

WITHHOLDING OR WITHDRAWAL OF AN AWARD OF THE UNIVERSITY OF HERTFORDSHIRE

SUMMARY OF PRINCIPAL CHANGES

General changes

This document should be read in full.

(Amendments to version 02.0, UPR AS21 are shown in italics.)

1 INTRODUCTION

1.1 The powers of the Academic Board of the University of Hertfordshire to withhold or withdraw an award of the University are enshrined in the Further and Higher Education Act (1992), under the terms of which the institution gained university status. Examples of the grounds on which the Academic Board might exercise these powers are described in UPR AS11¹.

1.2 The Academic Board has approved the process set out in this document (UPR AS21), with effect from 15 June 2011, through which it will exercise its authority to withhold or withdraw awards of the University². *For purposes of clarification, this document has been amended further by the Secretary and Registrar with effect from 11 May 2015.*

1.3 Examples of the circumstances in which this process may be invoked are given in section 3.

1.4 Definition

For the purposes of this document the following definition will apply:

'Board of Examiners':

a Programme Board of Examiners or, where relevant, the Research Degrees Board of the Academic Board.

2 RECOMMENDATIONS FOR THE WITHHOLDING OR WITHDRAWAL OF AN AWARD

2.1 Recommendations for the withholding or withdrawal of an award of the University of Hertfordshire will be made in writing to the Secretary and Registrar, normally by:

- i the Chairman of a Fitness to Practise Panel (*or equivalent*) or
- ii the Chairman of a Disclosure and Barring Service Panel or
- iii the Chairman of a Board of Examiners/the Chairman of the Research Degrees Board of the Academic Board/the Chairman of the Honorary Awards Board *of the Academic Board* or
- iv the Vice-Chancellor or
- v the Chairman of the Board of Governors,

Such recommendations will be made where it is believed that grounds exist for the withholding or withdrawal of an award of the University of Hertfordshire.

¹ UPR AS11 'Schedule of Awards'

² **Academic Board Minute:** 51, 15 June 2011, refers.

(Note for guidance:

A recommendation may be made an outcome of an investigation under the provisions of UPR RE02³ or another process.

A student's right of access or any restrictions on such access, to investigation reports or other material relating to previous procedure(s) is determined by those procedures)

3 CIRCUMSTANCES IN WHICH THIS PROCESS MAY BE INVOKED**3.1 Withdrawal of an award - context**

3.1.1 This section gives a number of scenarios relating to awards of the University that are purely academic or which also confer a licence to practise. The event that leads to a recommendation for the withdrawal of an award might have occurred whilst the former student was enrolled on the programme or after he or she completed the programme.

3.1.2 Example 1

i A former student was enrolled on either type of programme (section 3.1.1, refers) and it comes to light after the Board of Examiners has conferred the award that, whilst the former student was on the programme, he or she engaged in some activity, for example, dealing in an illegal substance, which would have resulted in exclusion had it been known at the time, in which case, the student would not have been considered by the Board of Examiners.

ii Course of action

The matter will be referred to an Award Review Committee (section 4, refers).

3.1.3 Example 2

i A former student was enrolled on a programme that also conferred a licence to practise and it comes to light after the Board of Examiners has conferred the award that, whilst the former student was enrolled on the programme, he or she engaged in some activity, for example, shoplifting, which, had it been known at the time, would have made him or her ineligible for the licence to practise but would not have resulted in his or her being excluded from the University.

ii Course of action

The matter will be referred to an Award Review Committee (section 4, refers).

3.1.4 Example 3

i A former student was enrolled on a programme and it comes to light after the Board of Examiners has conferred the award that the former student has since engaged in activity, for example, terrorism, which would have led to his or her exclusion had it occurred whilst the former student was enrolled on the programme.

ii Course of action

a The Academic Board would not normally take any further action since the offence occurred after the former student had completed the programme and he or she had, in the opinion of the Board of Examiners, reached the required academic standard to qualify for the award.

