstrated by an individual at any given stage in order to practise safely and effectively in a profession, in accordance with the recognised professional standards.

27. The University makes a distinction between academic and professional competence on the one hand, and professional suitability on the other. Competence (both academic and professional) is a matter for the normal assessment system of the programme, overseen by the Board of Examiners. Concerns about a student's professional suitability are subject to the professional suitability procedures set out in this Regulation.

28. A range of factors may lead to a student being determined by the University to be professionally unsuitable. These include (but are not limited to):

- acts of misconduct as defined above under this Regulation;
- other forms of behaviour, including behaviour in parts of the student's life not directly associated with the programme of study which breach relevant professional standards;
- temporary or permanent impairment to the student's capacity to make decisions or act safely caused by the student's health (including the student's mental health);
- acts of dishonesty including breaches of trust or confidentiality;
- criminal convictions (whether spent or unspent) or cautions or other warnings or sanctions imposed by the police or other law enforcement agencies;
- other evidence of failure to meet relevant professional standards.

29. Further information on relevant professional standards and professional suitability is set out in Appendix B to this Regulation.

30. A student registered for a programme listed in Appendix B is required to declare immediately to the Student Complaints and Conduct Officer of the University any new convictions, new offences for which they have been charged but not convicted and any new cautions, reprimands or warnings they have received.

31. Policies and procedures relating specifically to the admission of students to the programmes listed in Appendix B are set out in the University's Admissions Policy.

32. The procedures for the consideration of concerns relating to the professional suitability of students set out in this Regulation shall be operated with due regard to relevant statements and guidance published by relevant regulatory, statutory, or professional bodies. In determining whether or not a concern relating to professional

suitability is proven and in imposing any consequent action, the University shall have regard to any relevant guidance issued by any relevant Professional Statutory and Regulatory Bodies.

33. Concerns considered under this Regulation in a particular case may relate only to professional suitability, or only to student misconduct, or to both professional suitability and student misconduct. For this reason the University has established processes for considering concerns relating to professional suitability which can also consider whether those concerns should be regarded as student misconduct. Where a case gives rise to both professional suitability and misconduct concerns, the University will normally follow its procedures relating to professional suitability to investigate, consider and determine the outcome to all the concerns arising in the case rather than follow separate professional and misconduct procedures.

1d: Policy Generally Applicable under this Regulation

This sub-section of the Regulation sets out the University's Policy generally in respect of the application of this Regulation.

Standard of proof applied to misconduct and professional suitability cases

34. In all cases considered under this Regulation, the balance of probabilities is the test that is applied in determining if a concern is sustained.

Actions of Panels or Boards of Examiners and actions under this Regulation

35. If a meeting of a Panel or Board of Examiners takes place after concerns about academic misconduct have been reported to a Vice-Dean (Education) in accordance with this Regulation, the Panel or Board of Examiners shall normally defer any decision regarding the mark or grade for the assessment(s) concerned, or recommendation for any award, until the conclusion of any consideration of the matter under this Regulation by a Misconduct Panel or a Vice-Chancellor's Representative, but may proceed to confirm the mark or grade in any assessment blocks or modules in which there is no alleged offence.

36. For students against whom concerns about non-academic misconduct have been reported to a Vice-Dean (Education) or the University Investigating Officer under this Regulation, Boards of Examiners shall normally confirm assessment block or module results and make recommendations for progression and award in the normal manner. However, in the case of results at the end of the student's programme of study, all results and any recommendations for award shall not be formally confirmed to the student until the conclusion of any consideration of the matter under this Regulation by a Misconduct Panel or a Vice-Chancellor's Representative.

37. If a meeting of a Panel or Board of Examiners takes place after a concern about professional suitability has been reported to a Vice-Dean (Education) in accordance with this Regulation, the Panel or Board of Examiners shall normally defer any decision regarding the mark or grade for any assessment(s) potentially affected by the concern, or recommendation for any award, until the conclusion of any consideration of the concern under this Regulation by a Professional Suitability Panel, but may proceed to confirm the mark or grade in any assessment blocks or modules in which there is no alleged offence.

The Police and action under this Regulation

38. The University will refer concerns to the police where it considers it appropriate to do so and will co-operate with the police in their investigation of an alleged breach of the law or of any matter that may involve a student of the University. Where a student's conduct comes under investigation by the police, the University may, as appropriate to the circumstances, determine to commence or proceed with an action under this Regulation. Where a student's conduct comes under investigation by the police, the University may also, as appropriate to the circumstances, at any time defer the commencement of any action under this Regulation, or suspend a process already underway under this Regulation. In determining whether to commence or proceed with any action or process under this Regulation, the University is not bound by the outcome of any police or criminal investigation or prosecution.

Absence, withdrawal and/or non-engagement of students with this process

39. The University may commence or proceed with any action or process under this Regulation in the absence of the student, if the student withdraws from the University and/or if the student does not engage with the process. Where there is good cause to do so, the University may place the consideration of a case in suspense at any stage. Where consideration of a case is placed in suspense, the University may refuse admission to any programme of study or the provision of any other service or facility to the student concerned until consideration of the outstanding case is concluded. The University will, in particular, aim to resolve any case where it deems it necessary in order to safeguard (i) its own staff, students and property; (ii) any members of the public (in particular patients, children and vulnerable adults) affected or potentially affected by the outstanding concerns against the student; or (iii) the codes of practice and/or standards established by professional, regulatory or statutory bodies.

Adjournment of Hearings

40. Once a student has been served notice of a hearing of a Misconduct Panel, Professional Suitability Panel, Misconduct Appeals Panel or Professional Suitability Appeals Panel under this Regulation, the Chair may, if he or she determines that there is good cause, postpone or adjourn a hearing for a period of normally not more than ten working days. If a hearing is postponed or adjourned, the Panel Secretary shall notify all parties in writing of the date, time and place of recommencement of the hearing, giving notice of at least two working days. A reconvened hearing may proceed in the absence of the student if the Chair is satisfied that due notice has been served of the recommencement and there is good reason to do so.

Attendance of representatives or friends of students at Hearings or meetings

41. Where indicated in this Regulation, a student may be accompanied to a meeting or hearing by a representative, who may present the student's case if the student so wishes, and/or by a friend. Only a current student or member of staff of the University, or an advice worker from the Union of Brunel Students, or a relevant individual in the case of reasonable adjustments being made for a disabled student shall normally be permitted to be a representative or friend of a student. Neither the student nor the University shall normally be represented by a legal practitioner at meetings or hearings held in accordance with this Regulation.

Office of the Independent Adjudicator

42. The guidance published by the Office of the Independent Adjudicator shall be followed in the issuing of Completion of Procedures Letters to students 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.

Records and record-keeping

43. Where misconduct or professional unsuitability has been established in a case, or where a student has been temporarily suspended or excluded or expelled under this Regulation, copies of the summary record and the outcome letter shall be placed on the relevant student's Departmental file and a record of the proceedings of every Misconduct or Professional Suitability Panel, Misconduct Appeals Panel and Professional Suitability Appeals Panel shall be kept by the Secretary to the MPS Board. Both records shall be retained in accordance with the University's records management policy.

Disclosure of Information

44. Where it has good cause to do so, the University will disclose the outcomes of misconduct and professional suitability processes and/or information about students ascertained in the course of such processes to relevant professional, regulatory or statutory bodies. There may also be circumstances in which disclosures may have to be made to other parties, such as placement providers and/or employers or sponsors.

SECTION 2: TEMPORARY SUSPENSION OR EXCLUSION OF STUDENTS

This section of the Regulation sets out the procedure by which the University may temporarily suspend or exclude a student.

45. Where the Vice-Chancellor, or the Vice-Chancellor's delegate, reasonably believes that there is a potential or actual threat to the safety or security or good order of the University, its students, staff or services, facilities or functions, or to members of the public, or to the reputation of the University that requires action, he or she may take one or both of the following actions pending completion of any stage of the procedures (relating to misconduct and/or professional suitability) set out in this Regulation:

- a) temporarily suspend a student from his or her studies (which may be in whole or in part and may include suspension from placement or any other University activity) for a specified period as is reasonable in the circumstances of the matter; and/or
- b) temporarily exclude a student from all or specified areas of the University or from using any of its facilities or services for a specified period, as is reasonable in the circumstances of the matter.

46. The normal conditions and provisions which apply to a full temporary suspension and/or a full temporary exclusion of a student are set out in Appendix A to this Regulation. In determining the conditions which shall apply to any temporary suspension or exclusion, due consideration shall be given to ensuring that the restrictions imposed on the student reasonably reflect the potential or actual threat identified. In setting the conditions for a temporary suspension and/or exclusion, due consideration shall be given to the

circumstances of the particular case and whether specific arrangements should be made for the support of the student.

