

SENATE REGULATION 6: ACADEMIC APPEALS AND DISCIPLINARY MATTERS

Appeals Against Assessment

6.1 This Regulation covers all forms of assessment of both undergraduate and postgraduate work, that is the award of a mark or grade to any examination, test, practical assignment or project, thesis, dissertation or coursework, which is or may be taken into account in determining whether the student concerned obtains a degree or qualification of the University or the class of degree or any mark of distinction, or whether the student concerned is permitted to proceed to the next year of a programme of study or to repeat any module or programme or resubmit any material (including a thesis or dissertation) for assessment, or resit any examination.

6.2 Subject to paragraph 6.3 below, the only rights of appeal provided by this Regulation are against decisions of Boards of Examiners on matters related to assessment (as defined in paragraph 6.1 above)

6.3 Students are free to, and encouraged to, raise with programme representatives or School Boards and Boards of Studies any matters of concern of a general nature concerning assessment relevant to the committee or Board.

6.4 Any individual grievance or difficulty concerning assessment that arises during the course of a student's studies should be raised in the first instance with the tutor or supervisor concerned. If this fails to produce a resolution acceptable to the student, the matter may be raised with the Head of School for internal resolution. The Academic Appeals Committee will normally decline to consider an appeal against assessment until the possibility of School internal resolution has been exhausted, unless the appellant is able to demonstrate that it was not practicable to seek such resolution.

Rights of Appeal

6.5 A student may appeal against the decision of a Board of Examiners on any of the following grounds:

- a** that there exist circumstances materially affecting the student's performance which were not known to the Board of Examiners when its decision was taken and which it was not reasonably practicable for the student to make known to the Board beforehand;
- b** that there were procedural irregularities in the conduct of the examinations and/or assessment procedures, including assessment of coursework, of such a nature as to create a reasonable possibility that the result might have been different had they not occurred;
- c** that there is evidence of prejudice or bias on the part of one or more Examiners.
- d** that there is evidence of inadequate assessment on the part of one or more of the Examiners.

6.6 No appeal shall be allowed on the grounds that, although the decision of the Examiners was properly made, the Board of Examiners is alleged to have erred in its judgement of the academic standard achieved by the student.

6.7 An appropriate medical certificate from a qualified medical practitioner must support any appeal citing medical factors. Medical certificates should normally be submitted at the time of the illness or disability; retrospective certificates will be accepted at the complete discretion of the Academic Appeals Committee.

Senate Academic Appeals Committee

6.8 The Senate Academic Appeals Committee consists of a Chair who is a member of Senate appointed by Senate, and ten members of the academic staff also appointed by Senate. One member shall be appointed as Vice-Chair by the Committee.

6.9 Each member shall be appointed for three years and shall be eligible for re-appointment. The term of office of Committee members shall commence at the beginning of a calendar year and shall end upon conclusion of all appeals under consideration in the academic year ending during their third year of office.

6.10 The quorum for meetings of the Committee shall be four, including the Chair or Vice-Chair. No member of a Board of Examiners concerned with an appeal under consideration, nor any member of staff who has become involved in any of the subject matter giving rise to the appeal, shall be present as a member of the Committee while it considers that appeal. If in any case the disqualification and/or non-availability of members of the Committee makes it impossible to constitute a quorum for a particular case or hearing, the Vice-Chancellor may appoint one or more additional members of the Committee for the purpose of hearing that appeal from among those members of the academic staff who would not, if already members of the Committee, be disqualified from sitting on the appeal under this paragraph.

6.11 The Committee is required to submit an annual report to Senate.

Procedure for Appeals

6.12 Students considering an appeal should first submit a case for internal resolution to their School. The case should be submitted in writing in accordance with the published procedures of the School within 14 days of notification of their results. A student appealing more than 14 days after publication of their results will be required to satisfy their School that they were unable, for good reason, to submit a case within 14 days of notification. Notification will be taken to include the publication of results through the internet or dispatch of notification of results by post to the student's most recently notified address.

6.13 Schools will normally be required to determine the outcome of a case submitted for internal resolution within 14 days of receipt of the case. Where a case cannot be resolved to the satisfaction of the student by internal resolution, the School will provide the student with a formal record of the conclusion of internal resolution. Students who submit a case to the Academic Appeals Committee will normally be asked to provide a copy of the formal record of internal resolution.

6.14 An appeal must be submitted in writing to the Secretary to the Appeals Committee as soon as possible, and in any case must be received from the student within 21 days of written notification to the student of the conclusion of internal resolution by the School. A

student appealing more than 21 days after receiving the outcome will be required to satisfy the Committee that they were unable for good reason to submit a case within 21 days of written notification of the conclusion of internal resolution by the School.

6.15 A student submitting an appeal must specify the address to which correspondence relating to the appeal can be sent. Correspondence sent to that address will be assumed to have been received in the normal course of post.