³ UPR RE02 'Research Misconduct'

- b In exceptional circumstances, for example, where the Academic Board considered that the character of an honorary graduate might have been misjudged at the time his or her award was conferred, the Academic Board might refer the matter for consideration and decision by the Honorary Awards Board (section 7, refers).

3.1.5 Example 4

- i A former student was enrolled on a programme that also conferred a licence to practise and it comes to light after the Board of Examiners has conferred the award that he or she has since engaged in some activity, for example, assault, which would have led to the removal of the licence to practise but not necessarily to his or her exclusion had it occurred whilst he or she was enrolled on the programme.

- ii **Course of action**

The Academic Board has taken the view that such cases are a matter for the Professional or Statutory Regulator Body concerned, rather than the University. However, within the limits of the Data Protection Act 1998, the University should respond to any enquires made by the Professional or Statutory Regulator Body concerned.

3.2 Withholding of an award

Section 6, refers.

4 WITHDRAWAL OF AN AWARD - PROCESS

4.1 Secretary and Registrar

- 4.1.1 The Secretary and Registrar will, within ten (10) working days of the receipt of the recommendation *referred to in section 2.1*, or as soon as possible thereafter:

- i determine whether all relevant and necessary internal processes have been concluded and where this is not the case, refer the matter to the Presenting Officer (section 4.1.3, refers) and provide guidance on the steps that should be taken which will include written notification to the student/graduate by the Presenting Officer of the Secretary and Registrar's decision and the further steps to be taken or,
- ii acting on the authority of the Academic Board, convene an Award Review Committee of the Academic Board and, having taken advice from the *Deputy Vice-Chancellor (or nominee)* approve its *Chairman and* membership and
- iii *notify the designated Chairman of the Award Review Committee in writing (this written notification constitutes the Secretary and Registrar's authority for the Committee to proceed with the matter);*
- iv require the Presenting Officer to provide a full written Statement of Case in support of the recommendation for consideration by the Award Review Committee and
- v notify the student/graduate by means of a **Letter of Notification** in the format stipulated in section 4.1.2, that a recommendation to withdraw his or her award has been made and will be considered by an Award Review Committee.

4.1.2 Letter of Notification

The student/graduate will be notified that a recommendation has been made that his or her award should be withdrawn. The notification will be made in writing and such letters ('Letters of Notification') will:

- a give a full explanation of the recommendation *and confirm that for this reason, an Award Review Committee is to be convened*;
- b inform the student/graduate that the Award Review Committee may invite him or her to a meeting to discuss the matter but is not bound to do so;
- c give an explanation of the student's/graduate's right to be accompanied by a Student's Adviser at such a meeting;
- d invite the student/graduate to submit any written witness statements or other written material for consideration by the Committee, to the Secretary and Registrar (or nominee), not less than five (5) working days before the Committee convenes to consider the matter;
- e confirm that the student/graduate has no right to attend meetings of the Committee *and emphasise the importance of the student exercising his or her rights under 4.1.2, d*.

Included with the letter will be *the following documents which, together with any material submitted by the student under the provisions of section 4.1.2, d, will constitute the material to be considered by the Award Review Committee:*

- 1 a copy of the Presenting Officer's Statement of Case, *which will include, where applicable, a copy of the relevant version of any University regulations referenced in the Statement of Case*;
- 2 a copy of this document (UPR AS21).

Letters of Notification will be sent by recorded mail and to the email address the student has provided the University for all correspondence.

4.1.3 Presenting Officer

For the purposes of this procedure, the individual making the recommendation is the Presenting Officer.

The Presenting Officer will be invited to attend the Award Review Committee to present the case. Because he or she is not a designated Officer in Attendance of the Committee, he or she may only be invited to attend the meeting to present the Statement of Case and having done so, may be invited, at the discretion of the Chairman, either to leave the meeting or to remain.

