

Academic Regulations

Section 15

Academic Misconduct Regulations and Procedure

2020-21

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Introduction

1. The purpose of these Procedures is to protect the academic standing of the University and the academic integrity of its awards, for the benefits of both the University and its students, whether past, present or future.
2. It is a student's responsibility to familiarise themselves with the academic conventions and practices applicable to the course on which they are enrolled. It shall be the responsibility of the student to ensure that the work they submit for assessment is entirely their own, or in the case of group work, the group's own and that they observe all Regulations, Procedures and instructions governing examinations.
3. For the purposes of these Procedures, the term 'academic misconduct' includes all forms of cheating (i.e. examinations, formal assessments, commissioning another person to complete an assessment or buying work online), plagiarism and collusion. For illustrative purposes, Schedule 1, although not exhaustive, sets out the categories and penalties of academic misconduct. Where reference is made within these procedures to the weight of evidence, the standard of proof to be applied will be based upon the balance of probabilities.
4. For the purposes of these Procedures, the person, (whether the University or the student) making an allegation or stating a fact is responsible for proving it. All decisions regarding the imposition of penalties under these Procedures shall take full account of the duty to act in a fair and equitable manner.
5. These Procedures also provide the opportunity for students to receive formative guidance on academic conduct and associated practices by making available, to students who are found to have contravened them, structured tutorial support. (refer to paragraph 55).
6. Any student who is accused of academic misconduct is advised to promptly seek assistance from the Students' Union.
7. Students and staff members should act reasonably and fairly towards each other and are expected to treat the processes themselves with respect. A student's access to staff, University premises, or procedures may be restricted and considered under a different process or procedure such as Fitness to Practise, Student Conduct, or within the Complaints Procedure, if a student makes a complaint about a staff member.
8. The Associate Pro Vice-Chancellor: Academic and Student Services (Interim) has overall responsibility for the Student Academic Misconduct Procedures.

Applicability

9. These Regulations apply to:
 - 9.1 any person who is registered as a student of the University (including those students who have taken a break from their studies).
 - 9.2 so far as is practicable, any person to whom an offer of a place has been made and who subsequently becomes a student.
 - 9.3 a student against whom an allegation was pending when their registration by

withdrawal or otherwise was terminated and who subsequently re-joins the University.

Standard of Conduct

10. Students shall:

10.1 not claim others' work as their own and shall respect all relevant academic conventions and practices;

10.2 not give or receive unpermitted aid in examinations; nor give or receive unpermitted aid in class work, in the preparation of essays, or coursework, or in any other work that is to be used as the basis of assessment;

10.3 A non-exhaustive list of examples of academic misconduct is set out in the category of penalties

Misconduct Offences

11. If a student is found on the balance of probabilities to have committed misconduct, they are liable to sanction and penalties.

12. An allegation of 'academic misconduct', including all forms of cheating, collusion and plagiarism, shall be dealt with under these Regulations.

13. All panels and decisions under these regulations shall be made and conducted in accordance with these Regulations.

14. Misconduct that has been proven under these regulations may be referred to in any reference given by the University or a member of staff. The University may also be obliged to report it to a relevant professional body.

Fitness to Practise and Professional or Regulatory Requirements

15. Where allegations are made against a student on an Accredited Course, the University may:

15.1 notify the relevant body of the matter.

15.2 take separate action (in addition to any action under these Regulations) under its Fitness to Practise policy, Academic Regulations or Course Regulations. The University may use any evidence compiled pursuant to these Regulations in any Fitness to Practise proceedings.

Reporting Allegations of Academic Misconduct

Examinations or tests

16. If, during an examination, an invigilator believes that a student has engaged in academic misconduct they shall normally inform the student and endorse the student's answer book as follows: with the time, and a brief description of the incident and with their initials. Any prohibited material will be removed and retained. The student shall then be permitted to continue, in a new answer book. A written report of the incident shall be made to the Student Casework Office by the invigilator or examiner concerned, as soon as possible and normally within a week of the incident. The Senior Invigilator shall, in addition, note the circumstances in the Senior Invigilator Report. Where evidence of academic misconduct is reported to the Student Casework Office after this deadline, an allegation may still be progressed against a student if, in the opinion of the Associate Pro Vice-Chancellor: Academic and Student Services (Interim) (or nominee), there are compelling reasons to do so.