6.16 A degree which may be the subject of an appeal may not be conferred until the appeal process has been concluded. Students will not be able to attend a degree congregation for the purpose of receiving a disputed award until their appeal is resolved. Students who chose to attend a degree congregation or accept their award will not be able to submit or proceed with an appeal.

6.17 The Committee shall first consider the grounds of each appeal on the basis of the written evidence submitted by the appellant and may call for further evidence from any person as necessary. The Committee will not at this time interview the appellant or witnesses. In cases where there is need for a speedy decision, or otherwise at the discretion of the Chair, a sub-group comprising then Chair or the Vice-Chair, and two members of the Committee shall take action on the appeal, and shall be authorised to resolve it, and will report its decision to the Committee at its next meeting.

6.18 The Committee shall determine whether the written evidence disclosed a prima facie case. If the Committee considers that no prima facie case exists, it may either ask the student to provide further written particulars or reject the appeal.

6.19 If the appeal is rejected, the student may resubmit his or her appeal on one further occasion within 21 days of receiving notification of the outcome of the appeal, provided that material and significant new evidence is submitted.

6.20 If the Committee decides that a prima facie case exists it will make further enquiries. It may then, if it thinks the subject of the appeal is such that it can be dealt with by action of the Chair of the Board of Examiners, refer the appeal to the Chair indicating the action it proposes should be taken in the name of the Board. If the Chair of the Board of Examiners declines to act in accordance with the Committee's wish, the Committee shall refer the appeal to an Appeals Hearing Committee consisting of three members of the Committee including either the Chair or Vice-Chair (who shall chair the Hearing Committee) for a formal hearing of the appeal.

6.21 The Committee may call an Appeals Hearing Committee, in circumstances other than those set out in paragraph 6.20, if it considers that significant evidence would be arrived at in so doing.

6.22 If the Committee decides that a case should proceed to a formal hearing, any person whose conduct is brought into question by the appeal shall be given a copy of the appeal and shall be given an opportunity to give evidence to the Appeals Hearing Committee.

6.23 The appellant shall be given at least 14 days written notice of the date and time of any formal hearing of his or her appeal, and of his or her right to be accompanied as set out in paragraph 6.28 below.

6.24 If the appellant fails to attend the scheduled hearing and fails to provide a reason acceptable to the Chair, the hearing may take place in the appellant's absence, provided that the Hearing Committee is satisfied that notice of the hearing was properly served.

6.25 If at any time before a hearing it is decided by the Hearing Committee that a member of the Hearing Committee has a direct personal interest in the appeal, such a member shall withdraw and the Chair shall appoint a new member to the Hearing Committee.

6.26 If at any time during the hearing it is decided by the Hearing Committee that a member of the Hearing Committee has a direct personal interest in the appeal, such a member shall withdraw and shall not be a party to any decision or finding subsequently made in respect of the appeal.

6.27 The Hearing Committee shall determine whether or not a member shall withdraw under sub-paragraphs 6.25 or 6.26 if

- a** a member declares his or her interest to the Hearing Committee; or
- b** any member is alleged to have a direct personal interest in the appeal by any other member of the Hearing Committee or by the appellant, or by any other person involved in the appeal.

6.28 The appellant may be accompanied at the formal hearing by another student, an official of the Students' Union, or another person, who may present the appellant's case if the appellant so wishes. The appellant may not be represented by a legal practitioner. The Chair of the Board of Examiners concerned, or his or her representative, or in a case involving Examiners of a research degree, any of the Examiners, may also be present at the hearing. The Hearing Committee shall determine which other persons may be present at the hearing, but may not unreasonably exclude any persons called by the appellant or another interested party as witnesses.

6.29 Both parties shall be required to submit, to the Secretary to the Appeals Committee, a written summary of the case they wish to bring, including any supporting evidence, 7 days prior to the hearing. Additional material brought on the day of the hearing will be admitted at the discretion of the Chair. The procedure for a hearing shall be as follows:

- a** The Chair shall outline the procedure for the meeting to both parties.
- b** The Chair will ask the appellant (or representative) to present his/her case in support of the appeal, and to introduce any witness(es) in support of the case.
- c** Members of the Committee may ask questions of the student and/or representative and/or his/her witness(es).
- d** The Chair of the Board of Examiners (or nominee) may ask questions of the student and/or representative and/or his/her witness(es).
- e** The Chair will ask the Chair of the Board of Examiners (or nominee) to respond to the appeal, and to introduce any witness(es) in support of the response.

- f** Members of the Committee may ask questions of the Chair of the Board of Examiners (or nominee) and his/her witness(es).
- g** The appellant (or representative) may ask questions of the Chair of the Board of Examiners (or nominee) and his/her witness(es).
- h** The Chair will ask the Chair of the Board of Examiners (or nominee) to summarise his/her case.
- i** The Chair will ask the appellant (or representative) to summarise his/her case.
- j** The parties will be asked to leave the meeting and the Hearing Committee will consider the evidence that has been heard, and may at this stage choose to reconvene the hearing to a later date in order to obtain further evidence or advice from other parties. Should this be the case, all parties will be invited to attend the reconvened meeting.
- k** The appellant will be notified of the outcome in writing as soon as is reasonably practicable after the meeting.