47. Where the Vice-Chancellor or his or her delegate believes that there is good cause to do so, he or she may take urgent action to impose a temporary suspension and/or exclusion with immediate effect, and will notify the student regarding this prior to the issue of full formal written notification. Where, in the case of a concern about a student's professional suitability, a decision is taken by a member of staff acting as a delegate of the Vice-Chancellor at Department level to take urgent action to suspend and/or exclude a student, this decision shall be subject to confirmation by the Vice-Chancellor or another of his or her delegates before full formal written notification of the action is sent to the student.

48. Where a student is temporarily excluded and/or suspended under this Regulation, the student shall be notified of this and of the conditions of the temporary exclusion and/or suspension in writing. In the case of urgent action taken under paragraph 47 the full formal written notification shall normally be made within 10 working days of the decision.

49. A student who has been temporarily suspended and/or temporarily excluded under paragraph 45 is entitled to submit an appeal against that decision, in accordance with the procedure for appeals set out in this Regulation.

50. At the end of the specified period for a temporary suspension and/or exclusion, the Vice-Chancellor, or the Vice-Chancellor's delegate, shall conduct a review of the basis for imposing the temporary suspension and/or exclusion and determine if the temporary suspension and/or exclusion should be continued for another specified period and, if so, whether any of the conditions should be varied. In addition, the Vice-Chancellor or the Vice-Chancellor's delegate may review a temporary suspension and/or exclusion at any time and, in accordance with the criteria set out in paragraph 45 above, determine whether there is good cause to reduce the period specified or amend any of the conditions previously imposed.

SECTION 3: THE INVESTIGATION AND REFERRAL OF CONCERNS RELATING TO STUDENT MISCONDUCT AND/OR PROFESSIONAL SUITABILITY

3a: Procedures for the reporting, investigation and referral of concerns

This sub-section of the Regulation sets out the procedures by which matters about student misconduct and/or professional suitability may be investigated.

Reporting of concerns

51. Concerns relating to non-academic matters shall, in the first instance, be reported to the University Investigating Officer, or to the Vice-Dean (Education) of the student's College. Concerns or matters relating to academic matters or to professional suitability shall, in the first instance, be reported to the Vice-Dean (Education) of the student's College.

52. When a report regarding a student registered on any programme listed in Appendix B is made to the University Investigating Officer, the matter shall be notified as soon as possible to Vice-Dean (Education) of the student's College. The Vice-Dean (Education) shall then determine if the report should be regarded as a possible concern relating to professional suitability, in which case it shall become the responsibility of the Vice-Dean (Education) to determine if there should be any investigation, referral or further action in relation to the matter.

53. Where a concern involves more than one student or is otherwise particularly serious, complex or extensive, or in the interests of ensuring the fairness of the procedures for the student(s) concerned, the Chair of the MPS Board may determine to appoint another member of staff with relevant expertise and experience to act in the place of the Vice-Dean (Education), or the University Investigating Officer under this Regulation.

54. The Vice-Dean (Education) / University Investigating Officer, shall first determine whether the concern reported is a matter which falls within the scope of this Regulation and may gather further information to establish this. When the Vice-Dean (Education) or University Investigating Officer is satisfied that the matter reported falls within the scope of this Regulation, he or she shall determine whether any further investigation is needed into the concern in order to determine whether it should be referred by the College to the Secretary to MPS Board for further action under this Regulation.

Procedures for investigations

55. Where investigation is required, Vice-Dean (Education) or University Investigating Officer may conduct that investigation or may appoint one or more other members of staff to undertake some or all the investigation on his or her behalf. Any investigation of a concern which relates to professional suitability shall normally extend to investigating any concerns which also arise relating to student misconduct. Where the concern relates to more than one student, or it is otherwise deemed appropriate to do so, the procedures relating to investigations may be varied with the approval of the Clerk to the MPS Board.

56. At the start of any investigation under this Regulation, the member of staff conducting the investigation should write to the student concerned to advise the student of his or her name and identity and the name, the identity of any other investigators and of the purpose of the further investigation. The member of staff conducting the investigation shall also notify the student's Head of Department. The scope and duration of the investigation shall be determined by the nature of the concern, but in all cases the relevant members of staff should seek to conclude the investigation without undue delay.

57. In carrying out the investigation, the member/s of staff conducting the investigation may, as he or she considers relevant and appropriate to the circumstances of the case, gather written evidence and communicate with the student concerned, academic staff and other students of the University and other parties either internal or external to the University (including but not limited to External Examiners and/or Boards and Panels of Examiners).

58. The member/s of staff conducting the investigation may invite the student to attend a meeting as part of the investigation. Where such a meeting is held, the student shall be informed in advance regarding the nature and purpose of the meeting. The student shall be advised that, although he or she is invited to attend the meeting and to answer questions relating to the concern relating to the student, he or she is not required to attend or answer any questions, but that the process may nonetheless continue if the student fails to attend or answer questions. The student may be accompanied at the meeting in accordance with the provisions in paragraph 41 above. The member/s of staff conducting the investigation shall maintain a written record of any meetings with the student.

59. In the course of the investigation the student shall normally be provided with a full written account of the concern, including any supporting evidence, and should be invited to provide a written response. The student should be advised that, although he or she is invited to respond, he or she is not required to do so, but that the process may continue if the student does not provide a written account.

60. Once any investigation is completed, the Vice-Dean (Education) or University Investigating Officer shall take one of the following actions:

- i. Determine that the concern should be dismissed and not looked at further. As appropriate, a concern dismissed in this manner may be referred for further investigation under this Regulation or other action under another Ordinance, Regulation, policy, procedure, code of practice or other rule of the University;
- ii. Where the concern relates to plagiarism, determine that the student's actions represent poor academic practice rather than plagiarism. In this circumstance, the matter should be dismissed and not looked at further under this part of this Regulation, and the work concerned should be marked or graded in the normal way on its academic merits.
- iii. Determine that the concern has some substance and should be referred to the Secretary to the MPS Board for further action.

In the case of a concern relating only to professional suitability

- iv. Determine that the concern has some substance relating to professional suitability of a kind for which the instigation of an action plan and/or formal warning may be an appropriate outcome, in which case the Vice-Dean (Education) will next act in accordance with paragraph 61 below.

61. When a case is referred to the Secretary to the MPS Board under paragraph 60(iii), the Vice-Dean (Education) or University Investigating Officer should make a written report on the matter to the Secretary to the MPS Board, including any investigation report compiled and other relevant information collated to date. The report should explain the part or parts of Section 1c of this Regulation (the Scope and Definitions of Student Misconduct and Professional Suitability) relevant to the case. In the case of a concern relating to professional suitability, the report should also set out any statements and guidance published by relevant regulatory, statutory or professional bodies considered by the University to be relevant to the concern at this stage. Where a case relating to professional suitability is referred to the Secretary to the MPS Board for further action, the communication should indicate whether, at this stage, the concern has been determined to have some substance in relation to professional suitability alone or to have some substance in relation to professional suitability and also student misconduct.

62. Having determined the action to be taken, the Vice-Dean (Education) or University Investigating Officer shall communicate this in writing to the student and (where appropriate) explain the next stage of the process. The Vice-Dean (Education) shall also advise the student's Head of Department of the action to be taken.

3b: Professional Suitability: Instigation of an Action Plan and/or Formal Warning

This sub-section of the Regulation sets out the procedures for the instigation of an actions plan and/or formal warning relating to Professional Suitability by a Vice-Dean (Education).

63. In a case where the Vice-Dean (Education) determines to take action under paragraph 60(iv), above, he or she shall, in the communication of the outcome of the investigation to the student, set out the findings and conclusions from the report relevant to the imposition of an action plan or formal warning, and the appropriate sections of the

relevant statements and guidance published by relevant regulatory, statutory or professional bodies. The Vice-Dean (Education) shall invite the student to comment on this communication within a period of at least 5 working days. The student shall be invited to state his/her own case, and to question and comment on the evidence provided. The student shall also be invited to present, as appropriate, any statements or evidence in mitigation of his or her actions.

64. Having considered the student's written response to the concern or, in the absence of any such written response, once the deadline for response has expired, the Vice-Dean (Education) shall take one of the following actions:

- i. put in place an action plan for the student and /or issue a formal warning to the student;
- ii. take one of the other actions set out in paragraph 60 above.

65. A student who is issued with an action plan and/or a formal warning by the Vice-Dean (Education) under paragraph 64 is entitled to submit an appeal against that decision on one occasion only, in accordance with the procedure for appeals set out in this Regulation (Section 5, below).

3c: Actions of the Secretary to the MPS Board for referred cases

This sub-section of the Regulation sets out the procedures which follow the referral under Section 3a to the Secretary to the MPS Board.

