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# Senate Regulation 11: Regulations governing student discipline

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## **PART ONE: Introduction, definitions and scope**

### **Introductory comments on these regulations**

- 11.1 This section of the regulations sets out the University's definitions of misconduct and general expectations of students in relation to their personal conduct, their Academic Integrity and their Professional Conduct.
- 11.2 We are a community drawn together by a shared desire to learn and to understand. Our search for knowledge requires an environment in which we are free to question, to explore, and to debate new and challenging ideas. It demands that we are tolerant of the views and beliefs of others. However, we will not tolerate behaviours which incite hatred or which seek to coerce others into accepting those views or beliefs.
- 11.3 Students are expected to show consideration for the feelings and sensibilities of others, to play their part in maintaining a harmonious atmosphere among fellow students and staff and to conduct themselves with propriety at all times when they can be identified as a representative of the University. This includes behaviour both in and around University buildings, in public places and in the use of on-line services.

### **General definitions and scope of student misconduct in these regulations**

- 11.4 The essence of misconduct under these regulations is improper interference, in the broadest sense, with the proper functioning or activities of the institution, or those who work or study in the institution, or action which otherwise damages the institution.
- 11.5 The following shall constitute misconduct and render a student liable to disciplinary action:
- (a) breaches of academic integrity including acts of plagiarism, collusion, cheating or other forms of academic dishonesty (for more detailed definitions of these terms, see below);
  - (b) disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere;
  - (c) obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff of the University or visitor to the University;
  - (d) violent, indecent, disorderly, threatening, bullying, harassment or other offensive behaviour or language whilst on University premises or engaged in any University activity, or directed at any member of the University, or gross or repeated insolence towards any member of the University's staff;
  - (e) failure to comply with the University's Code of Practice on Freedom of Speech
  - (f) fraud, deceit, deception or dishonesty in relation to (1) the University or its staff or (2) in connection with holding any office in the University or (3) in relation to being a student of the University;
  - (g) action likely to cause injury or impair safety on University premises;
  - (h) harassment or unwanted conduct relating to relevant protected characteristics (age, disability, gender reassignment, race, religion and belief, sex and sexual orientation of any student, member of staff of the University, or visitor to the University;
  - (i) publication, via any medium including online, of material that may reasonably be considered threatening, harassing or grossly offensive or likely to incite misconduct, whether directed at groups of or individual students or staff **or**, where the author is identified as being a member of the University, at any individual or group outside the University community;

- (j) damage to, or defacement of, University property or the property of other members of the University community caused intentionally or recklessly, or misappropriation of such property or misuse or unauthorised use of University premises or items of property, including computer misuse;
- (k) falsification, misappropriation or misuse of University documents or records or other data, held in any format;
- (l) conduct which constitutes a criminal offence (including conviction for an offence) where that conduct or the offence:
  - (i) takes place on University premises, or
  - (ii) affects or concerns other members of the University community, or
  - (iii) damages the good name of the University, or
  - (iv) itself constitutes misconduct within the terms of these regulations, or
  - (v) is an offence of dishonesty, where the student holds an office of responsibility in the University,
- (m) behaviour which brings the University into disrepute;
- (n) failure to disclose one's name and other relevant details to an officer or employee of the University in circumstances when it is reasonable to require that such information be given;
- (o) failure to comply with a reasonable request made by any member of the University's staff who is authorised to make such a request, or refusal to leave any University building or the grounds of any University building when requested to do so by a member of the academic staff or of the senior administrative staff, or by any employee of the University who has responsibility for the security of the building or property. A member of the University staff is authorised to make such a request to ensure the security of a building or the safety of people (including the person to whom the request is made) within that building;
- (p) failure to comply with the provisions of any University Code or Regulation;
- (q) failure to comply with a previously-imposed penalty under these regulations or imposed under allied procedures enforced through these regulations;
- (r) any action which improperly interferes with the activities of another educational institution will constitute misconduct under the terms of these regulations.

**Definitions of breaches of academic integrity**

11.6 The University's primary functions of teaching and research involve a search for knowledge and the truthful recording of the findings of that search. Any action knowingly taken by a student which involves misrepresentation of the truth amounts to academic dishonesty and as such, is an offence which the University believes should merit the application of very severe penalties.