Other assessments

17. Where an internal examiner establishes that there is, in their view, evidence of academic misconduct, they shall provide a written report, including relevant evidence, to the Student Casework Office as soon as practicable, but no later than 30 days from the standard submission deadline for the work concerned. Exceptionally, a written report, including relevant evidence, may be submitted no later than a week after this period, but only with the prior agreement of the Student Casework Office. Where evidence of academic misconduct is reported to the Student Casework Office after this deadline, an allegation may still be progressed against a student if, in the opinion of the Associate Pro Vice-Chancellor: Academic and Student Services (Interim) or (nominee), there are compelling reasons to do so.

18. Where an internal examiner has a reasonable suspicion that a student has engaged in academic misconduct, the internal examiner may require the student to sit an informal *viva voce* examination. Such examination shall be conducted in accordance with guidance published by the Student Casework Office and the reports of the examination may stand as evidence under this part.

19. Where an external examiner establishes that there is, in their view, evidence of academic misconduct, they shall notify the internal examiner, who shall act in accordance with paragraph 17 above.

20. A student who believes that there are grounds for an allegation of academic misconduct against another student shall inform the relevant Module/Course Leader who shall establish if there is sufficient evidence of academic misconduct. If such evidence is found, the member of staff shall act in accordance with paragraph 17 above.

21. A report of academic misconduct shall:

21.1 be in writing, signed and dated by the member of staff making it;

21.2 specify the full name(s) and number(s) of the student(s) to whom it relates;

- 21.3 state the basis and the evidence on which the allegation has been made and be accompanied by all the relevant evidence;
- 21.4 provide details of the assessment, including the coursework or examination questions, the weighting of the item of assessment and any information provided to students concerning academic conventions and practices.

Minor Academic Misconduct in Coursework

22. Where a Module Leader establishes that there is evidence of academic misconduct relating to coursework which if substantiated would lead to Penalty 1 they shall submit an allegation pro forma to the Student Casework Office. The Module Leader shall retain the coursework.
23. Where the Student Casework Office determines that the alleged academic misconduct suggests a higher category and/or penalty, or where the student has a previous proven allegation substantiated against them, the case will be progressed under paragraphs 27 to 54.
24. Unless the Student Casework Office has determined that the allegation should be progressed under paragraphs 27 to 54, they will write to the student confirming:
- 24.1 that an allegation has been submitted;
 - 24.2 details of how the student can access their work and evidence within the School should a student wish to review the basis of the allegation;
 - 24.3 details of how to request a review of the allegation, should a student wish to dispute the allegation;
 - 24.4 school arrangements and contacts details so that the student can undertake an academic conduct tutorial.
25. Unless the student requests a review of the allegation within the period stipulated by the Student Casework Office, the Module Leader may impose Penalty 1 and mark the work accordingly.

Penalties

26. The Table of Penalties applies to substantiated **first offences** of academic misconduct in the same assessment period. A penalty for a second or subsequent substantiated allegation of academic misconduct will normally be ***one penalty level higher** than that suggested below, **or one level higher than the previously imposed penalty, whichever is higher**. *There is a maximum period of 6 years in which any second or subsequent substantiated allegation can be applied to substantiated first offences.

Table of Penalties

Penalty 1:	Reprimand, a formally recorded warning kept on the student's record. The Module Leader shall mark the work, but the mark may be reduced to reflect a student's failure to address the assessment criteria in areas of collation of sources and their citation. The student may be required to redo the work on pedagogic grounds.
Penalty 2:	Failure in the item of assessment, with reassessment right where permissible. The assessment component mark will be capped at a bare pass.
Penalty 3:	Failure in the item of assessment, with reassessment right where permissible. The module result will be capped at a bare pass.
Penalty 4:	Failure in the module: the student must re-register for the same module at the next opportunity where the re-registered module result will be capped at a bare pass. Where a re-registration of the same module, or suitable alternative, is not permissible the student will not be able to continue on the course.
Penalty 5:	Failure in the module, the student must re-register for the same module and the reregistered module will be capped at a bare pass. Where a re-registration of the same module, or suitable alternative, is not permissible the student will not be able to continue on the course. Additionally, the following penalty will be applied to the student's final award: Undergraduate Honours - student's final classification will be reduced by one level Unclassified Bachelors to Diploma in Higher Education Foundation Degree – Distinction to Merit; Merit to Pass; Pass to Certificate in Higher Education Masters - Distinction to Merit; Merit to Pass; Pass to PG Dip
Penalty 6:	Expulsion. A student will not be permitted to exit with their named award, but may be permitted to exit with a lower award.