66. When a case is referred to the Secretary to the MPS Board under paragraph 60(iii), the Secretary to the MPS Board shall determine whether any further action or clarification is required under this Regulation on the part of the Vice-Dean (Education) or University Investigating Officer before the case is given further consideration, in which case the Secretary may refer the report back to the Vice-Dean (Education) or University Investigating Officer for further action under Section 3a of this process. Otherwise, the Secretary to the MPS Board shall take one of the following actions in relation to reports received:

- i. In the case of 'Type One' concerns about plagiarism, collusion or cheating, refer the matter to a Vice-Chancellor's Representative (Academic) for consideration and action under Section 4b of this Regulation;
- ii. In the case of concerns which relate to non-academic misconduct which are determined to be minor in nature, refer the matter to a Vice-Chancellor's Representative (Non-Academic) for consideration and action under Section 4a of this Regulation;
- iii. In the case of concerns which relate to plagiarism, collusion or cheating in a research degree thesis, refer the case to a Vice-Chancellor's Representative (Academic) for consideration and action under Section 4b of this Regulation;
- iv. In other cases, including all 'Type Two' concerns about plagiarism, collusion or cheating, and all cases relating to Professional Suitability, refer the matter for consideration and determination of an outcome by a hearing to a Misconduct Panel or a Professional Suitability Panel as appropriate to the nature of the concern.

67. The Secretary to the MPS Board shall notify the student in writing of the action taken under paragraph 66.

68. The Secretary to the MPS Board may, with the approval of the Chair of MPS Board, from time to time refer other types of case to a Vice-Chancellor's Representative to determine an outcome under this Regulation.

SECTION 4: PROCEDURES FOR CONSIDERATION OF CASES BY A VICE-CHANCELLOR'S REPRESENTATIVE (NON-ACADEMIC)

4a. The Role and Powers of a Vice-Chancellor's Representative (Non-Academic)

This sub-section of the Regulation sets out the procedure when a case is referred to a Vice-Chancellor's Representative (Non-Academic) under Section 3c of this Regulation.

69. Where a case is to be referred to a Vice-Chancellor's Representative (Non-Academic), the Secretary to the MPS Board shall first write to the student setting out a formal statement of the concern or allegation, provide a copy of this Regulation, and bring to the student's attention the relevant part or parts of Section 1c of this Regulation (Scope and Definitions of Student Misconduct and Professional Suitability). The full evidence in support of the concern or allegation shall be enclosed with this communication. The Secretary to the MPS Board shall invite the student to respond to the concern or allegation and the evidence presented, within a period of not less than 5 working days. The student shall also be invited to present, as appropriate, any statements or evidence in mitigation of his or her actions. The student shall be advised that, although he or she is invited to respond, he or she is not required to do so, but that the process may continue if the student does not provide a written account.

70. The Secretary to the MPS Board shall then refer the case and any response received to a Vice-Chancellor's Representative (Non-Academic). A Vice-Chancellor's Representative (Non-Academic) may gather additional written evidence and interview staff, other students and other relevant parties to investigate further the allegations raised. A Vice-Chancellor's Representative (Non-Academic) may also seek any advice on any case as he or she sees fit. Once a Vice-Chancellor's Representative (Non-Academic) has completed any further enquiries, he or she shall, as appropriate, offer the student the opportunity to comment on the further evidence in accordance with the procedure set out in paragraph 69.

71. A Vice-Chancellor's Representative (Non-Academic) may at any time determine that an allegation or concern should be dismissed and not looked at further under this part of this Regulation. As appropriate, a concern or allegation dismissed in this manner may be referred for further investigation or other action under another part of this Regulation, or under another Ordinance, Regulation, policy, procedure, code of practice or other rule of the University.

72. A Vice-Chancellor's Representative (Non-Academic) may at any time determine that, either due to its complexity or the severity of the concern, or due to the number of previous findings of misconduct against the student, the case should be referred to a Misconduct Panel for its consideration and determination.

73. Once a Vice-Chancellor's Representative (Non-Academic) has completed his or her consideration of the case, if he or she determines that the misconduct allegations are made out, he or she may decide on one or more of the following outcomes:

- a formal warning;
- a fine not exceeding £300, or such larger sum as the Senate may from time to time determine;
- exclusion of the student from specified areas or from using specified facilities for a specified period;
- exclusion of the student from University residences for a specified period;
- require the payment by the student of compensation for damage or loss caused, which shall not exceed the value of any damage caused or loss incurred.

74. In determining the appropriate sanction to impose in relation to a finding of non-academic misconduct, a Vice-Chancellor's Representative (Non-Academic) shall take into account mitigating circumstances relevant to the case submitted by the student. Where a Vice-Chancellor's Representative (Non-Academic) concludes that mitigating circumstances are relevant and should be taken into account in determining the sanction to be imposed, an appropriate lesser sanction may be imposed.

75. Where the decision of a Vice-Chancellor's Representative (Non-Academic) is to act in accordance with paragraph 73, a student may submit an appeal against that decision on one occasion only in accordance with the procedure for appeals set out in this Regulation.

76. A Vice-Chancellor's Representative (Non-Academic) shall, normally within 5 working days of the decision, inform the student in writing of the outcome of the case and any sanctions imposed, giving reasons for the decision and advising the student about the right of appeal. Any student found to have committed misconduct shall be warned regarding their future conduct.

4b. The Role and Powers of a Vice-Chancellor's Representative (Academic)

This sub-section of the Regulation sets out the procedures when a case is referred to a Vice-Chancellor's Representative (Academic) under Section 3c of this Regulation.

77. Where a case is to be referred to a Vice-Chancellor's Representative (Academic), the Secretary to the MPS Board shall first write to the student setting out a formal statement of the concern or allegation, provide a copy of this Regulation, and bring to the student's attention the relevant part or parts of Section 1c of this Regulation (Scope and Definitions of Student Misconduct and Professional Suitability). The full evidence in support of the concern or allegation shall be enclosed with this communication. The Secretary to the MPS Board shall invite the student to respond to the concern or allegation and the evidence presented, within a period of not less than 5 working days. The student shall also be invited to present, as appropriate, any statements or evidence in mitigation of his or her actions. The student shall be advised that, although he or she is invited to respond, he or she is not required to do so, but that the process may continue if the student does not provide a written account.

78. The Secretary to the MPS Board shall then refer the case and any response received to a Vice-Chancellor's Representative (Academic). A Vice-Chancellor's Representative (Academic) may gather additional written evidence and interview staff, other students and other relevant parties to investigate further the allegations raised. A Vice-Chancellor's

Representative (Academic) may also seek any advice on any case as he or she sees fit. Once a Vice-Chancellor's Representative (Academic) has completed any further enquiries, he or she shall, as appropriate, offer the student the opportunity to comment on the further evidence in accordance with the procedure set out in paragraph 77.

79. A Vice-Chancellor's Representative (Academic) may at any time determine that an allegation or concern should be dismissed and not looked at further under this part of this Regulation. As appropriate, a concern or allegation dismissed in this manner may be referred for further investigation or other action under another part of this Regulation, or under another Ordinance, Regulation, policy, procedure, code of practice or other rule of the University.

80. A Vice-Chancellor's Representative (Academic) may at any time determine that, either due to its complexity or the severity of the concern, or due to the number of previous findings of academic misconduct against the student, the case should be referred to a MPS Panel for its consideration and determination.

81. Once a Vice-Chancellor's Representative (Academic) has completed his or her consideration of the case, if he or she determines the misconduct allegations are made out, he or she may decide on one or more of the following outcomes:

- the exclusion of the student from any service or facility, for a specified period;
- in cases of a first offence of plagiarism, collusion, or cheating, normally impose a penalty in accordance with the following scheme:
 - for undergraduate students (whose programmes of study are regulated by SR2 (pre-2009) or earlier) a mark of zero is assigned to the piece of work and to the associated module; reassessment will be permitted (or a further attempt in the case of an offence during reassessment), but for the achievement of credit only; the zero in the module may not be set aside, condoned for credit or, in modules above level 1, excluded from any calculation for the classification of an award;
 - for undergraduate students (whose programmes of study are regulated by SR2 (2009-onwards)) a mark of zero/grade F is assigned to the piece of work and to the associated assessment block; reassessment will be permitted (or further attempt in the case of an offence during reassessment), for a maximum grade of D- in the assessment block. The assessment block shall contribute grade point 0 to the GPA calculation for the classification of any award. The reassessment shall not contribute to the reassessment volume limit defined in SR2;
 - for postgraduate taught students (whose programmes of study are regulated by SR3 (2006)):
 - in the taught part of the award a grade of F is assigned to the piece of work in question and to the associated module; reassessment will be permitted (or further attempt in the case of an offence which occurs during reassessment) for a maximum grade of C in the module. For a masters award, the

classification overall shall be capped at a pass. The reassessment shall not contribute to the reassessment volume limit defined in SR3;

- in the dissertation, a grade of F is assigned to the dissertation module; reassessment will be permitted (or further attempt in the case of an offence in a resubmitted dissertation) for a maximum grade of C in the dissertation module. In a case where the offence relates to a resubmitted dissertation, the student shall only be permitted to revise those parts of the dissertation which the Vice-Chancellor's Representative (Academic) determines demonstrate plagiarism, collusion or cheating;
- for postgraduate taught students (whose programmes of study are regulated by SR3 (2013)):
- in the taught part of the award a grade of F is assigned to the piece of work in question and to the associated assessment block; reassessment will be permitted (or further attempt in the case of an offence which occurs during reassessment) for a maximum grade of C- in the assessment block. This reassessment shall not contribute to the reassessment volume limit defined in SR3. The assessment block shall contribute grade point 0 to the GPA calculation for the classification of any award;
 - in the dissertation, a grade of F is assigned to the dissertation assessment block; reassessment will be permitted (or further attempt in the case of an offence in a resubmitted dissertation) for a maximum grade of C- in the dissertation module. In a case where the offence relates to a resubmitted dissertation, the student shall only be permitted to revise those parts of the dissertation which the Vice-Chancellor's Representative (Academic) determines demonstrate plagiarism, collusion or cheating.