6.30 A minute of the proceedings of the Appeals Hearing Committee shall be kept by the Secretary.

6.31 After considering the evidence, a Hearing Committee may decide as follows in the case of undergraduate and taught postgraduate students:

- a** that the appeal be dismissed, or
- b** that the Board of Examiners be required to reconsider its decision taking into account such information or findings as the Hearing Committee may deem appropriate.

6.32 After considering the evidence, a Hearing Committee may decide as follows in the case of research students:

- a** that the appeal be dismissed, or
- b** where the grounds of appeal are as in paragraphs 6.5a or 6.5b above, that either the Examiners be required to reconsider their decision, or
- c** where the grounds of appeal are as in paragraphs 6.5a or 6.5b above, that the student be permitted to revise and re-submit his or her thesis within a specified time limit, or
- d** where the grounds for appeal are as in paragraph 6.5c above, that the thesis be re-examined.

6.33 If re-examination under paragraphs 6.32c or 6.32d is agreed the following procedures will apply:

- a New Examiners shall be appointed. The new Examiners shall be no fewer in number than the original Examiners and shall include at least two External Examiners.
- b The Examiners so appointed shall be informed that they are conducting a re-examination, but shall be given no other information about the previous examination.
- c Where the recommendations of the original Examiners and Examiners conducting the re-examination differ, the recommendation of the latter will be binding on the University and the examinee.

6.34 The decision and any findings of the Hearing Committee shall be reported to the appellant, the Chair of the relevant Board of Examiners, the Chair of the Appeals Committee and any person to whom notice of the proceedings was given, and to the next meeting of Senate.

6.35 Any decision of a Board of Examiners reached following a requirement of a Hearing Committee to reconsider a case under paragraph 6.31b or 6.32b, that does not accord with the advice of the Committee, will be reported to Senate for adjudication in accordance with its normal procedures and, once ratified by the Senate, the decision thus arrived at shall be final.

6.36 Where an appeal is successful the University will meet any reasonable expenses incurred in bringing the appeal.

6.37 The Academic Registrar shall be responsible to Senate for the review of the operation of the academic appeals process. Complaints regarding the operation of the process must be submitted within 14 days of notification of the outcome.

6.38 The Office of the Chief Operating Officer will issue the appellant with a Completion of Procedures letter after internal procedures have been exhausted. The appellant is then free to apply to the Office of the Independent Adjudicator for external review.

Disciplinary Procedures for Student Misconduct

6.39 Students of the University are subject to the Charter and Statutes of the University and to Ordinances, Regulations and other rules made under them. Infringements of such legislation may render the student liable to disciplinary action in addition to any other penalty set down in the legislation. Nothing in this Regulation shall prevent the making of local rules of conduct and behaviour relating to particular facilities or areas of the University, and made by the person(s) responsible for those facilities or areas, provided that such rules are consistent with the Charter, Statutes, Ordinances and Regulations.

6.40 The rules of discipline apply to all students registered with the University or registered for a qualification of the University, irrespective of their mode or place of study, and to graduates. The procedures described in this Regulation may also be adopted in the case of a former student who has been reported to Senate in accordance with Statute 5.5 in respect of an offence which might merit the exercise of Senate's powers described in Statute 14.4 (iii) to deprive that person of a degree, diploma, or certificate granted to them by the University

6.41 The University will co-operate with Officers of the Crown in an investigation of a breach of the law that may involve a student of the University. Where a student's conduct is under investigation by Officers of the Crown, the University may, if appropriate, commence disciplinary proceedings in parallel to, or following, any court or tribunal proceedings. Where the student has been sentenced by a court or tribunal in respect of the matter which is the subject of disciplinary proceedings, the penalty of the court or tribunal shall be taken into consideration in determining any penalty under this Regulation.

Powers of the Vice-Chancellor

6.42 Where the Vice-Chancellor, as Chair of Senate, or their nominee, on the basis of evidence made available to him/her, believes that there is a potential or actual threat to the safety or security of the University, its students, staff or facilities, or to the reputation of the University that requires immediate action, s/he may, in accordance with Statute 5.5, determine one of the following outcomes, pending the completion of the relevant disciplinary process (Academic or Non-Academic) as set out in these regulations:

- a temporarily suspend the student's registration for a specified period. In such cases, the student shall normally not be permitted to sit such tests or examinations as are scheduled whilst they are suspended.
- b temporarily exclude the student from all or specified areas of the University or from using any of its facilities for a specified period. Unless also temporarily suspended, the student shall normally be permitted to sit such tests or examinations as are scheduled during that period.

6.43 Where the Vice-Chancellor, or their nominee, temporarily excludes or/and suspends a student under paragraph 6.42, the student must be notified in writing and has 14 days in which to appeal against the decision. The student should submit his/her appeal in writing to the Secretary to the Disciplinary Board as set out in paragraph 6.109. In such cases of appeal against the decision of the Vice-Chancellor, or their nominee, a Disciplinary Appeals Panel must be arranged to consider the case as soon as is reasonably practicable.