4.1.4 Student's Adviser

- i A student/graduate may invite another person to accompany him or her to, and to act as his or her Adviser, at any meeting (formal or informal) at which the matter is to be discussed.
- ii Role of the Student's Adviser
 - a Although the student/graduate might, for example, invite a lawyer or a Trade Union representative to act as his or her Adviser, it should be noted that the person attends the meeting purely in an advisory capacity and does not, therefore, act as the student's/graduate's representative. However, the student/graduate may elect to be represented at the Hearing or meeting by a member or nominee of the Students' Union Executive.
 - b Where a student/graduate wishes to be accompanied by a Student's Adviser at a meeting, he or she will so advise the Secretary and Registrar not less than five (5) working days beforehand.

- c A Student's Adviser will only be permitted to speak during a meeting if asked direct questions by the Chairman. However, the student/graduate may consult freely with his or her Adviser at any time.

4.1.5 Award Review Committee

i Governance

- a The Award Review Committee is an ad hoc committee of the Academic Board.
- b Members appointed to the Academic Board to serve as student representatives shall not be appointed to membership of the Committee.
- c All other members of the Academic Board are eligible to serve on the Committee.
- d No member of the Committee shall have had previous involvement in the matter. Acting as Chairman of the Board of Examiners does not constitute 'previous involvement' for the purposes of this regulation (4.1.5, i, d). Where any other member of the Committee has had previous involvement in the case or is required to act as the Presenting Officer, the Secretary and Registrar has authority to approve a suitable substitute to serve on the Committee in place of that member and in this regard will take advice from the *Deputy Vice-Chancellor (or nominee)*.

e COMPOSITION

- 1 A Pro Vice-Chancellor or a Dean of School other than the Dean of School of the student/graduate, who shall be Chairman
- 2 Chairman of the relevant Board of Examiners
- 3 Two (2) further members of the academic staff of the University, one (1) of whom shall be a member of the Academic Board
- 4 A senior member of the professional staff

Quorum: 3, of whom one (1) must be the Chairman of the Committee and one (1) must be either the Chairman of the Board of Examiners or, where section 4.1.5, i, d, applies, the member appointed in substitution of the Chairman of the Board of Examiners.

- f The Secretary and Registrar shall be Secretary to the Committee and will act as adviser unless he or she has had previous involvement in the matter, in which case the Director of Legal Services and University Solicitor will act as Secretary to the Committee.
- g The Clerk to the Academic Board will act as Clerk to the Committee.

4.1.6 Process

- i Within ten (10) working days of its being convened, or as soon as possible thereafter, the Committee will meet to consider the recommendation, the supporting Statement of Case and any relevant written material submitted by the student/graduate (section 4.1.2, d, refers).
- ii *Where the recommendation before the Committee is comprised of the outcome of another process, the Clerk to the Award Review Committee will provide a report to the Committee concerning any reports or material previously made available to the student under the provisions of the previous process. For the avoidance of doubt, the material to be considered by the Committee will therefore be as follows and the Clerk will ensure that the following items are provided to all members and Officers in Attendance of the Committee:*
 - 1 a copy of the Presenting Officer's Statement of Case, *which will include, where applicable, a copy of the relevant version of any University regulations referenced in the Statement of Case;*

- 2 any written witness statements or other written material *provided by the student in accordance with the provisions of section 4.1.2, d*;
 - 3 a copy of this document (UPR AS21);
 - 4 *where relevant, a report from the Clerk concerning any reports or material previously made available to the student under the provisions of a previous process.*
- ii At its absolute discretion, the Committee may seek advice or further information from:
- a the student/graduate;
 - b discipline specialists who may be external to the University, in which case the Secretary and Registrar will ensure that any external consultant has entered into a valid confidentiality agreement prior to his or her being provided with any details of the matter;
 - c any other individual, regardless of whether he or she has had previous involvement with the matter.
- iii The date of the meeting will be sufficiently far ahead to ensure that, as far as reasonably possible, the Committee is able to obtain any further advice or information that it might require to inform its deliberations.
- iv A written (narrative) record will be made of the proceedings of the Committee by the Clerk.
- v The detailed deliberations of the Committee are confidential and restricted.
- vi The Committee will submit a confidential report and recommendations for consideration by the Academic Board at the earliest opportunity (section 5, refers).