82. In determining the appropriate sanction to impose in relation to a finding of academic misconduct, a Vice-Chancellor's Representative (Academic) shall take into account mitigating circumstances relevant to the case submitted by the student. Where a Vice-Chancellor's Representative (Academic) concludes that mitigating circumstances are relevant and should be taken into account in determining the sanction to be imposed, an appropriate lesser sanction may be imposed. In determining whether particular circumstances are relevant, a Vice-Chancellor's Representative (Academic) shall take into account whether the circumstances are such that they should have been disclosed in a timely manner previously to the Mitigating Circumstances Panel of a Board of Examiners, as is required under Senate Regulation 4. When considering cases of alleged academic misconduct, a Vice-Chancellor's Representative (Academic) should establish whether the student has been given appropriate guidance regarding the nature and consequences of the offence concerned. In cases where it is established that a student has not received sufficient appropriate guidance, a Vice-Chancellor's Representative (Academic) may impose a lesser sanction or may dismiss the case.

83. Where the decision of a Vice-Chancellor's Representative (Academic) is to act in accordance with paragraph 81, a student may submit an appeal against that decision on one occasion only in accordance with the procedure for appeals set out in this Regulation.

84. A Vice-Chancellor's Representative (Academic) shall, normally within 5 working days of the decision, inform the student in writing of the outcome of the case and any sanctions imposed, giving reasons for the decision and advising the student about the right of appeal. Any student found to have committed misconduct shall be warned regarding their future conduct.

4c. Procedures for Misconduct Panels and Professional Suitability Panels

This sub-section of the Regulation sets out the procedures followed when (under Sections 3c, 4a or 4b of this Regulation) a concern or allegation about a student is referred to a Misconduct Panel or Professional Suitability Panel.

Procedures for Hearings of Misconduct Panels and Professional Suitability Panels

85. Where a case is referred to a Misconduct Panel or to a Professional Suitability Panel under paragraph 66(iv) above, or by a Vice-Chancellor's Representative under paragraph 72 or 80, a Panel shall be convened to hear the case and determine an outcome.

86. If the case concerns multiple students, the Clerk to the MPS Board shall determine whether the cases should be heard by separate Misconduct Panels or Professional Suitability Panels for each student, by the same Panel for each student in separate hearings, or by a single panel and hearing for all the students. In the event of a single hearing for multiple students, the Clerk to the MPS Board shall also determine any further variations to these procedures which shall be required to give a full and fair hearing of the case.

87. The Secretary to the MPS Board shall identify an approved Chair and the other members of the Panel for each hearing. Any member appointed to a Panel who considers that there is or that there appears to be a conflict of interest or compromise in their serving on a particular Panel shall notify the Secretary to the MPS Board who shall refer this matter to the Clerk to the MPS Board. The Clerk to the MPS Board shall then determine whether a replacement Panel member should be appointed.

88. A Panel shall be convened in one of the following modes:

- i. **Misconduct Panel:** concerns relating to academic and/or non-academic misconduct shall be heard by a Misconduct Panel. Each Panel shall comprise three members of the MPS Board, one of whom shall chair the Panel, and one of whom shall normally be a student member.
- ii. **Professional Suitability Panel:** a matter relating to the professional suitability of a student shall be heard by a Professional Suitability Panel. Each Panel shall comprise at least three members of the MPS Board, one of whom shall chair the Panel and one of whom shall normally be a student member; the Panel shall also include a number of additional members as specified in Appendix B to this Regulation, who shall be approved by the Chair of the MPS Board. In addition to matters of professional suitability, a Professional Suitability Panel may consider and determine the outcome and take actions in relation to any matters of student misconduct arising from the case.

89. The Secretary to the MPS Board shall allocate a Panel Secretary to each Panel. The Panel Secretary shall act as note-taker and shall advise the Panel regarding procedural matters relating to the hearing. The Panel Secretary will play no part in the decision-making in the case.

90. For each case proceeding to a hearing of a Misconduct Panel or Professional Suitability Panel, a member of University staff shall be identified to present the case against the student. For non-academic misconduct cases referred by the University Investigating Officer this will normally be the University Investigating Officer but may be another member of staff nominated by the Chief Operating Officer. For other cases the member of staff shall normally be nominated by the Vice-Dean (Education) who referred the case.

91. The Chair of a Panel may request or admit as evidence any additional written information which he or she deems relevant to the case. The Chair shall, in particular, determine whether the admission of information on the student's previous academic, misconduct or professional suitability record is relevant to the case.

92. At least 10 working days' written notice of the date, time and place of the hearing will be given to the student by the Secretary to the MPS Board together with the following information:

- i. a formal statement of the concern or allegation, providing a copy of this Regulation and bringing to the student's attention the relevant part or parts of Section 1c of this Regulation (Scope and Definitions of Student Misconduct and Professional Suitability). In the case of a concern relating to professional suitability, the Secretary to the MPS Board shall also provide details of the relevant section/s of any published rules or codes governing behaviour and/or professional suitability;
- ii. copies of the evidence in support of the formal concern or allegation;
- iii. an invitation to make a written submission in advance of the hearing, in which to state his or her own case, and to question and comment on the evidence provided, to provide any documentation upon which he or she intends to rely, and to provide the names and identities of any witnesses that he or she intends to call at the hearing. The student shall also be invited to present, as appropriate, any written statements or evidence in mitigation of his or her actions. Information relating to any mitigating circumstances should wherever possible be supported by documentary evidence. The student shall be advised that, although he or she is invited to respond, he or she is not required to do so, but that the process may continue if the student does not provide a written submission;
- iv. the name of the person who will present the case for the University against the student and the names of any witnesses whom it is already known have been asked by that person to attend the hearing;
- v. a copy of this Regulation, identifying those parts explaining the order and conduct of proceedings in hearings;
- vi. the student's right to be accompanied by a representative or friend, in accordance with the provisions of paragraph 38 above, and that the name of

any representative or friend should be notified to the Secretary to the MPS Board in advance of the hearing;

- vii. the right of the Panel to proceed in the student's absence if, having been given due notice of the date of the hearing and sufficient notice of the documentary evidence available to the hearing, he or she fails to appear without providing prior good reason for absence. The student shall be advised that he or she may request an adjournment to the Hearing, but the decision of the Chair of the Panel as to whether to proceed in the student's absence shall be final.

93. The Secretary to the MPS Board shall also enclose with this notification a full set of the documentation which will be considered by the Panel.

94. Notification of the date of the hearing shall be sent to the relevant Vice-Dean (Education) and the student's Head of Department. A full set of the documentation which will be considered by the Panel and sent to the student in accordance with paragraph 92 above shall be sent to the person presenting the case against the student.

95. The student and the person presenting the case against the student may call witnesses to attend the hearing and must notify the Secretary to the MPS Board the names and identities of any witnesses to be called no later than three working days before the date of the hearing. The Secretary to the MPS Board will notify the respective parties of any witnesses called. Each party and the Panel shall have an opportunity to question all the witnesses at the hearing. It is the responsibility of the party calling a witness to ensure the attendance of the witness at the hearing.

96. The ruling of the Chair of the Panel shall be final on the admission of all evidence at the hearing, including the admission of written evidence and of oral evidence from witnesses or other parties at the hearing. This shall include the power to refuse to admit evidence or hear witnesses on the basis of lack of relevancy. The Panel may proceed with a hearing in the absence of any particular witness in the sole discretion of the Chair of the Panel.

97. The Chair of the Panel may determine that a hearing should be postponed or adjourned if any evidence is supplied without sufficient notice for it to be circulated and properly considered by all relevant parties.

98. The Panel Secretary shall inform all parties in advance of the hearing of the identity of any friend or representative of the student who will be in attendance at the hearing.

99. The ruling of the Chair of the Panel on any point of procedure relating to the conduct of the hearing shall be final.