6.44 Following the notification of the student in paragraph 6.43, the Secretary to the Disciplinary Board will institute the relevant disciplinary process (Academic or Non-Academic) as set out in these regulations.

6.45 In all cases where the Vice-Chancellor, or their nominee, takes action under the powers of Statute 5.5, his/her decision shall be notified to Senate the conclusion of the suspension / exclusion and any subsequent consideration of the students' case .by a Disciplinary Panel and Disciplinary Appeals Panel.

The Scope of the Rules of Discipline

- 6.46** No student shall engage in conduct either on or off University premises which:
- a is in breach of any Statute, Ordinance, Regulation or other rule of the University or the law of the land;
 - b attempts to gain unfair advantage in any formal assessment, for example, through plagiarism, collusion, or cheating;

- c** attempts to gain advantage, or to deceive, through the falsification, forgery, or misuse of any record or document, or through false statements in relation to such records or documents;
- d** obstructs or otherwise interferes or attempts to interfere with any member of staff, student or visitor to the University;
- e** threatens, harasses, abuses or constitutes an assault or attempted assault on another member or employee of the University or a visitor to the University;
- f** misappropriates, wilfully damages, defaces or converts to improper use, any property of the University, or of a member or employee of the University, or of a visitor of the University;
- g** 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;
- h** is at variance with appropriate standards of behaviour or published rules for governing behaviour whilst engaged in professional practice or training or employment forming part of his/her course of study;
- i** jeopardises or damages the good order of the University or is likely to bring the University into disrepute.

6.47 Students who are found to have gained admission to the University by making false statements or producing falsified documents shall be subject to disciplinary procedures set out in the Admissions Policy.

6.48 Plagiarism is 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.

6.49 Collusion involves aiding, or attempting to aid, another student in deception or dishonest action, or attempt at such action.

6.50 Cheating involves actual, intended, or attempted deception and/or dishonest action in relation to any academic work of the University. Taking unauthorised material into an examination (including revision notes or unauthorised equipment) shall be regarded as attempted deception.

6.51 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 pieces of student work to be a matter of academic judgement.

6.52 Failure, without good reason, to comply with any decision reached by a Vice-Chancellor's Representative, a Disciplinary Panel, or a Disciplinary Appeals Panel shall constitute a disciplinary offence under this Regulation.

Mechanisms for the consideration of allegations of student disciplinary offences

6.53 The Senate and other authorised bodies shall take steps to ensure that the rules that apply to students are formally approved by an appropriate body in the University, published and available to students. Students are responsible for making themselves acquainted with all University rules affecting them.

6.54 The Senate has established a Disciplinary Board with responsibility for matters of student discipline. The constitution of the Board shall be as prescribed by Senate from time to time. The Disciplinary Board shall operate through Panels convened to consider each individual case. Each Panel shall have the powers of the full Board. The Disciplinary Board shall produce an annual report of its work to Senate. Brief details of all meetings of Disciplinary Panels and/or Disciplinary Appeals Panels shall also be reported to Senate.

6.55 The Senate has also appointed Vice-Chancellor's Representatives (Academic and Non-Academic) with authority as set out under these Regulations to consider certain types of case relating to student discipline, determine whether cases are proven and apply standard penalties.

6.56 In all cases of student discipline, the balance of probabilities is normally the test that is applied in determining if an allegation is sustained.

6.57 Where an alleged offence concerns both academic and non-academic matters it should be reported to the Secretary to the Disciplinary Board who will normally refer it to a Disciplinary Panel.

6.58 If a meeting of a Panel or Board of Examiners takes place after an allegation of an academic offence has been reported to a Head of School, the Panel or Board of Examiners shall defer any decision regarding the mark or grade for the assessment(s) concerned, or any award, until the outcome of the disciplinary investigation is known.

6.59 The University's complaints procedure may not be used to appeal against the findings of a Disciplinary Panel or a Disciplinary Appeals Panel. Any complaint associated with disciplinary action taken under this Regulation shall not normally be investigated until the disciplinary process has been completed.

6.60 A student excluded by a Vice-Chancellor's Representative or a Disciplinary Panel for a specified period shall be permitted to sit such tests or examinations as are scheduled during that period.

6.61 A student suspended by the Vice-Chancellor or a Disciplinary Panel shall normally not be permitted to sit such tests or examinations as are scheduled whilst they are suspended.

Non-Academic Matters

6.62 Use of the University's non-academic disciplinary process does not preclude the use of local rules associated with conduct and behaviour relating to academic or non-academic services.

6.63 The Chief Operating Officer shall appoint an Investigating Officer to support the non-academic disciplinary process.

