

Birmingham City University

Student Suspension Guidance – Effective from 2017/18

Introduction

A student may be suspended from attendance at the University for alleged misconduct or other good or urgent cause for a limited period of time. Suspension is not a penalty but a precautionary measure which the University may use in order to exercise its duty of care or whilst necessary investigation takes place. The decision to suspend a student may only be taken by a BCU staff member of the University Executive Group (UEG). The student will be notified by letter of the reasons for the suspension, the terms of the suspension and the right of appeal. The period of suspension cannot exceed three weeks unless an extension has been agreed by a member of the Vice-Chancellor's Office (VCO). The member of VCO will determine the length of the extension having regard to the circumstances of the case. The student will be advised in writing if an extension is agreed and informed of the length of the extension. A student who wishes to appeal against a suspension should write to the Vice-Chancellor. The appeal will be considered by a member of VCO who has not previously been involved in the case. The student will be issued with a response within 5 working days following receipt of the request.

Who can make the decision to suspend a student?

Only BCU staff members of UEG may take the decision to suspend a student.

What is taken into account when considering suspension?

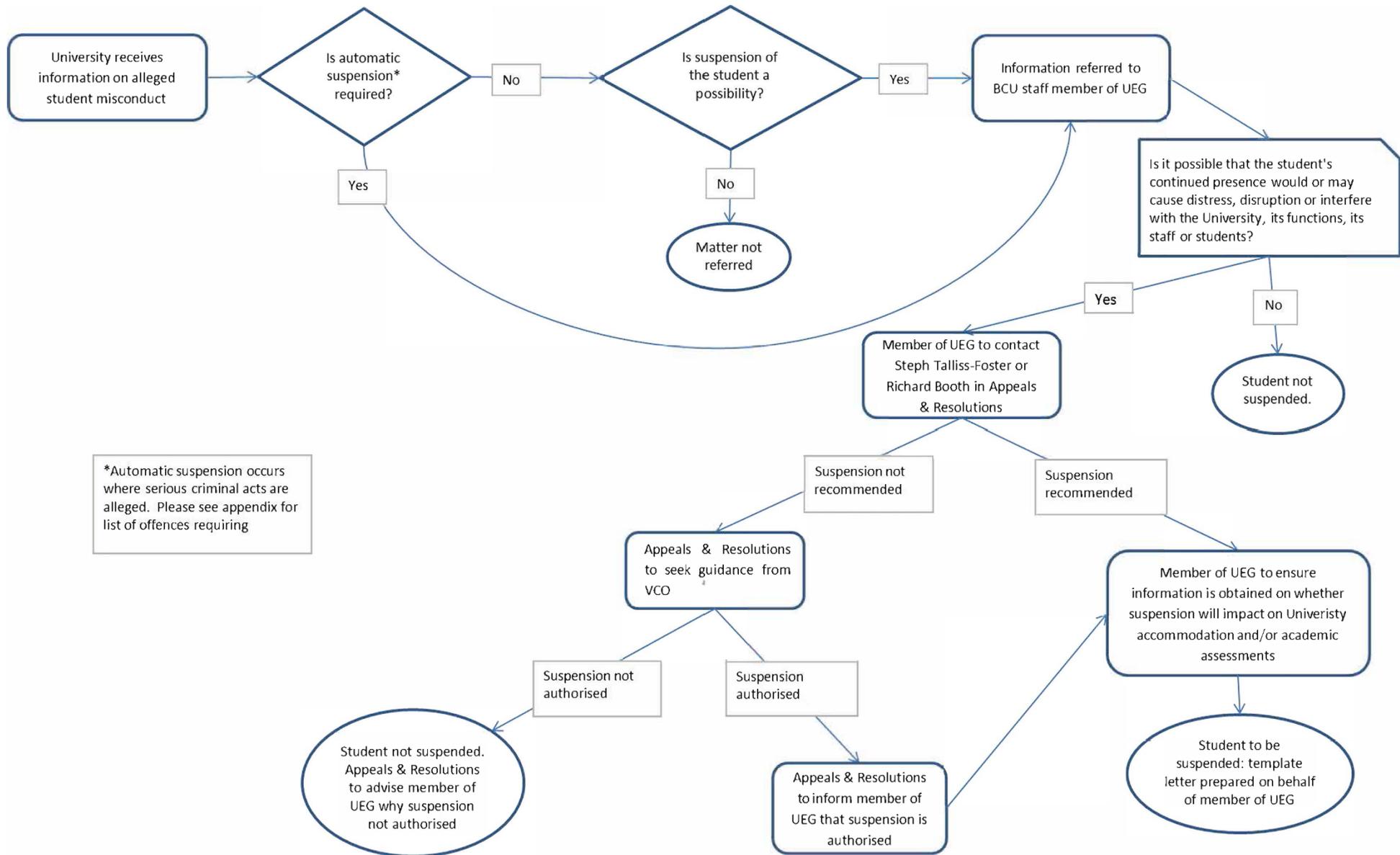
It is important to remember that a suspension is not a penalty and may be imposed as a safeguarding mechanism. Depending on the circumstances, a range of factors may be taken into account. As a minimum, consideration must be given to:

- The University's duty of care. This means whether the continued presence of the student being considered for suspension would or may likely cause distress, disruption or interference with the University, its functions, its staff or its students (including the student for whom suspension is considered). As the University owes a duty of care to all its members as well as its business, any significant actual or perceived threat to the reputation of the University may result in a suspension being made for reasons of duty of care.
- Any investigation to be carried out. In the event that suspension is being considered as a result of serious alleged general misconduct, a suspension may be imposed to ensure the associated investigation can proceed unimpeded. This includes both internal University investigations and investigations conducted by external agencies such as the police. It

would not normally be necessary to suspend a student where the alleged misconduct relates solely to academic matters.

How should a decision to suspend be made?

The following diagram indicates how a decision should be made:



The reasons for suspending a student very often necessitate swift decision-making. Where there are concerns that a suspension may be necessary, all relevant information must be passed without delay to the relevant member of UEG who should then contact the Deputy Director of Student Affairs (Queries and Resolutions) to discuss whether suspension is the appropriate option. The Deputy Director of Student Affairs (Queries and Resolutions) may consult other staff as appropriate.

What can the suspension include?

Suspension means that the student is not permitted to attend scheduled teaching sessions or to come onto University premises for any other reason, unless specifically authorised to do so. Once a decision to suspend has been made, the member of UEG must ensure that it is established if any of the following may be affected by the suspension:

Accommodation – if the student being suspended currently resides in University-owned or operated accommodation, a decision must be taken as to whether the suspension includes or excludes their residence. Suspensions from University accommodation are not common and are normally only invoked where the alleged serious misconduct involves significant disruption to other students in that accommodation, or there is a threat of harm or fear as a result of the continued residence in University accommodation. Where a student is being suspended from University accommodation it is important to allow reasonable notice for removal from accommodation, and also to be certain that the notice for removal has been received. In most cases, once the suspension has expired, the student will be permitted to return to University accommodation.

IT – if the alleged misconduct by the suspended student relates to misuse of the University network and/or computing resources, it may be necessary to extend the suspension to the student's IT access in order to allow the investigation into the alleged incidents to proceed unimpeded. In this situation the student will be suspended from accessing Moodle, iCity and SharePoint as well as their University email account for the period of the suspension. The University will contact the student using the postal and personal email addresses.

Assessments – where the student may be required to visit University premises (for example to attend examinations or other live assessments or to submit work for assessment), consideration must be given to finding reasonable alternatives. For example, to attend examinations it may be possible to allow the suspended student to visit University premises for the duration of the examination provided they report to Security upon their arrival on premises and report their departure. Where the student is scheduled to take

part in University-related activities on non-University premises, consideration must be given to whether the suspension extends to this off-campus activity.

Taught sessions – where a student is suspended from University premises then they will be unable to attend taught sessions. However, the student may be able to continue engaging with their course through other means, such as online learning and submission. Consideration must be given to whether opportunities of this kind can reasonably be offered to the suspended student.

Once all the relevant factors have been taken into account, the attached suspension template letter must be completed according to requirements.

How should a decision to suspend be communicated?

The template suspension letter should be used. To ensure notification of the suspension has been received, the suspension should be communicated in hard copy using current term-time and home addresses, and email using the student's University account and any personal accounts provided to the University by the student. A copy of the suspension letter must also be circulated to:

- The relevant Director of Faculty Administration;
- The relevant Head of Student Support;
- Deputy Director (Queries and Resolutions);
- Head of Student Governance;
- Director of Library and Learning Services;
- Director of Campus Management and Services;
- Assistant Director Security Services.