Schedule 1 Category of Penalties

26.1 Examinations or tests

Category	Type of academic misconduct	Penalty to be imposed first offense(s) all levels
1.1	Removing any script, paper, or other official stationery (whether completed or not) from the examination room, unless specifically authorised by an invigilator or examiner.	Penalty 1
1.2	Possession or use of devices of any kind other than those specifically permitted in the rubric of the paper.	Penalty 1
1.3	Communicating with another student or with any third party other than the invigilator/examiner during an examination or test.	Penalty 1
1.4	During an examination or test, copying or attempting to copy the work of another student, whether by overlooking his or her work, asking him or her for information, or by any other means.	Penalty 2
1.5	Possession of crib sheets, revision notes (including, for example, those held on digital media devices) or accessing the internet in contravention of the examination rubric.	Penalty 3

1.6	Attempting to persuade another member of the University (student, staff or invigilator) to participate in actions that would breach these Procedures.	Penalty 4
1.7	Being party to any arrangement whereby a person other than the candidate represents, or intends to represent, the candidate in an examination or test.	Penalty 4
1.8	Taking into an examination a pre-written examination script for submission and exchanging it for a blank examination script.	Penalty 4
1.9	Obtaining access to an unseen examination or test prior to the start of an examination/test.	Penalty 5
	A penalty of expulsion shall be applied where a student has previously received a Penalty under these Procedures where the previous or current penalty is Penalty 5 or where two or more allegations are made within one academic year that each individually equate to Penalty 5.	Penalty 6
	Being party to any other arrangement that would constitute a breach of these Procedures.	Penalty will correspond to the nature of the offence and will be in accordance with penalties outlined for each of the above

26.2 Coursework

Sources of academic misconduct in coursework can include fellow students, published sources including the Internet, essay banks and other commissioned and uncommissioned sources.

Category	Type of academic misconduct	Penalty to be imposed first offense(s)	
1.10	Making available work to another student, either intentionally or as a result of negligence that can be presented as another student.	Penalty 1	
1.11	Isolated use of quotes without the use of quotation marks and/or referencing.	FHEQ levels 3 and 4	Penalty 1
		All other levels	Penalty 2
1.12	Representation of work produced in collaboration with another person or persons as the work of a single student.	FHEQ levels 3 and 4	Penalty 1
		All other levels	Penalty 2
1.13	Submission for assessment of work submitted previously by the student (either at London Met or another institution) or work submitted for assessment that has previously been published elsewhere, where the duplication concerned is isolated .	FHEQ levels 3 and 4	Penalty 1
		All other levels	Penalty 2
1.14	Moderate use of quotes or close paraphrasing without the use of quotation marks and/or referencing, where the	Penalty 2	

	student has mostly cited the plagiarised material in the bibliography.		
1.15	Submission for assessment of work submitted previously by the student (either at London Met or another institution) or work submitted for assessment that has previously been published elsewhere, where the duplication concerned is extensive .	Penalty 3	
1.16	Using another student's work and submitting some or all of it as if it were the student's own.	FHEQ levels 3 and 4	Penalty 2
		All other levels	Penalty 3
1.17	The presentation of data in laboratory work, projects etc. based on work purporting to have been carried out by the student but which has been invented, altered or falsified.	FHEQ levels 3 and 4	Penalty 2
		All other levels	Penalty 3
1.18	Extensive use of quotes or close paraphrasing without the use of quotation marks and/or referencing, where the student has not cited the plagiarised material in the bibliography.	Penalty 3	
1.19	Stealing another student's work and submitting it as the student's own work (where the originator is not denied the opportunity of submission).	Penalty 4	
1.20	Commissioning another person to complete an item of University assessment. This could include the use of professional essay writing services, essay banks, ghost-writing services etc.	Penalty 4	
1.21	Commissioning another person to complete an item of University assessment, which is then submitted as a student's own work. This could include the use of professional essay writing services, essay banks, ghost-writing services etc.	Penalty 4	
1.22	Failure to secure appropriate ethical approval in advance of conducting research, an experiment, study or similar	Penalty 4	
1.23	Stealing another student's work and submitting it as the student's own work (where the originator is denied the opportunity of submission).	Penalty 5	
1.24	Agreeing, assisting, encouraging, advising or attempting to persuade another member of the University (student or staff) to participate in actions that would breach these Procedures.	Penalty 5	
	A penalty of expulsion shall be applied where a student has previously received a Penalty under these Procedures where the previous or current penalty is Penalty or where two or more allegations are made within one academic year that each individually equate to Penalty 5.	Penalty 6	