6.64 Allegations of non-academic offences shall, in the first instance, be made in a written report to the relevant Head of School, or their designate, or to the Investigating Officer who shall take steps to ascertain the facts, if not already known. Allegations must be accompanied by evidence in support of the allegation; without such evidence, the Head of School, or their designate, or the Investigating Officer shall dismiss the allegations.

6.65 Where the Investigating Officer is investigating an allegation concerning a student registered on any programme of study in Social Work, s/he shall notify as soon as possible the Head of the School of Health Sciences and Social Care, informing him/her of details of the allegation.

6.66 In seeking to gather evidence, the Head of School/Investigating Officer may invite the student to attend a meeting to assist in the determination of the facts of the case. A friend, or a representative of the Students' Union, who may present the student's case if the student so wishes, may accompany the student in any meeting with the Head of School/Investigating Officer. Neither the student nor the University shall be represented by a legal practitioner. The Head of School/Investigating Officer shall maintain a record of any meetings with the student.

6.67 The Head of School/Investigating Officer may also interview other staff, students and relevant parties to ascertain the facts.

6.68 If the Head of School/Investigating Officer decides that there is a case to answer, s/he shall notify the student and invite him/her to comment within a period not less than 7 days. The student shall be entitled to know the case against him or her, to state his/her own case, and to question and comment on the evidence provided.

6.69 If, following receipt of the student's written response to the allegations, or in the absence of any such written response, and once investigation of the matter is concluded, the Head of School/Investigating Officer judges that there is a case to answer, a report shall be referred to the Secretary to the Disciplinary Board.

6.70 The Secretary to the Disciplinary Board may refer back to the Head of School/Investigating Officer for further consideration or clarification any issues regarding the sufficiency of the evidence presented.

6.71 With the exception of alleged offences judged by the Secretary to the Disciplinary Board to be minor, s/he will normally refer cases of a non-academic disciplinary nature to a Disciplinary Panel.

Role and powers of the Vice-Chancellor's Representative (Non-Academic)

6.72 Minor offences will be referred to the Vice-Chancellor's Representative (Non-Academic) to determine guilt and penalty. The Disciplinary Board may from time to time refer other cases to the Vice-Chancellor's Representative (Non-Academic) to determine the outcome. The Vice-Chancellor's Representative (Non-Academic) may seek advice on any case as s/he sees fit.

6.73 Where a case has been referred to the Vice-Chancellor's Representative (Non-Academic), the Secretary to the Disciplinary Board shall notify the student of the referral and provide details of the evidence presented against him/her. The student shall be invited to

present any statements or evidence in mitigation of his/her actions within a specified period which shall not be less than 7 days.

6.74 Following receipt of the student's response to the allegations, or in the absence of any such response, the Vice-Chancellor's Representative (Non-Academic) shall determine one of the following outcomes:

- a** that there is no case for the student to answer;
- b** that the case cannot be resolved summarily by the Vice-Chancellor's Representative (Non-Academic) and should be referred to a Disciplinary Panel;
- c** that the case is proven and that it is a matter for which a penalty can be determined by the Vice-Chancellor's Representative (Non-Academic); a penalty may be one or more of the following:
 - a fine not exceeding £300, or such larger sum as the Senate may 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;
 - the payment of compensation for damages, not exceeding the value of any damage caused.
- d** that the student has been the subject of previously proven non-academic disciplinary cases of sufficient number to warrant the current case being referred to a Disciplinary Panel.

6.75 In determining the penalties for non-academic offences, the Vice-Chancellor's Representative (Non-Academic) shall take into account mitigating circumstances material to the case submitted by the student. Where the Vice-Chancellor's Representative (Non-Academic) concludes that mitigating circumstances are relevant and should be taken into account in determining penalty, a penalty shall be applied according to precedent.

6.76 The Secretary to the Disciplinary Board shall inform the student in writing of the outcome of his/her case. Students found guilty of an offence shall be warned regarding their future conduct.

6.77 Appeals against a decision of the Vice-Chancellor's Representative (Non-Academic) shall be referred to a Disciplinary Appeals Panel. Notification of and grounds for an appeal are specified in paragraphs 6.108 and 6.109 below.

Academic matters and those relating to professional misconduct or unsuitability

6.78 Where a member of the University suspects that a student has committed an offence of an academic or professional nature, s/he shall make a written report to the Head of School in which the student is registered, or their designate, who shall take steps to ascertain the facts, if not already known. Allegations must be accompanied by detailed evidence in support of the allegation; without such evidence, the Head of School shall dismiss the allegations.

6.79 In seeking to gather evidence, the Head of School may invite the student to attend a meeting to assist in the determination of the facts of the case. A friend, or a representative of the Students' Union, who may present the student's case if the student so wishes, may accompany the student in any meeting with the Head of School. Neither the student nor the University shall be represented by a legal practitioner. The Head of School shall maintain a record of any meetings with the student.

6.80 In investigating the allegation, the Head of School may take advice if s/he so wishes from an External Examiner, or from a meeting of the Board of Examiners.