5 ACADEMIC BOARD

5.1 The Academic Board will consider the confidential report and recommendations of the Committee and will determine whether the award is to be withheld/withdrawn.

5.2 The decision of the Academic Board is final and there is no right of appeal.

5.3 Letter of Decision

5.3.1 The decision of the Academic Board shall be confirmed in writing by the Secretary and Registrar to the student/graduate within five (5) working days of the meeting of the Board by means of a **Letter of Decision** in the format stipulated in section 5.3.2.

5.3.2 The **Letter of Decision** will:

- i confirm the decision of the Academic Board, that the decision of the Academic Board is final and that there is no right of appeal;
- ii be accompanied by a Completion of Procedures Letter which may be used in relation to any future dealings with the Office of the Independent Adjudicator.

Letters of Decision will be sent by recorded mail.

5.3.3 The Secretary and Registrar will provide a copy of the **Letter of Decision** to:

- a the Academic Registrar who will amend the record of the student/graduate to reflect the decision of the Academic Board;
- b the Chairman of the relevant Board of Examiners;
- c the Dean of Students;
- d any relevant Professional or Statutory Regulatory Body.

6 WITHHOLDING OF AN AWARD

Section 3.2, refers.

6.1 Where it is discovered that:

- i an award has been conferred on a former student by the relevant Board of Examiners but this award has not been confirmed by the University by the issuing of an Award Certificate and
- ii the former student is subject to an investigation that may identify circumstances where it might be appropriate for the University to withdraw the award but that investigation has not been concluded,

the Vice-Chancellor is empowered by the Academic Board, on his or her absolute authority, to direct that the award certificate be withheld until the investigation is completed and the findings known.

6.2 When the outcome of the investigation is known and, depending upon the findings, the Vice-Chancellor has authority to direct that the certificate be issued or will refer the matter for consideration under the provisions of section 4 of this procedure.

7 HONORARY AWARDS OF THE UNIVERSITY

7.1 Where a recommendation is made to withhold/withdraw an Honorary Award of the University, the matter will be referred for consideration by the Honorary Awards Board of the Academic Board which has absolute authority to approve the withholding or withdrawal of any such award.

7.2 The Secretary and Registrar will notify the individual concerned, in writing, of the decision of the Honorary Awards Board and will also make a confidential report to the Academic Board at the earliest opportunity.

8 MALICIOUS OR FRIVOLOUS OR VEXATIOUS RECOMMENDATIONS

8.1 Where there is reason to believe that a recommendation may have been made either maliciously or frivolously or vexatiously, the Secretary and Registrar will conduct an investigation and take advice from appropriate officers of the University. Where, on the balance of probability, the Secretary and Registrar judges the allegation to be malicious or frivolous or vexatious, he or she will write to the individual or body which has made the recommendation within ten (10) working days of its receipt, or as soon as possible thereafter, rejecting the recommendation.

8.2 Where, at any point, a recommendation is found to be either malicious or frivolous or vexatious, the University reserves the right to institute disciplinary proceedings against the individual who has made the recommendation and may take legal action against him or her.

9 CONFIDENTIALITY

9.1 Other than for the proper administration of these procedures, information relating to any matter is strictly confidential.

9.2 All parties to the matter and individuals who have been involved in any related investigation or consultation and/or the management and/or administration of the process will observe the requirements for confidentiality. While confidential information will need to be disclosed in order to consider the case, it will be disclosed only to those involved in the consideration of the matter. In addition, confidential information may be disclosed to governmental, Police or regulatory authorities or otherwise disclosed as by law.

9.3 All personal information will be processed by the University in accordance with the Data Protection Act 1998.

9.4 Any breach of confidentiality will be regarded as a disciplinary matter.

10 **INTERFACE WITH THE UNIVERSITY'S COMPLAINTS AND GRIEVANCE PROCEDURES**

The processes whereby complaints or grievances are dealt with by the University are distinct from this process through which the Academic Board exercises its academic judgement. A grievance or complaint will be considered only where it relates to an alleged failure in the administration of this procedure.

Mrs S C Grant
Secretary and Registrar
Signed: **8 May 2015**