100. A hearing by a Student Misconduct Panel shall be held in closed session. A hearing shall normally proceed as follows:

- a) the person presenting the case against the student shall set out the concern/s supporting evidence in the case, may call witnesses, and shall answer questions from the Panel and student;
- b) the student (or person representing him or her) may respond to the concerns and supporting evidence, may call witnesses and shall answer questions from the Panel and the person presenting the case against him or her;

- c) the person presenting the case against the student shall make any closing statement;
- d) the student (or person representing him or her) may make any closing statement.

4d. Outcomes of Misconduct Panels or Professional Suitability Panels

This sub-section of the Regulation sets out the outcomes and actions which may be determined either by a Misconduct Panel or by a Professional Suitability Panel.

Misconduct Panels: outcomes and actions

101. A Misconduct Panel shall normally consider the case before it and determine whether or not the allegation of misconduct is found before hearing any information relating to any previous findings of misconduct against the student. However, when determining the sanctions which it may impose, a Misconduct Panel may take into account the details of previous findings of misconduct against the student.

102. Where a finding of misconduct contains multiple elements, or is seen as particularly serious, or less serious, in terms of extent, the Panel will be guided by the sanctions available to it in this Regulation, but is empowered to apply a sanction not set out in this Regulation that it feels is appropriate to the case.

103. Where misconduct is found, in determining whether and if so what sanctions should be imposed, a Misconduct Panel shall take into account mitigating circumstances submitted by the student which are relevant to the case. Where a Panel concludes that mitigating circumstances are relevant and should be taken into account in determining the sanction to be imposed, an appropriate lesser sanction may be imposed. In determining whether particular circumstances are relevant, the Panel will take into account whether the circumstances are such that they should have been disclosed in a timely manner previously to the Mitigating Circumstances Panel of a Board of Examiners, as is required under Senate Regulation 4.

104. When considering cases of alleged academic misconduct, the Panel should establish whether the student has been given appropriate guidance regarding the nature and consequences of the offence concerned. In cases where it is established that a student has not received sufficient appropriate guidance, the Panel may impose a lesser sanction or may dismiss the case. In repeat cases of plagiarism, collusion or cheating, in normal circumstances a Panel will consider that the warnings and guidance associated with the outcome of a previous case constitute appropriate guidance. Furthermore, a Panel will not normally accept mitigation when considering a repeat case of plagiarism, collusion, or cheating committed by the same student, even where the mitigating circumstances have previously been disclosed to the University in a timely manner.

105. At the conclusion of its consideration of a case, a Misconduct Panel shall determine one of the following outcomes:

- a) that the allegation of misconduct is not made out;
- b) that the allegation of academic and/or non-academic misconduct is made out.

106. Where it finds that there has been misconduct on the part of a student, a Misconduct Panel may impose one or more of the following sanctions:

For non-academic misconduct

- a) a formal warning;
- b) require the payment by the student of compensation for damage or loss caused, which shall not exceed the value of any damage caused or loss incurred;
- c) a fine not exceeding £500, or such larger sum as the Senate may from time to time determine;
- d) the exclusion of the student from the University, or any part thereof (including residences), or from any activity (including placement) or service or facility, for a specified period;
- e) the suspension of the student's studies, in whole or in part, for a specified period;
- f) the permanent expulsion of the student from the University; in such cases, the Panel will determine whether there is just cause to deprive the student of any credits already achieved and any award to which they may lead;

For academic misconduct

- g) the suspension of the student's studies, in whole or in part, for a specified period;
- h) the removal of any academic advantage gained through falsification of documentation or other misconduct;
- i) the exclusion of the student from the University, or any part thereof, or from any activity (including placement), service or facility, for a specified period;
- j) the expulsion of the student from the University; in such cases, the Panel will determine whether there is just cause to deprive the student of any credits already achieved and any award to which they may lead;
- k) in cases of plagiarism, collusion, or cheating, normally impose a penalty in accordance with the following scheme:

Where there is a finding of plagiarism or collusion in an assignment and the student has NOT been previously issued with a formal judgement under this Regulation for plagiarism or collusion in an assignment; OR

Where there is a finding of collusion or another form of cheating in an examination or test and the student has NOT been previously issued with a formal judgement for collusion or another form of cheating in an examination or test, and the concern relates to a potential single instance of collusion or another form of cheating in an examination or test; OR

Where there is a finding of a first instance of cheating in another form of assessment:

- For undergraduate student whose programme of study is regulated by SR2 (pre-2009):
 - A mark of zero is assigned to the piece of work and to the associated module; reassessment will be permitted (or a further attempt in the case of an offence during reassessment), but for the achievement of credit only; the zero in the module may not be set aside, condoned for credit or, in modules above level 1, excluded from any calculation for the classification of an award;
- For students whose programmes of study is regulated by SR2 (2009-onwards):
 - A mark of zero/grade F is assigned to the piece of work and to the associated assessment block; reassessment will be permitted (or further attempt in the case of an offence during reassessment), for a maximum grade of D- in the assessment block. The assessment block shall contribute grade point 0 to the GPA calculation for the classification of any award. The reassessment shall not contribute to the reassessment volume limit defined in SR2;
- For postgraduate taught students (whose programmes of study are regulated by SR3 (2006)):
 - In the taught part of the award a grade of F is assigned to the piece of work in question and to the associated module; reassessment will be permitted (or further attempt in the case of an offence which occurs during reassessment) for a maximum grade of C in the module. For a masters award, the classification overall shall be capped at a pass. The reassessment shall not contribute to the reassessment volume limit defined in SR3;
 - In the dissertation, a grade of F is assigned to the dissertation module; reassessment will be permitted (or further attempt in the case of an offence in a resubmitted dissertation) for a maximum grade of C in the dissertation module. In a case where the offence relates to a resubmitted dissertation, the student shall only be permitted to revise those parts of the dissertation which the Vice-Chancellor's Representative (Academic) determines demonstrate plagiarism, collusion or cheating.
- For postgraduate taught students (whose programmes of study are regulated by SR3 (2013))
 - In the taught part of the award a grade of F is assigned to the piece of work in question and to the associated assessment block; reassessment will be permitted (or further attempt in the case of an offence which occurs during reassessment) for a maximum grade of C- in the assessment block. This reassessment shall not contribute to the reassessment volume limit defined in SR3. The assessment block shall

contribute grade point 0 to the GPA calculation for the classification of any award.

- In the dissertation, a grade of F is assigned to the dissertation assessment block; reassessment will be permitted (or further attempt in the case of an offence in a resubmitted dissertation) for a maximum grade of C- in the dissertation module. In a case where the offence relates to a resubmitted dissertation, the student shall only be permitted to revise those parts of the dissertation which the Vice-Chancellor's Representative (Academic) determines demonstrate plagiarism, collusion or cheating.

Where there is a finding of plagiarism or collusion in an assignment and the student has been previously issued with a formal judgement under this Regulation for plagiarism, collusion or another form of cheating in an assignment; OR

Where there is a finding of collusion or another form of cheating in an examination or test and the student has been previously issued with a formal judgement for collusion or another form of cheating in an examination or test, and the concern relates to a potential single instance of collusion or another form of cheating in an examination or test; OR

Where the concern of plagiarism, collusion or cheating in any form of assessment is found to be severe, which judgement may take into account the number of instances of misconduct or previous judgements of academic misconduct against the student:

- For all undergraduate students:
 - A mark of zero/grade F is assigned to the piece of work in question and to the associated module/assessment block; the student shall be expelled from the University and barred from re-entry; any credits already achieved will be retained and an intermediate award may be awarded as appropriate, unless the Panel determines that there is just cause to deprive the student of any credits already achieved and any intermediate award to which they may lead;
- For all taught postgraduate students:
 - A grade of F is assigned to the piece of work in question and to the associated module; the student shall be expelled from the University and barred from re-entry; any credit already achieved will be retained and an intermediate award may be awarded as appropriate, unless the Panel determines that there is just cause to deprive the student of any credits already achieved and any intermediate award to which they may lead;
- For all cases relating to research degree students:
 - The student shall be expelled from the University and barred from re-entry; the Panel shall determine whether any previously gained credits shall be retained by students undertaking research degree programmes with taught components.

107. The normal conditions and provisions which apply to a student who is fully temporarily suspended or fully temporarily excluded are set out in Appendix A to this Regulation.

Professional Suitability Panels: outcomes and actions

108. In determining whether or not a student is professionally unsuitable and imposing any outcome, a Professional Suitability Panel shall have regard to any relevant guidance issued by any relevant Professional Statutory and Regulatory Bodies.

109. A Professional Suitability Panel may, in relation to concerns raised about the professional suitability of a student, find one of the following outcomes:

- That the professional suitability concerns made against the student are proven;
- That the professional suitability concerns made against the student are not proven, in which case it shall dismiss the case.

110. A Professional Suitability Panel may, in addition to reaching a decision as described in paragraph 109 determine to impose one or more of the academic or non-academic outcomes set out in paragraphs 101 to 107 above in relation to misconduct associated with the case.