6.81 When the evidence has been gathered, the Head of School shall notify the student of its purport and invite him/her to comment within a specified period which shall not be less than 7 days. If, following receipt of the student's written response to the allegations, or in the absence of any such written response, and once investigation of the matter is concluded, the Head of School judges that there is a case to answer, a report shall be referred to the Secretary to the Disciplinary Board.

6.82 For cases of suspected plagiarism or collusion, the Head of School should consider whether the student's actions should be considered an example of poor scholarship and/or poor academic practice, rather than plagiarism as defined in this Regulation (see paragraph 6.48 above). If it is concluded that the work does represent inadequate academic practice rather than plagiarism, it should be marked or graded in the normal way on its academic merits. All cases where the Head of School believes that plagiarism has taken place must be referred to the Secretary to the Disciplinary Board.

6.83 The Secretary to the Disciplinary Board may refer back to the Head of School for further consideration or clarification any issues regarding the sufficiency of the evidence presented.

6.84 With the exception of first offences of plagiarism, collusion or cheating as defined in these Regulations, the Secretary to the Disciplinary Board will normally refer allegations of an academic of professional kind to a Disciplinary Panel.

Role and powers of the Vice-Chancellor's Representative (Academic)

6.85 First offences of plagiarism, collusion, or cheating will be referred to the Vice-Chancellor's Representative (Academic) to determine guilt and penalty. The Disciplinary Board may from time to time refer other cases to the Vice-Chancellor's Representative (Academic) to determine the outcome. The Vice-Chancellor's Representative (Academic) may seek advice on any case as s/he sees fit.

6.86 A first offence of plagiarism or collusion in an assessment is defined as the detection of plagiarism or collusion in one or more assessment by a particular student who has not previously been issued with a formal judgement either for plagiarism or collusion by the Vice-Chancellor's Representative (Academic) or by a Disciplinary Panel.

6.87 Multiple instances of cheating or collusion in an examination or test shall always be considered to be repeat offences and will be referred to a Disciplinary Panel regardless of whether the second offence took place in the examination period.

6.88 Where a case has been referred to the Vice-Chancellor's Representative (Academic), the Secretary to the Disciplinary Board shall notify the student of the referral and provide

details of the evidence presented against him/her. The student shall be invited to present any statements or evidence in mitigation of his/her actions within a specified period which shall not be less than 7 days.

6.89 Following receipt of the student's statement and/or evidence in mitigation, or in the absence of any such response, the Vice-Chancellor's Representative (Academic) shall determine one of the following outcomes:

- a** that there is no case for the student to answer;
- b** that the case cannot be resolved summarily by the Vice-Chancellor's Representative (Academic) and should be referred to a Disciplinary Panel;
- c** that the case is proven and that it is a matter for which a penalty can be determined by the Vice-Chancellor's Representative (Academic); penalties available to the Vice-Chancellor's Representative (Academic) are as follows:
 - exclusion of the student from specified areas or from using specified facilities for a specified period;
 - in cases of first offences of plagiarism, collusion, or cheating, impose a penalty as set out below:
 - 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 in question and to the associated module; a reassessment may be awarded where permitted under the Regulations, 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 in question and to the associated assessment block; where permitted under the Regulations, reassessment may be allowed, for a maximum grade of D- in the assessment block (this reassessment shall not contribute to the reassessment volume limit defined in SR2); the assessment block in question shall contribute grade point 0 to the GPA calculation for the classification of any award.
 - for postgraduate students a grade of F is assigned to the piece of work in question and to the associated module; a reassessment may be awarded where permitted under the Regulations, for a maximum grade of C in the module; for a masters award the classification shall be capped at a pass.

6.90 In determining the penalties for academic and professional offences, the Vice-Chancellor's Representative (Academic) shall take into account mitigating circumstances material to the case submitted by the student. Where the Vice-Chancellor's Representative (Academic) concludes that mitigating circumstances are relevant and should be taken into account in determining penalty, a penalty shall be applied according to precedent. In determining whether particular circumstances are relevant, the Vice-Chancellor's Representative (Academic) will take into account whether the circumstances have previously been disclosed in a timely manner, as required under these Regulations.

6.91 The Secretary to the Disciplinary Board shall inform the student in writing of the outcome of their case. Students found guilty of an offence shall be warned regarding their future conduct and advised to seek further support to avoid a repeat offence.

6.92 Appeals against a decision of the Vice-Chancellor's Representative (Academic) shall be referred to a Disciplinary Appeals Panel. Notification of and grounds for an appeal are specified in paragraph 6.109 and 6.110 below.

Cases referred to a Disciplinary Panel

6.93 When a case is referred to a Disciplinary Panel to determine the outcome, the Secretary to the Disciplinary Board shall inform the student against whom the allegation has been made, in writing, about the complaint, and shall give an indication of the likely date of the meeting. At least 10 days' formal notice of the hearing will be given, at which time the student will be given notice of the nature of the charge, of the right to representation, details of the evidence which will be given against him/her, the date and time of the hearing and the procedure to be followed by the Panel.