The relevant Director of Faculty Administration and Head of Student Support will be responsible for taking any actions necessary in regard to a student's assessments and taught sessions. The Head of Student Support will act as a point of contact for the student throughout the period of suspension.

How long does a suspension last?

With the exception of the appended list of offences for which an open-ended suspension is permitted, an initial suspension should be sufficient but no more than is needed to investigate the issue further and must be no more than 3 weeks. This 3-week period may be extended provided the suspension has not expired. Where there is good reason to extend a

suspension, the Deputy Director of Student Affairs (Queries and Resolutions) must be advised of the reasons and the period of extension.

Where a suspension is to be extended, the member of UEG who originally invoked the suspension must seek approval for the extension from a member of VCO. Where approved, the member of UEG must write to the student advising them of the extension to the suspension, providing a reason for the extension. A template letter that can be supplemented as required is attached to this guidance.

How does a suspension end?

At least three working days before a period of suspension is due to expire, Appeals and Resolutions will contact the relevant member of UEG staff who suspended the student to request further information on whether the suspension is to expire or an extension is to be sought. The member of UEG staff who suspended the student must write to the student to indicate either the end of the suspension or the period of the extension.

Suspensions can end in the following ways:

- The initial period of suspension expires and no extension is necessary. It is good practice for the member of UEG staff who suspended the student to write again to confirm the suspension has ended;
- The student successfully appeals the decision to suspend. A letter confirming the decision to uphold the suspension appeal will be issued by VCO or a nominee on behalf of VCO;
- The member of UEG invoking the suspension can overturn their own decision. This may occur where the reason for suspension no longer exists or any parallel investigation has been concluded. The member of UEG staff who suspended the student must write to the student to indicate the end of the suspension.

Where a student returns from suspension, they will be required to meet with the Head of Student Support on the first day of their return to discuss the student's progress and agree plans for catching up on any missed work.

Who keeps records of suspended students?

Appeals and Resolutions keep records of all student suspensions. Consequently they must be kept informed of suspensions and any extensions to suspensions so that the value and

effectiveness of suspensions can be monitored. The following individuals should also be kept informed of suspensions and extensions to suspensions:

- The relevant Director of Faculty Administration;
- The relevant Head of Student Support;
- Head of Student Governance;
- Director of Library and Learning Services;
- Director of Campus Management and Services;
- Assistant Director Security Services.

Appeals and Resolutions will offer regular reports on suspension activity to the Student Complaints, Appeals and Discipline Committee.

Private & Confidential

By post and email to <university email address>
and <personal email address>

<student name>
<Student address>

<Student ID number>
Our Ref: Susp
Date: 21 November 2017

Dear <title, family name>

Suspension from the University

This letter is to inform you that I have decided to suspend you from the University with immediate effect for a period of <XX weeks> until <insert date three weeks from date of letter>. This suspension is in accordance with the Student Disciplinary Procedure, a copy of which is enclosed. During this period you are not permitted on University premises or to participate in University-related activity such as organised field trips: a new disciplinary allegation may be made against you for failing to comply with this suspension.

The reason for this suspension is that an allegation has been made that you <insert allegation. E.g. "The reason for this suspension is that an allegation has been made that you were involved in an altercation that took place on 1st January 2017 resulting in both verbal and physical abuse of another student on University property">. During your suspension, an investigation will take place into this allegation in accordance with the Student Disciplinary Procedure. This suspension may be extended by a member of the Vice Chancellor's Office where circumstances warrant this. Any extension of the suspension will be communicated to you in writing and will include the reasons for the extension and the date the suspension will end.

Suspension is a precautionary measure which the University may use in order to exercise its duty of care or whilst necessary investigation takes place. Whilst suspension is not a penalty, you have the right of appeal against the decision to suspend you. To appeal the suspension decision you must put your appeal in writing to the Vice Chancellor. Within five working days a member of the Vice Chancellor's Office who has not previously been involved with your case will review your appeal before reaching a decision.

As the unacceptable behaviour is alleged to have taken place in University-controlled accommodation, I feel it necessary to extend the suspension to your University accommodation in order to allow the investigation into the alleged incidents to proceed unimpeded and also for the University to exercise its duty of care to other residents. Consequently you are also suspended from all University accommodation for the period of the suspension. In order to comply with this suspension you are required to remove yourself from University accommodation within the next 24 hours – that is by no later than <time and date>.