111. Where the student against whom a concern relating to professional suitability is proven is registered for a pre-registration programme, the Professional Suitability Panel may take one of the following actions:

- a) The suspension of the student from studies with immediate effect. A suspension shall either be for a specified period or until such conditions as shall be determined by the Panel have been met;
- b) The permanent exclusion of the student from the University with immediate effect.

In determining the actions to be taken, the Professional Suitability Panel shall act with due regard for the requirements or expectations of the relevant professional or regulatory body.

112. Where the student against whom a concern relating to professional suitability is proven is already a registrant with a relevant professional, statutory or regulatory body, the Professional Suitability Panel may take one or more of the following actions:

- a) the exclusion of the student from the University, or any part thereof, or from any activity (including placement) or service or facility, for a specified period;
- b) the suspension of the student's studies, in whole or in part, for a specified period;
- c) the permanent exclusion of the student from the University.

In determining the actions to be taken, the Professional Suitability Panel shall act with due regard for the requirements or expectations of the relevant professional, statutory or regulatory body.

113. Where the recommendation is that a student should be permanently excluded from the University because a concern relating to professional suitability has been proven, the student will normally retain any academic credits they have acquired but no professional award which includes a protected title can be made to such students, even if they have successfully completed the relevant parts of their assessed work. In these circumstances, only academic awards that do not confer an eligibility to practise can be made. No academic award made to a student deemed to be professionally unsuitable for Occupational Therapy or Physiotherapy shall contain the words 'Occupational Therapy' or 'Physiotherapy'. No academic award made to a student deemed to be 'unsuitable' for professional social work shall contain the words 'social work'. No academic award which entitles the student to be recommended for qualified teacher status shall be made to a student deemed to be professionally unsuitable.

Notification of the Outcomes of Misconduct Panels and Professional Suitability Panels

114. When a Misconduct Panel or a Professional Suitability Panel has determined an outcome to its consideration of a case, the Panel Secretary shall notify the student in writing, normally within five working days of the decision, regarding the outcome of the case, setting out the Panel's reasons for the decision.

115. The Panel Secretary shall notify (normally by copy of the letter to the student) the Vice-Dean (Education) and the student's Head of Department regarding the decision of any Panel. The Secretary to the Panel shall additionally notify the University Investigating Officer regarding the outcome of any cases relating to non-academic misconduct. The Clerk to the MPS Board shall, in consultation with relevant colleagues, determine whether any disclosure relating to the case, the Panel or its outcome of should be made to other parties internal to the University, or external to the University, in accordance with paragraph 44 above.

SECTION 5: APPEALS

This section of the Regulation sets out the procedures for appeal and the consideration of appeals against decisions made under earlier sections of this Regulation.

Submission of Appeals

116. A student may submit a request for an appeal against the following decisions made under these Regulations:

- a) a decision of the Vice-Chancellor or his or her delegate to temporarily suspend or exclude the student by the Vice-Chancellor (under Section 2, paragraphs 45 to 50 above);
- b) a decision to issue an action plan and/or formal warning under this Regulation (under Section 3b, paragraphs 63 to 65 above);
- c) a decision to take any sanction or outcome by a Vice-Chancellor's Representative (Academic or Non-Academic), a Misconduct Panel or a Professional Suitability Panel (under Section 4 above, paragraphs 73, 81, 111, 112).

117. A Misconduct Appeals Panel may also be convened when a representation is made to the Clerk to the MPS Board by a student at partner institution appealing against an academic

misconduct decision imposed by that institution, so long as the student has exhausted the available appeals mechanisms within that institution.

118. A student may request an appeal 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 decision-maker or decision-making body;
- c) the decision is unreasonable and/or the sanction or outcome disproportionate;
- d) there is new evidence material to the case which the student can demonstrate was for good reason not previously reasonably available.

119. A request for an appeal must be submitted by the student in writing within 20 working days of the date of written notification to the student of the decision being appealed against. The request for an appeal must refer to the grounds for appeal upon which the student is seeking to rely and must be submitted by the student in writing to the Secretary to the MPS Board.

120. The request for an appeal shall normally be considered by a Panel normally consisting of the a senior member of University administrative staff, appointed by the Chairman of Senate, and a senior member of academic staff without previous involvement in the case, appointed from a list approved by the Chairman of Senate. In considering a request for an appeal, the authorised senior member of University administrative staff may for good cause extend the time period in which the student may submit a request for an appeal.

121. The Panel shall consider the student's request for an appeal and may refer to available documentation but shall not request comments from the student or other parties, or interview the student or any other party. The Panel shall determine, normally within 10 working days of receipt, whether or not grounds for appeal are disclosed:

- a) if no grounds are disclosed, the authorised senior member of University administrative staff will inform the student of this in writing normally within 12 working days of receipt of the request for appeal;
- b) if grounds are disclosed, the authorised senior member of University administrative staff will inform the student in writing of this normally within 12 working days of receipt of the request for appeal. The authorised senior member of University administrative staff will instruct the Secretary to the MPS Board to arrange a hearing of an Appeals Panel in one of the modes set out below (paragraph 126). The authorised senior member of University administrative staff will invite the student to submit detailed written submissions in support of the appeal and/or any additional supporting evidence and/or information about any mitigating factors which the student considers should be taken into account normally within 10 working days. Information relating to any mitigating circumstances should wherever possible be supported by documentary evidence;

122. Where the Panel determines that grounds are not disclosed, the student may submit a request for an appeal on one further occasion, within 10 working days of the written notification to the student of this decision. Any further request for appeal received shall be considered in accordance with paragraphs 116 to 121 above and may be considered by the same Preliminary Panel.

Misconduct Appeals Panels and Professional Suitability Panels

123. If an appeal concerns more than one student, the Clerk to the MPS Board shall determine at the outset whether the appeals should be heard by a separate Appeals Panel for each student, by the same Appeals Panel for each student in separate hearings, or by a single panel and hearing for all the students. In the event of a single hearing for multiple students, the Clerk to the MPS Board shall also determine any further variations to these procedures which shall be required to give a full and fair hearing to the case.

124. The Secretary to the MPS Board shall identify an approved Chair for each Appeals Panel from the membership of the MPS Board, and the other members of the Appeals Panel. Chairs and members of Panels shall not have had any prior involvement in the case. Any member appointed to an Appeals Panel who considers that there is or that there appears to be a conflict of interest or compromise in their serving on a particular Panel shall notify the Secretary to the MPS Board. The Clerk to the MPS Board shall then determine whether a replacement Panel member should be appointed.

125. The Secretary to the MPS Board shall allocate a Panel Secretary to each Appeals Panel. The Secretary shall act as note-taker and shall advise the Appeals Panel regarding procedural matters but shall not take part in any decision-making.

126. Appeals Panels shall be convened in one of the following modes:

- i. **Misconduct Appeals Panel:** where, under paragraph 121(b), grounds for appeal are identified in relation to a previous finding of student misconduct (academic or non-academic), or a temporary suspension and/or of exclusion under this Regulation, the Misconduct Appeals Panel shall consist of three members of the Senate, one of whom shall chair the Panel and of whom one shall be a student.
- ii. **Professional Suitability Appeals Panel:** where, under paragraph 121(b), grounds for appeal are identified in relation to a previous finding of professional unsuitability, or a temporary suspension and/or exclusion relating to professional unsuitability, the Professional Suitability Appeals Panel shall consist of the Chair, at least one further staff member of the MPS Board and/or the Senate, a student member of the MPS Board, AND a number of additional members as specified in Appendix B to this Regulation, who shall be approved by the Chair of the MPS Board. A Professional Suitability Appeals Panel may also consider matters of appeal relating to academic and / or non-academic misconduct which form part of the same appeal.

Hearings of Misconduct Appeals Panels and Professional Suitability Panels

127. For each case proceeding to a hearing of a Misconduct Appeals Panel or a Professional Suitability Appeals Panel, a member of University staff shall be identified by the University to respond to the appeal presented by the student. For non-academic misconduct cases previously referred for first consideration by the University Investigating

Officer this person shall normally be the University Investigating Officer but may be another member of staff nominated by the Chief Operating Officer. For other cases the person shall normally be a member of staff nominated by the Vice-Dean (Education) who previously referred the case for first consideration. The final decision regarding the member of staff who shall respond to the student's appeal shall rest with the Chair of the MPS Board.

128. The Chair of an Appeals Panel may request or admit as evidence any additional written information which he or she deems relevant to the case. The Chair shall, in particular, determine whether the admission of information on the student's previous academic, misconduct or professional suitability record is relevant to the case.