11.7 Offences in this category include, but are not confined to:

- (a) cheating in written examinations;
- (b) copying work from or using work written by another person;
- (c) soliciting or commissioning work;
- (d) making work available to another person for copying;

- (e) submitting for assessment work that has been previously submitted for another assessment (self-plagiarism);
  - (f) copying from published authorities, including on-line sources, without acknowledgement;
  - (g) pretending ownership of another's ideas;
  - (h) falsifying results.
- 11.8 Cheating involves actual, or attempted deception and/or dishonest action in relation to any academic work of the University. Taking any unauthorised material, paper or equipment, into an examination is considered to be attempted deception and therefore prohibited. Unauthorised material includes notes in any form. Unauthorized equipment includes mobile telephones, all models of calculator not specifically approved for an examination and other electronic devices. Students are responsible for ensuring that they do not have with them in the examination any unauthorised material or equipment. It is not necessary for the University to prove that the unauthorised material or equipment was used in the examination. Talking to another candidate during an examination is also considered to be attempted deception and is prohibited.
- 11.9 Plagiarism is used as a general term to describe taking and using another's thoughts and writings as one's own. Plagiarism can occur not only in essays and dissertations, but also in scientific experimentation, diagrams, maps, fieldwork, computer programs, and all other forms of study where students are expected to work independently and produce original material.
- 11.10 Collusion is the active cooperation of two or more students to jointly produce material where there is a requirement that that material be produced independently. A student who knowingly allows any of his or her academic work to be acquired by another person for presentation as if it were that person's own work is also guilty of collusion.

## **PART TWO: Definition of responsibilities in relation to student discipline**

### **Overview of the Ordinances**

- 11.11 All students of the University are subject to the jurisdiction of Senate, in respect both of their studies and of their conduct. Under the Ordinances of the University, Senate has power to suspend, exclude or expel any student deemed to have been guilty of misconduct or to impose such other penalties as may be appropriate. These powers will be exercised in accordance with these regulations for student discipline.
- 11.12 The matters of student discipline for which the University of Leicester Students' Union shall be responsible shall be set out in a separate regulation. All other allegations of student misconduct arising from the activities of students in connection with the Union or occurring on the premises of the Union shall be considered under these regulations.
- 11.13 There shall be a Student Conduct Group, which shall be appointed by and report to Senate. It shall be responsible to Senate for maintaining an overview of matters relating to student discipline and making recommendations to Senate from time to time on matters relevant to these regulations. The Academic Registrar, or his or her nominee, shall be Secretary to the Student Conduct Group. On behalf of Senate, the Chair of the Student Conduct Group, who shall be appointed by the Vice Chancellor, shall be responsible for the approval of Student Discipline Panels and Student Discipline Appeals Panels, as provided for under Parts Six and Seven of these regulations. The Secretary to the Student Conduct Group shall not normally also be appointed as an Authorised Officer under these regulations. The Chair of the Student Conduct Group shall nominate a Deputy and reference to the Chair shall be taken to include the Deputy Chair.
- 11.14 Senate shall appoint at least two Authorised Officers with general powers of jurisdiction over student academic disciplinary matters and at least two Authorised Officers with general powers of jurisdiction

over student non-academic disciplinary matters. The powers of an Authorised Officer (Academic) and an Authorised Officer (Non-Academic) are set out in Part Five of these Regulations.

- 11.15 Additional policies relating to matters of student discipline may be approved which shall apply to particular activities or locations within the University. This may include the delegation of powers of investigation and powers to impose penalties to senior members of the staff of the University where offences are found to have been committed. These additional policies shall be approved by the Student Conduct Group. In the investigation and determination of allegations against students, the student disciplinary procedures set out in this regulation shall normally take precedence over these additional policies.

**PART THREE: General principles relating to the consideration of matters of student discipline under these regulations. Procedures for the consideration of academic and non-academic misconduct under these regulations. These regulations provide routes for the consideration of allegations relating to academic or non-academic misconduct.**

- 11.16 All communications with a student required under these Regulations shall normally be sent to the student's university email address only. The University shall normally regard notice of the contents of such communications as duly served on the day after the email has been sent. Where a University email account is not available, for example because such service has been suspended by the University, alternative means of communication will be identified by the University.
- 11.17 The University has separate procedures which are allied to these regulations for the investigation and consideration of allegations of fitness to practise relating to the programmes of study which lead directly to the right to practice a particular profession or calling. These programmes are the degree of Doctor of Clinical Psychology; the MBChB degrees; awards in Operating Department Practice; the Postgraduate Certificate in Education; the degree of Master of Science in Midwifery with Leadership; the degree of Master in Science in Nursing with Leadership; BSc (Hons) Physiotherapy and programmes in Counselling. Students studying on these programmes should familiarise themselves with the relevant procedures for the consideration of fitness to practise.
- 11.18 In the case of students who are subject to fitness to practise procedure, an allegation under the disciplinary code will, almost inevitably, raise an issue of concern to the relevant fitness to practise committee. In such cases, the disciplinary process shall take priority and any fitness to practise procedure will be postponed or adjourned until the completion of the disciplinary procedure under these Regulations. The disciplinary processes and the fitness to practice procedures are separate processes, the latter being concerned exclusively with the suitability of an individual to pursue a particular profession.
- 11.19 Following the completion of the disciplinary process, the relevant fitness to practise committee may, if it considers it appropriate to do so, initiate or continue its own procedure. In so doing it would not normally reinvestigate the facts and would, instead, adopt the findings of the disciplinary committee or of the authorized officer. In considering the appropriate outcome of its proceedings, while the fitness to practise committee should have regard to any disciplinary sanction which has been imposed, it should use its own judgement to determine the separate issue of the individual's fitness to practise.
- 11.20 Where allegations involve more than one student, the allegations may be investigated and heard as a single combined case, or as multiple individual student cases under these regulations.
- 11.21 If the process for the consideration of allegations under these regulations is unclear, the decision of the Chair of the Student Conduct Group regarding the procedures under which an allegation should be given consideration shall be final. He or she may make reasonable adjustments to the processes where this is necessary as a consequence of the particular nature of the allegations and/or where this is considered to be necessary to ensure that a student will receive a fair hearing.