	Being party to any other arrangement that would constitute a breach of these Procedures.	Penalty will correspond to the nature of the offence and will be in accordance with penalties outlined for each of the above
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Please note that all imposed penalties are subservient to the undergraduate and postgraduate regulatory frameworks. Please refer to the penalties below for Research Degree and paragraph 64 for academic misconduct identified after a student has graduated.

Schedule 2 Penalties for Research Degree Allegations

In the case of a substantiated allegation of academic misconduct in a Research Degree, the Panel shall determine the appropriate penalty to be imposed from one of the following penalty options:

Penalty R1	Reprimand, a formally recorded warning kept on the student's record.
Penalty R2:	Failure in the thesis, with the possibility of resubmission for a lesser award, as determined the Research Degrees Sub-Committee.
Penalty R3:	Failure in the thesis, without resubmission right.
Penalty R4:	Expulsion.

N.B In the case of a Research Degree student, a penalty of expulsion **may be** imposed for a first offence.

Consideration of Allegations of Academic Misconduct

27. The student shall be presumed innocent of the alleged misconduct until a decision or determination has been made;
28. An allegation of misconduct shall only be proven, if it is found that it is more likely than not that the misconduct occurred (that is, on the balance of probabilities);
29. The person (whether the University or the student) making an allegation or stating a particular fact is responsible for proving it. There is no need to prove an allegation or a fact that has been admitted.
30. The Student Casework Office shall first determine if there is evidence to progress an allegation lodged in accordance with paragraphs 16 to 21 above. A lodged allegation shall usually be considered by the Student Casework Office within 60 days. There may be circumstances where, for good reason, the University will need to extend this timeframe; if this occurs the University will advise the student of this. Circumstance that may delay completion of the procedures include but are not limited to:
 - 30.1 incomplete form and/or evidence;
 - 30.2 delays in student responses;
 - 30.3 consideration being put on hold for allow for matters being considered as part

of another procedure, for instance non-academic misconduct. Any period which the appeal is put on hold to allow for consideration of another procedure shall not be included in the 60 days period referred to above.

31. In cases where there is insufficient evidence, the case will be returned to the Module Leader with a request that the work is marked in the normal way as per the University's Academic Regulations.
32. For very minor cases of academic misconduct not listed in the Table of Penalties above, the School concerned shall be advised to counsel the student as to the nature of the misconduct. In such cases, the allegation will not be progressed via these Regulations.
33. In cases where there is sufficient evidence for an allegation to be progressed, the Student Casework Office shall determine if the nature of the academic misconduct clearly falls under one of the categories listed in Schedule 1.
34. In cases where the academic misconduct clearly falls under one of the categories listed in Schedule 1, the student will be informed that there is sufficient evidence to support the allegation. The student will be invited to make any submissions in response to the allegation within a period of 10 days. Any submissions provided by the student will be considered before a decision about the allegation is made. If the student fails to make such submissions within the time period, or at all, the decision will be that the allegation is found to be proven and an appropriate penalty imposed.
35. In cases where the academic misconduct falls under two or more categories; e.g. in cases of collusion, or where there is ambiguity as to the nature of the academic misconduct, the Student Casework Office shall progress the case by notifying the student in writing of the allegation and by requesting that the student responds by the completion of a Procedural Form.
36. In relation to paragraphs 34 and 35 above, the Student Casework Office will notify a student of the academic misconduct presented against them. Notification to the student shall include:
 - 36.1. a copy of the allegation and all evidence in support of it;
 - 36.2. a copy of these Regulations;
 - 36.3. in cases where there is sufficient evidence to support the allegation (refer to paragraph 34 above), the options available to appeal the decision and how to request an appeal; or,
 - 36.4. in cases progressed under paragraphs 35, a Procedural Form, which the student must complete, detailing the options by which the student can respond to the allegation.