129. At least 10 working days' written notice of the date, time and place of the appeals hearing will be given to the student by the Secretary to the MPS Board together with the following information:

- i. the nature and grounds of the student's appeal;
- ii. confirmation that the student must submit any further statement concerning the appeal as provided for under paragraph 121(b) above no later than 5 working days before the date of the hearing;
- iii. the name of the person who will present the case in response to the student's appeal and the names of any witnesses whom it is already known have been asked by that person to attend the appeal hearing;
- iv. a copy of this Regulation, identifying those parts explaining the order and conduct of proceedings in appeals hearings;
- v. an invitation to provide the names and identities of any witnesses that he or she intends to call at the hearing;
- vi. the student's right to be accompanied by a representative and/or friend, in accordance with the provisions of paragraph 41 above, and that the name of any representative or friend should be notified to the Secretary to the MPS Board in advance of the hearing;
- vii. the right of the Appeals Panel to proceed in the student's absence if, having been given due notice of the date of the appeal hearing and sufficient notice of the documentary evidence available to the hearing, he or she fails to appear without providing prior good reason for absence. The student shall be advised that he or she may request an adjournment to the hearing, but the decision of the Chair of the Appeals Panel as to whether to proceed in the student's absence shall be final;
- viii. a set of the documentation which, in addition to the student's full appeal submission, will be considered by the Panel. This shall normally include copies of the letter giving the decision being appealed against together with the full submission provided by the student relating to the appeal and shall include any other relevant papers relating to the matter.

130. Notification of the date of the hearing shall be sent to the Vice-Dean (Education) and student's Head of Department. A full set of documentation which will be considered by the Appeals Panel shall be sent to the person responding to the student's appeal.

131. The student and the person responding to the appeal may call witnesses to attend the appeals hearing and must notify the Secretary to the MPS Board of the names and identities of any witnesses to be called no later than 3 working days before the date of the appeals hearing. The Secretary to the MPS Board will notify the respective parties of any witnesses called. Each party and the Panel shall have an opportunity to question all the witnesses at the hearing. It is the responsibility of the party calling a witness to ensure the attendance of the witness at the hearing.

132. The ruling of the Chair of the Appeals Panel shall be final on the admission of all evidence at the hearing, including the admission of written evidence and of oral evidence from witnesses or other parties at the appeals hearing. This shall include the power to refuse to admit evidence or hear witnesses on the basis of lack of relevancy. The Appeals Panel may at the sole discretion of the Chair of the Appeals Panel proceed with a hearing in the absence of any particular witness.

133. The Chair of the Appeals Panel may determine that an appeals hearing should be postponed or adjourned if any evidence is supplied without sufficient notice for it to be circulated and properly considered by all relevant parties.

134. The ruling of the Chair of the Appeals Panel on any point of procedure relating to the conduct of the appeals hearing shall be final.

135. An appeals hearing shall be held in closed session. An appeals hearing shall normally proceed as follows:

- a) the student (or person representing him or her) shall present the appeal, may call witnesses and shall answer questions from the Appeals Panel and the person responding to the appeal on behalf of the University;
- b) the person responding to the appeal shall respond to the matters raised by the student, may call witnesses and shall answer questions from the Appeals Panel and the student or his or her representative;
- c) the student (or person representing him or her) shall make any closing statement;
- d) the person responding to the appeal shall make any closing statement;
- e) the student may make any final remarks.

Misconduct Appeals Panels: Outcomes

136. A hearing of a Misconduct Appeals Panel may determine one of the following outcomes:

- a) that the appeal be dismissed (in whole or in part) and the decision and any sanction previously determined should be confirmed (in whole or in part) or a more severe sanction imposed than that originally determined;
- b) that the appeal be upheld (in whole or in part), on one or more of the grounds for appeal.

137. Where an appeal is upheld, wholly or in part, the Misconduct Appeals Panel may either:

- a) substitute a different decision and/or sanction to the decision which is under appeal; the new sanction may be less than, or equivalent to, the original decision; or
- b) determine that the circumstances require a fresh consideration of the case, and advise the Secretary to the MPS Board that the original decision and/or sanction under appeal should be set aside and the original concern be reconsidered by an appropriate Panel or Officer of the University under this Regulation as if for the first time;
- c) refer the case back to the original Panel or other decision-maker under this Regulation for further consideration.

Professional Suitability Appeals Panels: Outcomes

138. A Professional Suitability Appeals Panel may determine one 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.

139. Where an appeal is upheld, wholly or in part, a Professional Suitability Appeals Panel may either:

- a) substitute a different decision and / or outcome to that determined by the original Panel, in which case the new outcome may be less or equivalent or more severe than that determined by the original Panel; or
- b) determine that the circumstances require a fresh consideration of the case, and advise the Secretary to the MPS Board that the original decision and outcome of the original Panel should be set aside and a new MPS Panel be convened to hear the case as if for the first time; or
- c) refer the case back to the original Panel for further consideration.

Notification of the Outcomes of Misconduct Appeals Panels and Professional Suitability Appeals Panels

140. When a Misconduct Appeals Panel or a Professional Suitability Appeals Panel has determined an outcome to its consideration of a case, the Panel Secretary shall notify the student, normally within 5 working days of the decision, regarding the outcome of the case, setting out the Panel's reasons for the decision.

141. The Panel Secretary shall notify the Vice-Dean (Education) and the student's Head of Department (normally by copy of the letter to the student) regarding the decision of any Panel. The Panel Secretary shall additionally notify the University Investigating Officer regarding the outcome of any cases relating to non-academic misconduct. The Clerk to the

MPS Board shall, in consultation with relevant colleagues, determine whether any disclosure relating to the case, the Panel or its outcome of should be made to other parties internal to the University, or external to the University, in accordance with paragraph 41 above.

Decisions of Appeals Panels

142. The decision of any Appeals Panel shall be final.

APPENDICES

APPENDIX A: Permitted Actions During Periods of Temporary Exclusion and Temporary Suspension

A1. Unless also temporarily suspended, a student who is temporarily excluded from all areas of the University is normally still permitted to:

- sit such tests or examinations as are scheduled during that period;
- (unless a student is in their final or only year of study) be provided with information about results/grades, re-sit questions, progression to the next level, module choice for the next level/academic year;
- (unless a student is in their final or only year of study) be informed if she or he has re-sits;
- re-enrol;
- access and utilise their Brunel computer account.

A2. A student who is temporarily excluded from all areas of the University should give the Secretary to the MPS Board at least 1 working days' notice in writing of their intention to enter the campus for one of the reasons set out in A1 above. Otherwise, such a student is not permitted to come onto campus without the prior written permission of the Secretary to the MPS Board, which shall normally only be given for the purposes of seeking the advice of support services and/or the UBS, or for the purpose of attending hearings or meetings connected with allegations against them under this or another University regulation or procedure. He or she is required to give at least 1 working day's written notice of his wish to enter the campus for any such reason.

A3. A full temporary suspension from studies means that the student is not normally permitted to:

- sit such tests or examinations as are scheduled during that period;
- be informed of information about results/grades, re-sit questions, progression to the next level, module choice for the next level/academic year;
- be informed if she or he has re-sits;
- re-enrol;
- access and utilise their Brunel computer account.

A4. A student who is temporarily suspended cannot enter the campus without the prior written permission of the Secretary to the MPS Board and must give at least one working day's written notice to the Secretary to the MPS Board of his or her request to do so for any reason.

APPENDIX B: Programme Specific Policies and Procedures Relating to Professional Suitability

Community Health Nursing

B1. The programmes in Community Health Nursing to which the procedures set out in this Regulation apply are:

- BSc and MSc Specialist Community Public Health Nursing: Health Visiting
- BSc and MSc Specialist Community Public Health Nursing: Occupational Health Nursing
- BSc and MSc Specialist Community Public Health Nursing: School Nursing

B2. The professional expectations of these programmes are set out in full in student handbooks and other programme documentation. Concerns about a student's professional suitability in terms of breach of *The Code: Standards of conduct, performance and ethics for nurses and midwives* (NMC 2008), professional misconduct, inappropriate behaviour or for health reasons, are the subject of the Professional Suitability Procedures. The NMC *Guidance on professional conduct for nursing and midwifery students* (NMC 2010) sets out the conduct that is expected of students on all nursing and midwifery programmes. Under this Guidance the University has a responsibility, throughout the whole period between application and graduation, to assess the suitability of its students on these programmes "for entry to and continued maintenance on approved programmes leading to [NMC] registration".

B3. The NMC also refer to professional suitability as 'fitness for practise'.

B4. The NMC code defines 'good character' issues as including 'conduct, behaviour or attitudes that are incompatible or likely to be incompatible with professional registration as well as any new charges, cautions or convictions'. Good character issues may be considered under these Suitability Procedures.

Composition of Panels and Appeals Panels

B5. The membership of a Professional Suitability Panel convened to consider the Professional Suitability of a Community Health Nursing student shall be constituted in accordance with paragraphs 85 to 89 above. It shall comprise:

- at least three members of the MPS Board, of whom one shall normally be a student member; plus
- two qualified community health nurses, at least one of whom should be from the same part of the NMC register and field of practice as the student and hold current registration on that part of the NMC register, **and** at least one of whom shall be an external representative from a service partner.

