

LTC09D118

Title: LTC Reviews - Progress on the Review of Disciplinary Procedures
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The Review Group reviewing Disciplinary Procedures has had a number of meetings since the last time progress was reported to LTC in February 2010. It has further meetings scheduled for this semester and is aiming to pass revised procedures and regulations to the University lawyers in May with a view to presenting the final procedures to Senate in June 2010. It is not anticipated that the detailed procedures will come to LTC. Following any revisions to take account of the legal advice, the Chair of LTC will be asked to approve the procedures prior to their consideration by Senate. Is LTC content with this approach?

The Review Group recommends the following principles to LTC for approval:

1) Procedure for handling staff conduct

Where a Chair of a panel or other senior person dealing with a student case believes that a member of staff has acted inappropriately and outside of UEA procedures then they should inform the Head of School or Division in which the staff member is based of their concerns and also the relevant Dean of Faculty in the case of School-based staff or the Registrar in the case of Division staff. The Head of School or Division should deal with the matter according to the relevant Human Resources Division procedure informing the Dean of the Faculty or the Registrar of the outcome.

[Background information. Many staff who deal with student discipline cases have come across members of staff that are not following University procedures. Sometimes staff not following procedure do so through oversight or carelessness but sometimes it is deliberate. Often it is minor but sometimes serious. The Review Group would like to have something in its procedures to cover such cases but does not want to incorporate staff discipline into them. Nor does the Group want something so draconian that it might discourage staff from engaging with student discipline. The main reasons for wanting to have a link to staff conduct procedures in student disciplinary procedures are:

1. Where misconduct by staff members occurs it should be corrected for the good of UEA and future students.
2. Where a staff member is believed to have behaved inappropriately and nothing is done about it then it is possible that the staff member will be disadvantaged in their career development because senior colleagues will have the view that they have behaved inappropriately while they themselves may not be aware of this.
3. At the end of UEA disciplinary procedures an unhappy student can take their case to the Office of the Independent Adjudicator for a free legal review of it. There is a concern that if it is clear that a staff member has behaved badly in such a case and nothing is done about it this might lead to difficulties for UEA with the OIA review.]

2) Procedure for dealing with students who withdraw prior to a disciplinary hearing

- a) Members of the Review Group agreed that the case of a student referred to the Senate Discipline Committee should still be heard even if a student had actually

withdrawn from the programme of study in question. The student will be invited to the hearing of the case, but if the student does not attend, the Senate Discipline Committee will continue to consider the case in absentia.

b) The University should have a procedure in place for recording disciplinary offences on the student's record and this should be shared with Admissions Offices in case a student decides to re-apply to UEA for another programme of study. Further conversations need to take place with the student record section in the Planning Office and also with the Partnerships Office for students who may want to apply for UEA validated programmes offered by one of the UEA Partnership Colleges. In order to comply with Data Protection issues, UEA's Data Protection Officer, Mr David Palmer also needs to be consulted on the issue.

3) Procedure for dealing with students who do not attend a Head of School meeting or disciplinary hearing

Members of the Review Group agreed that students who had been summoned to a Head of School meeting, a Senate Discipline Committee or a meeting with the Disciplinary Officer should be subject to further disciplinary action for non-attendance at such a meeting unless a good reason for their absence is presented, in which case the initial meeting may be rescheduled.

4) Procedure for dealing with exit awards

If a student has committed a serious disciplinary offence, members of the Review Group agreed that the student should be awarded an appropriate exit award based on the Credits which they had fairly accumulated and that the Senate Discipline Committee should not have the power to withhold such an exit award from the student. This principle was in line with the view of the Office of the Independent Adjudicator on the exercise of natural justice. If, however, a Senate Discipline Committee believes, based on the evidence presented to it during a hearing, that the award of an exit award may be unsound, the Chair of the Senate Discipline Committee should inform the relevant Head of School. The School should then conduct further investigations regarding the relevant academic work submitted by the student following relevant University procedures. If the School determine there is evidence of plagiarism and/or collusion in the student's work this should be reported to the Board of Examiners who will decide whether the appropriate exit award should be awarded.

5) Other ongoing discussions/debates

- Review of the General Regulations for Students with a view to grouping these
- Introduction of Fitness to Study Procedure and integration of it into General Regulations for Students
- Further instructions to Head of Schools on procedures for breach of the relevant General Regulations
- Review of the current procedure of an appeal against a decision of the University Disciplinary Officer
- Review of the different modes of sitting of the Senate Discipline Committee
- Code of Conduct for Students