Options for a Student Response by Way of Appeal

37. Where a student has been notified of an allegation of academic misconduct, they may appeal within 10 days from the date of receipt of the notification of the allegation of academic misconduct against them.
38. In cases progressed under paragraph 34, when submitting an appeal, a student may:

- 38.1. in the case of Penalty 1, dispute the allegation;
 - 38.2. dispute the allegation and also make representations against the level of the penalty imposed. Where a student does not explicitly request an oral hearing, the case will be considered by way of written representations; or,
 - 38.3. accept the allegation but make written representations only as to the level of penalty imposed.
39. In cases progressed under paragraph 35, when submitting an appeal, a student shall:
- 39.1. complete, sign and return the Procedural Form attaching any evidence in support of their statement, to the Student Casework Office; and
 - 39.2. accept the allegation, indicating where appropriate the category of academic misconduct which is accepted; or,
 - 39.3. dispute the allegation and want the response to the allegation to be considered by way of written submission or at an oral hearing. Where a student does not explicitly request an oral hearing, the case will be considered by way of written representations.
40. A student shall indicate whether they want the allegation and their response to it to be considered by way of written submission or at an oral hearing. Where a student does not explicitly request an oral hearing, the case will be considered by way of written representations.
41. In cases involving two or more students, if one student opts for an oral hearing of the case then all the students who responded to the allegation will be invited to attend the hearing. A student who originally requested for the case to be heard by way of written representations shall not be eligible to request a postponement of the hearing.

Reconsidering the Same Offence

42. An allegation of academic misconduct may be reconsidered for a second time if new evidence emerges (within 6 years of the first allegation) which for good reason, the University could not obtain at the time the first allegation was considered. In such instances, the University will take into consideration the outcome of the first process, the length of time that has elapsed, the severity of the alleged offence, the impact of the student going through a second misconduct process and any obligations the University has to professional or regulatory bodies.
43. If deemed necessary, the University will contact the student having considered the above and provide reasons for any decisions made.

Valid/Invalid Responses

44. In responding a student shall identify and explain the reasons that form the basis of the case upon which the student is relying and should be accompanied by all relevant evidence in support of her/his statement. Requests that do not identify and explain the reasons upon which the student is relying shall be deemed invalid by the Student

Casework Office; the student shall be notified in writing of this and shall be deemed to have accepted the allegation.

45. Where students do not respond within the stated deadline, they will be deemed to have accepted the allegation against them and, where necessary, a Panel shall determine the appropriate category of academic misconduct. The Student Casework Office shall inform the student in writing of the Panel’s decision or that by not responding the student has missed the appeal deadline but may still be able to request a review. Appeals shall be considered in accordance with the composition of the panel below to consider all valid student responses.

Composition and Role of the Panel

46. In respect of all hearings and decisions under these Regulations:

47. The composition of a Panel convened under these regulations and its Chair will be determined in accordance with the table below:

	Size of panel	Membership requirements	Chair
Academic misconduct (undergraduate and taught postgraduate students)	Written representations: At least two, not exceeding four	<ul style="list-style-type: none"> at least two academic members of staff 	Member of academic staff designated by the Panel itself
	Oral hearing: At least two, not exceeding four		
Academic misconduct (postgraduate research students)	Written representations: At least two, not exceeding four	<ul style="list-style-type: none"> at least two members of the Research degrees subcommittee 	Person designated by the Research Degrees subcommittee
	Oral hearing: At least two, not exceeding four		

48. No person shall be eligible to be a member of a Panel who has:

- 48.1. any responsibility for the teaching or assessment of the module in question; or,
- 48.2. been previously involved in a review of an allegation involving the same student,

49. The Student Casework Office shall appoint a clerk to the Panel and shall supply all the relevant documentation to the Panel.