B6. The membership of a Professional Suitability Appeals Panel convened to consider an appeal against a decision of a Professional Suitability Panel for a Community Health Nursing student shall be constituted in accordance with paragraphs 123 to 125 above. It shall comprise:

- at least three members of the MPS Board and/or Senate, of whom one shall normally be a student member; plus
- two qualified community health nurses, at least one of whom should be from the same part of the NMC register and field of practice as the student and hold current registration on that part of the NMC register, **and** at least one of whom shall be an external representative from a service partner.

Occupational Therapy / Physiotherapy

B7. The programmes in Occupational Therapy / Physiotherapy to which the procedures set out in this Regulation apply are:

- BSc (Hons) Physiotherapy
- MSc Physiotherapy (pre-registration)
- BSc (Hons) Occupational Therapy
- MSc Occupational Therapy
- MSc Occupational Therapy (pre-registration)

B8. The professional expectations of these programmes are set out in full in student handbooks and other programme documentation. Concerns about a student's professional suitability in terms of breach of the codes (Health and Care Professions Council (HCPC), College of Occupational Therapists (COT) and Chartered Society of Physiotherapy (CSP)), professional misconduct, inappropriate behaviour or for health reasons, are the subject of the Professional Suitability Procedures.

B9. The HCPC *Guidance on Conduct and Ethics for Students* sets out the conduct that is expected of students on Occupational Therapy/Physiotherapy programmes. Students are also expected to follow, as appropriate, the CSP and COT Rules of Conduct.

Composition of Panels and Appeals Panels

B10. The membership of a Professional Suitability Panel convened to consider the Professional Suitability of an Occupational Therapy/Physiotherapy student shall be constituted in accordance with paragraphs 85 to 89 above. It shall comprise:

- at least three members of MPS Board, of whom one shall normally be a student member; plus
- two qualified Occupational Therapists or Physiotherapists (as relevant to the student's programme), at least one of whom should be external to the University registered with the HCPC.

B11. The membership of a Professional Suitability Appeals Panel convened to consider an appeal against a decision of a Professional Suitability Panel for an Occupational Therapy/Physiotherapy student shall be constituted in accordance with paragraphs 123 to 125 above. It shall comprise:

- at least three members of the MPS Board and/or Senate, of whom one shall normally be a student member; plus

- two qualified Occupational Therapists/Physiotherapists (as relevant to the student's programme), at least one of whom should be external to the University registered with the HCPC.

Social Work

B12. The programmes in Social Work to which the procedures set out in this Regulation apply are:

- BA Social Work (pre-registration)
- MA Social Work (pre-registration)
- Postgraduate Certificate in Specialist Social Work (Adults)/ (Children and Families)
- BA Specialist Social Work (Adults) / (Children and Families)

B13. The *Social Work Suitability Scheme* of HCPC came into force on 1 August 2012. Under this scheme, HCPC expects that education providers have overall responsibility for ensuring that students remain fit to practise throughout their period of study. This responsibility covers all students regardless of their employment status with any practice placement provider.

B14. Concerns about a student's professional suitability in terms of breach of the HCPC code, professional misconduct, inappropriate behaviour or for health reasons are the subject of the Professional Suitability Procedures.

B15. The HCPC *Guidance on Conduct and Ethics for Students* sets out the conduct that is expected of students on Social Work programmes.

Composition of Panels and Appeals Panels

B16. The membership of a Professional Suitability Panel convened to consider the Professional Suitability of a Social Work student shall be constituted in accordance with paragraphs 85 to 89 above. It shall comprise:

- at least three members of MPS Board, of whom one shall normally be a student member; plus
- two qualified Social Workers registered with the HCPC, neither of whom shall be the student's personal tutor, Senior Tutor or programme leader and neither shall have been otherwise involved in the case.

B17. The membership of a Professional Suitability Appeals Panel convened to consider an appeal against a decision of a Professional Suitability Panel for of a Social Work student shall be constituted in accordance with paragraphs 123 to 125 above. It shall comprise:

- at least three members of the MPS Board and/or Senate, of whom one shall normally be a student member; plus
- two qualified Social Workers registered with the HCPC, neither of whom shall be the student's personal tutor, Senior Tutor or programme leader and neither shall have been otherwise involved in the case.

Hand Therapy, Health Promotion and Public Health, Neurorehabilitation, and Health Informatics for Clinical Managers

B18. The programmes in Hand Therapy, Health Promotion and Public Health and Neurorehabilitation, to which the procedures set out in this Regulation apply are:

- MSc Neurorehabilitation
- PGCert / MSc-Hand Therapy
- MSc Health Informatics for Clinical Managers
- MSc Health Promotion and Public Health

B19. The professional expectations of these programmes are set out in full in student handbooks and other programme documentation. Concerns about a student's professional suitability in terms of breach of the codes of the NMC (including the NMC *Guidance on professional conduct for nursing and midwifery students* (NMC 2010)) or HCPC (including HCPC *Guidance on Conduct and Ethics for Students*), professional misconduct, inappropriate behaviour or for health reasons are the subject of the Professional Suitability Procedures. The conduct that is expected of students is set out, as appropriate to the students' profession, in the HCPC *Guidance on Conduct and Ethics for Students* and the NMC Guidance on professional conduct for nursing and midwifery students (NMC 2010).

B20. The NMC code defines 'good character' issues as including 'conduct, behaviour or attitudes that are incompatible or likely to be incompatible with professional registration as well as any new charges, cautions or convictions'. Good character issues may be considered under these Suitability Procedures. The NMC also refer to professional suitability as 'fitness for practise'.

Composition of Panels and Appeals Panels

B21. The membership of a Professional Suitability Panel convened to consider the Professional Suitability of student registered for one of the programmes set out in paragraph B18 of this appendix shall be constituted in accordance with paragraphs 85 to 89 above. It shall comprise:

- at least three members of the MPS Board, of whom one shall normally be a student member; plus
- EITHER two qualified professionals registrants of HCPC in the profession relevant to the student's registration, at least one of whom should be external to the University registered with the HCPC;
- OR two qualified nurses, at least one of whom should be from the same part of the NMC register and field of practice as the student and hold current registration on that part of the NMC register, **and** at least one of whom shall be an external representative from a service partner.

B22. The membership of a Professional Suitability Appeals Panel convened to consider an appeal against a decision of a Professional Suitability Panel for a student registered for one of the programmes set out in paragraph B18 of this appendix shall be constituted in accordance with paragraphs 123 to 125 above. It shall comprise:

- at least three members of the MPS Board and/or Senate, of whom one shall normally be a student member; plus
- EITHER two qualified professionals who are registrants of HCPC in the profession relevant to the student's registration, at least one of whom should be external to the University registered with the HCPC;
- OR two qualified nurses, at least one of whom should be from the same part of the NMC register and field of practice as the student and hold current registration on that part of the NMC register, **and** at least one of whom shall be an external representative from a service partner.

Initial Teacher Education

B23. The programmes in Education to which the procedures set out in this Regulation apply are:

- Postgraduate Certificate Secondary Education with recommendation for Qualified Teacher Status
- Postgraduate Certificate Primary Education (5-11 yrs) with recommendation for Qualified Teacher Status

B24. Concerns about a student's professional suitability in terms of breach of the *Teachers' Standards in England from September 2012*, professional misconduct, inappropriate behaviour or for health reasons, are the subject of the Professional Suitability Procedures.

B25. The *Teachers' Standards in England from September 2012* sets out the conduct that is expected of students on Initial Teacher Education Programmes.

Composition of Panels and Appeals Panels

B26. The membership of a Professional Suitability Panel convened to consider the Professional Suitability of an Initial Teacher Education student shall be constituted in accordance with paragraphs 85 to 89 above. It shall comprise:

- at least three members of MPS Board, of whom one shall normally be a student member; plus
- two qualified teachers, at least one of whom shall normally be external to the University and shall be a Head Teacher, or Deputy Head Teacher, or another senior teacher with equivalent seniority and experience. Where the qualified teacher is a member of the academic staff of the University, he or she shall not be the student's personal tutor, Senior Tutor or Programme Leader. Neither qualified teacher shall have been otherwise involved in the case.

B27. The membership of a Professional Suitability Appeals Panel convened to consider an appeal against a decision of a Professional Suitability Panel for an Initial Teacher Education student shall be constituted in accordance with paragraphs 123 to 125 above. It shall comprise:

- at least three members of the MPS Board and/or Senate, one of whom shall be a student; plus
- two qualified teachers, at least one of whom shall normally be external to the University and shall be a Head Teacher, or Deputy Head Teacher, or another senior teacher with equivalent seniority and experience. Where the qualified teacher is a member of the academic staff of the University, he or she shall not be the student's personal tutor, Senior Tutor or Programme Leader. Neither qualified teacher shall have been otherwise involved in the case.

(1 August 2014)