As the unacceptable behaviour is alleged to have involved the misuse of University network and/or computing resources, I feel it necessary to extend the suspension to your IT access in order to allow the investigation into the alleged incidents to proceed unimpeded.

Consequently you are suspended from accessing Moodle, iCity and Shareville as well as your University email account for the period of the suspension. As access to your University email account has been suspended, the University will contact you regarding this matter using the above postal and personal email addresses.

In the event that you need to return to any of the University's premises for any reason (such as coursework submission, the return of library resources, to retrieve personal belongings from your accommodation or to meet with a Students' Union representative) you must inform Security in advance and in writing of the date, time, location, purpose and expected duration of your visit. You will be expected to report to Security no more than 10 minutes prior to the start time of your visit whereupon you will be escorted to and from your visit location.

Following discussion with your Head of Student Support, I am aware that you have a number of assessments due to be submitted during the proposed period of suspension. The arrangements for you to submit these assessments are as follows <(i.e. email, post etc.)>.

I would recommend that you contact the Students' Union for advice and support: they can be contacted on 0121 331 6801.

Yours sincerely,

<name>

<job title >

Enc Student Disciplinary Procedure

CC Deputy Director (Queries and Resolutions)

Relevant DFA

Relevant Head of Student Support

Head of Student Governance

Director of Campus Management and Services

Assistant Director Security Services

Director of Library and Learning Services

Director of Corporate ICT <only if IT access being suspended>

Private & Confidential

By post and email to

<student name>
<Student address>

<Student ID number>
Our Ref: Susp
Date: 21 November 2017

Dear <title, family name>

Suspension from the University - extension

Further to my letter of <date> suspending you from the University, the Vice-Chancellor's Office has approved an extension to this suspension. The reason for this extension is that <insert reason>. You are therefore suspended from the University on a continued basis for a period of <XX weeks> until <insert date >. This suspension is in accordance with the Student Disciplinary Procedure, a copy of which has been provided previously. During this period you are not permitted on University premises or to participate in University-related activity such as organised field trips: a new disciplinary allegation may be made against you for failing to comply with this suspension.

I would recommend that you contact the Students' Union for advice and support: they can be contacted on 0121 331 6801.

Yours sincerely,

<name>

<job title >

- CC *Deputy Director (Queries and Resolutions)*
- Relevant DFA*
- Relevant Head of Student Support*
- Head of Student Governance*
- Director of Campus Management and Services*
- Assistant Director Security Services*
- Director of Library and Learning Services*
- Director of Corporate ICT <only if IT access being suspended>*

Private & Confidential

By post and email to

<student name>
<Student address>

<Student ID number>
Our Ref: Susp
Date:

Dear <title, family name>

Suspension from the University - extension

Further to my letter of <date> suspending you from the University until <date / event>, I write to confirm that your suspension has now ended. You may now return University premises and participate in University-related activity such as organised field trips. Restrictions placed on <your IT account; your accommodation; etc.> have now been lifted.

In the first instance please contact <Faculty Head of Student Support> who will help make arrangements for your return to University.

Yours sincerely,

<name>

<job title >

CC *Deputy Director (Queries and Resolutions)*
Relevant DFA
Relevant Head of Student Support
Head of Student Governance
Director of Campus Management and Services
Assistant Director Security Services
Director of Library and Learning Services
Director of Corporate ICT <only if IT access has been suspended>

Appendix 1 – Automatic suspension

The University seeks select information regarding criminal charges and convictions during the admissions process. However, the University may become aware of a student having been charged with or convicted of an offence during their enrolment. Students are encouraged to discuss with their personal tutor any charge or conviction they receive during their enrolment.

A limited number of criminal offences (either a charge or conviction) will result in the automatic suspension of a student in order to allow the University to assess any likely impact of the alleged offence on the University, its staff and/or students. An open-ended suspension is permitted until the outcome of any criminal trial is known. Such suspensions must be authorised by a staff member of UEG. The offences resulting in automatic suspension include being charged with or convicted of:

- Murder;
- Attempted murder;
- Manslaughter;
- Rape;
- Attempted rape;
- Serious sexual offence;
- Grievous bodily harm;
- Terrorism;
- Supply of drugs;
- Any act which poses a serious child protection or safeguarding risk.

In addition, use of University network and/or computing resources for illegal purposes will result in an automatic suspension from the University and also from the University IT network.