50. In respect of any oral hearing before a Panel:

- 50.1. the student shall be given at least 5 working days' notice of the hearing, which will include details of the panel, a list of witnesses that the person making the allegation/Student Casework Office intend to call;
 - 50.2. the student shall file with the Student Casework Office a list of witnesses whom they intend to call no later than 3 working days before the hearing. It is the student's responsibility to arrange for these witnesses to attend the hearing.
51. At any oral hearing before the Panel arranged under these Regulations, the student may:
- 51.1. attend the hearing either in person or by suitable electronic means agreed by the Chair of the Panel in which all participating in the meeting may communicate with all the other participants. The student does not need to attend the hearing and the Panel may make a decision in the student's absence, provided that the Panel is satisfied the student was informed of the date of the hearing and has not given a reasonable excuse (supported by evidence) for absence. An oral hearing will only be postponed more than once in exceptional circumstances;
 - 51.2. be assisted by a friend at the hearing who shall normally be a member of staff or student of the University. A member of the student's family can only act in the capacity of a "friend" at the Panel's discretion. This definition does not include legal representation or a person who is not a student at the University. The Chair of the Panel may permit the friend to speak on behalf of the student if it would assist the running of the hearing. The student is responsible for arranging the Friend's attendance at the hearing;
 - 51.3. see any documents relevant to the matter that the Panel has seen (whether or not the University relies on them);
 - 51.4. ask questions to clarify the allegations and the facts that are being alleged;
 - 51.5. call witnesses. The student is responsible for arranging the witnesses' attendance at the hearing. The Panel may decline to hear a witness if their evidence is not relevant;
 - 51.6. ask (via the Chair of the Panel) questions of witnesses or the person presenting the case against them;
 - 51.7. make representations to the Panel, including putting forward any mitigation;
52. The Panel shall be conducted in accordance with the directions (whether given at the hearing or beforehand) of the Chair of the Panel, who may also determine the order of proceedings. Such directions may include:
- 52.1. hearing of related allegations against two or more students at the same hearing;
 - 52.2. requiring the provision of written witness statements or summaries of the witnesses' evidence before the hearing;
 - 52.3. the manner in which any witnesses' evidence will be taken (for example, in person or by suitable electronic means);

- 52.4. imposing time limits on submissions;
- 52.5. adjourning the hearing to another time or place;
- 52.6. shall be conducted in private, except that members of staff may attend for training purposes, with the agreement of the student;
- 52.7. may ask questions of the student, witnesses or the person presenting the case against the student;
- 52.8. may take advice from the clerk, a legal advisor or other advisors;
- 52.9. shall reach its decision by majority vote. In the event of a tie, the Chair of the Panel shall have a second or casting vote;
- 52.10. shall not be made aware of any previous misconduct by the student, except where the previous misconduct is relevant to the current allegation or when the Panel is considering sanctions, and only with the agreement of the Chair of the Panel;
- 52.11. shall state the reasons for the decision that it reaches, including any penalties imposed;
- 52.12. a record of the salient points of Panel proceedings, including the Panel's reasons shall be kept and shall be agreed by the Chair of the Panel.
- 52.13. the clerk to the Hearing shall notify the student of the decision of the Hearing and shall record the decision on the student's file

Consideration of a Student Response

53. Where a student disputes the allegation, a Panel shall consider the allegation and the evidence in support of it alongside the student's submission. The Panel shall then determine whether there is sufficient evidence of academic misconduct to substantiate the allegation under one of the categories of academic misconduct listed in Schedule 1. In such cases the Panel shall substantiate the allegation and further consider any representations, which have been presented by the student, as to the imposed penalty.
54. Where a student has made representations only against the penalty imposed, the Panel shall consider these representations and determine if valid grounds have been presented upon which the penalty may be lowered. There is no requirement to substantiate an allegation that has been admitted.

Academic Conduct Tutorial and Support

55. All students who are found to have contravened these regulations with regard to assessments other than examinations shall be encouraged to attend a tutorial on academic conduct. This tutorial shall provide the opportunity for students to receive guidance on models of good academic practice and referencing conventions in the subject area concerned. The tutorial shall also provide students with the opportunity to understand the nature of their misconduct and receive advice on their future academic conduct. Students may also be directed to an academic mentor for support for first misconduct offences.