6.94 If a student fails to attend the scheduled hearing, and fails to provide a reason, satisfactory to the Chair of the Disciplinary Panel concerned for not attending, the hearing may take place in his or her absence, provided that the Panel is satisfied that notice of the hearing was properly served.

6.95 The student may be accompanied by a friend, or a representative of the Students' Union who may present the student's case if the student so wishes. In the event that the student is not able to attend, s/he may not be represented by another person in his/her absence. Neither the University nor the student may be represented by a legal practitioner.

6.96 At the hearing, the University's case will be put by a person appointed for that purpose (the University Representative). In academic or professional cases, the Head of School referring the case shall nominate the University Representative. In non-academic cases, the Head of School or Investigating Officer shall nominate the University Representative.

6.97 At the hearing the student shall be entitled to hear all the evidence of the complaint, and to state his or her own case. The case against the student shall be presented first. Both the student and the University's Representative shall have the right to call and to question witnesses and to make a concluding statement, that of the student being heard last.

6.98 At the hearing, the Disciplinary Panel shall also have the right to call and question witnesses. Where the Panel exercises this right, the student and University Representative shall also have the right to question the witness(es).

6.99 Where the Disciplinary Panel is hearing a case referred to it by the Vice-Chancellor's Representative (Non-Academic) under paragraph 6.74 (d), it shall consider and determine the outcome of the latest, undetermined non-academic offence before hearing any detail of the nature and number of previous offences.

6.100 A Disciplinary Panel, if satisfied that an offence has been committed, may impose an appropriate penalty, and may take into account previous proven cases against the student in so doing.

6.101 The normal penalties for non-academic offences are one or more of the following:

- a** a fine, not normally in excess of £500;
- b** suspension of the student's registration for a specified period;
- c** exclusion of the student from the University, or any part thereof, or from any activity, for a specified period;
- d** 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 intermediate award to which they may lead;
- e** in the event of damage to persons or property, require that such damage be made good at the expense of the student or students concerned, in whole or in part.

6.102 Where appropriate, a Disciplinary Panel may also, for a non-academic offence, deprive a former student of his/her degree or revoke a diploma of certificate granted by the University, in accordance with Statute 14.1(iii).

6.103 The normal penalties for academic and professional offences are:

- a** suspension of the student's registration for a specified period;
- b** exclusion of the student from the University, or any part thereof, or from any activity, for a specified period;
- c** 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 intermediate award to which they may lead;
- d** in cases of plagiarism, collusion, or cheating, impose a penalty as set out below:

First offences for undergraduate students whose programmes of study are regulated by SR2 (pre-2009)	a mark of zero is assigned to the piece of work in question and to the associated module; a reassessment may be awarded where permitted under the Regulations, 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.
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First offences 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 in question and to the associated assessment block; where permitted under the Regulations, reassessment may be allowed for a maximum grade of D- in the assessment block (this reassessment shall not contribute to the reassessment volume limit defined in SR2); the assessment block in question shall contribute grade point 0 to the GPA calculation for the
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classification of any award.

Repeat offences 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.
First offences for postgraduate students	a grade of F is assigned to the piece of work in question and to the associated module; a reassessment may be awarded where permitted under the Regulations, for a maximum grade of C in the module; for a masters award the classification shall be capped at a pass.
Repeat offences for 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.
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.

6.104 Where appropriate, a Disciplinary Panel may also, for an academic offence, deprive a former student of his/her degree or revoke a diploma of certificate granted by the University, in accordance with Statute 14.1(iii).

6.105 Where an offence contains multiple elements, or is seen as particularly serious in terms of extent, the Panel will be guided by the normal penalties but will be empowered to apply, in accordance with precedent, a penalty that it feels is appropriate to the offence.

6.106 In determining penalties for academic and professional offences, the Panel shall take into account mitigating circumstances submitted by the student which are material to the case. Where the Panel concludes that the circumstances should be taken into account in determining penalty, a penalty shall be applied according to precedent. In determining whether particular circumstances should be taken into account, the Panel will take into account whether the circumstances have previously been disclosed in a timely manner, as required under these Regulations. The Panel is unlikely to accept mitigation when considering a repeat offence of plagiarism, collusion, or cheating, even where the circumstances have previously been disclosed to the University in a timely manner.

6.107 When considering academic cases, the Panel will establish that 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 shall dismiss the case. In repeat cases of plagiarism, cheating, or collusion, in normal circumstances a Panel will consider that the warnings and guidance associated with a first offence constitute appropriate guidance.

6.108 A record of the proceedings of any Disciplinary Panel shall be kept by the Secretary. The student shall be informed of the decision of the Disciplinary Panel as soon as practicable after its meeting. The student shall be informed of the reasons for the decision.

Right of Appeal

6.109 A student who wishes to appeal against the decision of the Vice-Chancellor's Representative or a Disciplinary Panel must give notice in writing of the grounds for appeal including a summary of his/her case, to the Secretary to the Disciplinary Board within 14 days of the decision being notified. Such a student must provide full details of the grounds for the appeal within three months of the date of the original decision, failing which the appeal will be rejected.

6.110 The grounds for appeal are:

- a procedural irregularity of a material nature, including the commission of an error during the original meeting;
- b new evidence material to the case which the student can demonstrate was for good reason not previously available;
- c the penalty is excessive.

The Disciplinary Appeals Panel

6.111 A Disciplinary Appeals Panel shall be appointed by the Senate to consider appeals made against decisions of a Disciplinary Panel or the Vice-Chancellor's Representatives and must be constituted before the Senate receives any account of the original proceedings or the report of the Vice-Chancellor made under Statute 5.5 on the disciplinary action taken. No member of the Disciplinary Appeals Panel shall be allowed to be present when Senate receives the report of the Vice-Chancellor or any report of proceedings where the student retains the right of appeal to the Board under paragraph 6.109 above.

6.112 A Disciplinary Appeals Panel may also be convened when a representation is made to the Head of Registry by a student at partner institution appealing against an academic disciplinary decision imposed by that institution, so long as the student has exhausted the available appeals mechanisms within that institution.

6.113 Each Disciplinary Appeals Panel in respect of an academic offence shall consist of three members of the Senate, one of whom shall be a student. One of the academic members of the Panel shall be appointed as Chair. No member of Senate directly involved in the matter under consideration may be appointed to a Disciplinary Appeals Panel.

6.114 Each Disciplinary Appeals Panel in respect of a non-academic offence shall consist of two members of staff and one student member of the Senate. Such a Panel may include

senior members of non-academic staff appointed by the Chair of the Disciplinary Board, but any academic members and its Chair must be drawn from the membership of Senate. No member directly involved in the matter under consideration may be appointed to a Disciplinary Appeals Panel.

Procedures of the Disciplinary Appeals Panel

6.115 The Disciplinary Appeals Panel shall consider the grounds for the appeal on the basis of the written evidence submitted by the appellant, as soon as is practicable after the receipt of the full details of the appeal from the student, and may call for further evidence from any person as necessary. The Disciplinary Appeals Panel shall be provided with the report of the Disciplinary Panel, or a written report from the Vice-Chancellor's Representative, as appropriate. The Panel will not at this time interview the appellant or any witnesses.

6.116 The Disciplinary Appeals Panel shall determine whether the written evidence discloses a prima facie case. During this stage of the process, each member of the Appeals Panel shall form an independent view of the evidence; the Panel will not meet at this stage. The Chair shall receive written responses from the other members and determine whether there is a prima facie case for the appeal. Where the views expressed by Panel members do not result in a unanimous view of the case, the Chair will convene an appeal hearing to hear the student's case.

6.117 In the case of an appeal against the procedure followed or against the penalty, the Disciplinary Appeals Panel must be satisfied that there is sufficient evidence of a substantive defect that may have resulted in (a) a wrong finding and/or (b) an excessive penalty. If the Panel considers that no prima facie case exists, it may either ask the student to provide further written particulars or reject the appeal. If the Panel finds that a prima facie case exists, it shall not consider the matter further at this stage, but it shall ask the Secretary to the Disciplinary Board to organise a hearing at which the case may be considered further.

6.118 At the appeal hearing, the University's case will be put by a person appointed for that purpose (the University Representative). In non-academic cases, the Vice-Chancellor's Representative (Non-Academic) shall nominate the University Representative; in academic or professional cases, the Head of School referring the case shall nominate the University Representative.

6.119 The appellant shall be given not less than 10 days' formal notice of the date and time of any formal hearing of his or her appeal, and of his or her right to be accompanied as set out in paragraph 6.121 below.

6.120 If a student fails to attend the scheduled hearing, and fails to provide a satisfactory reason to the Chair for not attending, the hearing may take place in his or her absence, provided that the Appeals Panel is satisfied that notice of the hearing was properly served.

6.121 The student may be accompanied by a friend, or a representative of the Students' Union, who may present the student's case if the student so wishes. Neither the University nor the student may be represented by a legal practitioner.

6.122 A hearing of a Disciplinary Appeals Panel may reach one of the following decisions:

- a that the appeal be dismissed and that the penalty imposed be confirmed;

- b** that the appeal is upheld, wholly or in part, on one or more of the grounds for appeal.

6.123 Where an appeal is upheld, wholly or in part, the Disciplinary Appeals Panel may either:

- a** determine that there is good reason under this regulation and/or precedent to substitute a different penalty to that determined by the original Panel; the revised penalty may be less or more severe than that determined by the original Panel; or
- b** where the circumstances require fresh consideration of the case, advise the Secretary to the Disciplinary board that the original outcome should be set aside and a new Disciplinary Panel be convened to hear the case as if for the first time.

6.124 A record of the proceedings of each Disciplinary Appeals Panel shall be kept by the Secretary.

6.125 The decisions of a Disciplinary Appeals Panel shall be final.