Submitting a Request for Review and the Grounds for Review

56. A student who has received a penalty pursuant to these Regulations may request a review of the decision or the penalty.
57. The review must be made in writing on the prescribed Review Form signed by the Student and sent to the Executive Office within 10 days of the date the student was notified of the decision.
58. A request for review may only be made on the grounds that:
 - 58.1. the student was unable to respond to the allegation within the timeframes provided in these Regulations for valid reasons beyond the student's control; or
 - 58.2. there has been a material procedural defect, other than one for which the student is responsible, resulting in substantial unfairness to the student; or
 - 58.3. the evidence of alleged misconduct was insufficient to substantiate the allegation; or
 - 58.4. the student has new evidence that they could not reasonably have provided during the investigation and which would probably have a material influence on the outcome. Other than this, no new evidence shall be considered; or
 - 58.5. the sanction or penalty is manifestly disproportionate to the misconduct that was found.

Consideration of Review

59. The Executive Office may dismiss a request for a review on the basis that:
 - 59.1. is received late and there is no reasonable explanation why it could not be brought in time, or;
 - 59.2. does not clearly state the grounds on which the review is being made; or
 - 59.3. does not disclose any reasonable grounds of review; or
 - 59.4. is entirely without merit.
60. Unless the request for review is dismissed pursuant to paragraph 59, the Executive Office shall refer the request to the Vice-Chancellor or their nominee (with no previous involvement in the case) within 5 days of receiving the student's duly completed Review Form.
61. The Vice-Chancellor shall consider the review on the basis of the written review papers, unless it would assist their consideration or otherwise in the interest of fairness, in which case a hearing shall be convened. A decision on the basis of the written review papers or a decision to convene a hearing shall usually be made within 15 days of the Executive Office's receipt of the duly completed Review Form.
62. After reviewing the decision the Vice-Chancellor may:
 - 62.1. affirm, set aside or vary any finding or decision reached;
 - 62.2. refer the matter, or any part of it or any decision to the Academic Misconduct Panel for further consideration, with any such guidance as the Vice-

Chancellor thinks fit.

62.3. The Vice-Chancellor shall notify the student and Executive Office of their decision within the timeframe stated in paragraph 61 above.

63. At this point, students who remain dissatisfied with the outcome have the right to submit a complaint to the Office of the Independent Adjudicator (OIA) for Higher Education. Students should refer to the [OIA Website](#) to establish whether their complaint is something that the OIA would consider. A complaint must be submitted to the OIA within 12 months of the University's final decision. The OIA cannot consider complaints about:

63.1. Admissions, unless the person complaining is a former student of the University who is applying for re-admission, and the complaint is directly connected to their time as a student;

63.2. Academic judgment;

63.3. Student employment;

63.4. Something that has already been the subject of legal proceedings in a court or tribunal unless those proceedings are put on hold;

63.5. Something that has already been considered by another alternative dispute resolution body.

Academic Misconduct Appeal from a Student at a Collaborative/Partner Institution

64. Students from collaborative/partner institutions who have completed the academic misconduct procedures of their host institution shall have a final right to request a review to the University. Any review will be dealt with in accordance with paragraphs 59 to 62 above.

Academic Misconduct After a Student has Graduated

65. Penalties will be applied where academic misconduct has been substantiated for a student who has completed their studies and a final award has been conferred. The most serious penalty that may be applied shall be withdrawal of the relevant award previously conferred on the student.

Confidentiality and Reporting

66. The University will process all information in accordance with its Student Privacy Notice and the principles of the General Data Protection Regulation (GDPR). Allegations of academic misconduct will be handled with an appropriate level of confidentiality and by trained staff. With information released only to those who need it for the purposes of investigating or responding to the allegations of academic misconduct. No third party should be told any more about the appeal than is necessary in order to obtain the information required from them.

67. The outcomes and recommendations from academic misconduct cases may be shared

across the University for institutional learning and reporting purposes, for instance to Academic Board and Board of Governors. However, personal information will be removed and handled in accordance with the University's Privacy Notice.