**Misconduct which is also a criminal offence**

- 11.22 The University regards it as its duty to co-operate with the police and other authorities in any investigations which involve its students where reasonable requests have been made under the provisions of the Data Protection Act 1998 and other relevant legislation. Where the University has reason to consider that a crime may have been committed contrary to UK criminal law, the University will normally report the matter to the police and/or other appropriate UK authority.
- 11.23 The following procedures apply where the alleged misconduct would also constitute an offence under the criminal law if proved in a court of law:
- (a) Where the offence is or may be subject to investigation and prosecution under UK criminal law, action under these regulations may continue, but such action may be deferred in whole or in part pending any police investigation or prosecution. The University shall take into account any police advice in relation to the deferral of each case;
  - (b) Where alleged misconduct is investigated and/or prosecuted under UK criminal law, the University may determine to investigate the allegations and impose penalties under these procedures regardless of the outcome of the investigation and any prosecution of the case under UK criminal law;
  - (c) Where a finding of misconduct is made and the student has previously been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining the penalty under these regulations.

**Burden of proof applied to disciplinary and fitness to practise cases**

- 11.24 In determining the outcome of all allegations of student misconduct under these regulations, the burden of proof for finding the offence proven shall be the balance of probabilities.

**Abandonment/non-abandonment of cases when a student withdraws from the University**

- 11.25 Where a student withdraws from the University following the instigation of an investigation under these regulations, but prior to the conclusion of its consideration as provided for under these regulations, the Chair of the Student Conduct Group shall determine whether the procedures should be continued at that time. This shall include a situation where the University deems that, due to non-response to communication, a student has withdrawn *in fact*, although they have not notified the University formally of a decision to withdraw.
- 11.26 In the event that the Chair determines that the case should proceed in these circumstances, but at any point in its consideration a decision cannot be reached (for example due to the non-engagement of the student in the process), consideration of the case may be abandoned or suspended. Where consideration of a case is suspended in this manner, the University may refuse admission to any programme of study or the provision of any other service to the student concerned until consideration of the suspended disciplinary case is properly concluded.
- 11.27 The University will normally require the proper conclusion of a suspended case where it deems it necessary in order to safeguard (i) its own staff, students and property; (ii) any members of the public (in particular patients, children and vulnerable adults) affected or potentially affected by the outstanding allegations against the student; or (iii) the codes of practice and/or standards established by professional, regulatory or statutory bodies. It will also enforce this provision concerning suspended consideration of cases where students withdraw in other circumstances, where it considers there is good cause to do so.

**Allegations relating to former students under these regulations**

- 11.28 Under the Ordinances of the University, Senate may deprive a student or former student of any award when it has good cause to do so. The University reserves the right to investigate allegations of

misconduct arising against former students under these regulations, in order to ascertain the facts and determine any penalties which should be imposed in such cases.

#### **Adjournment of hearings**

- 11.29 The Chair of a Student Discipline Panel or of a Student Discipline Appeals Panel may, if s/he determines that there is good cause, adjourn a hearing for a period of not normally more than ten working days. Where a hearing is adjourned, the Secretary to the Panel shall notify all parties in writing of the date, time and place of recommencement of the hearing, giving notice of at least two working days. A reconvened hearing may proceed in the absence of the student if the Chair is satisfied that due notice has been served of the recommencement.

#### **Confidentiality and disclosure of information**

- 11.30 All information presented in the course of the investigation of allegations of student misconduct under these regulations shall be treated with due confidentiality. Such information shall normally only be available to staff involved in the procedures or their administration.
- 11.31 However, the University may, where it is under a duty to do so or is required by UK law, disclose any information arising from these processes, or details concerning the outcomes of the consideration of cases to professional, statutory or regulatory bodies, or Law Enforcement Officers. This shall include information concerning the suspension or abandonment of cases under paragraph 11.25 above where a student withdraws from the University.

#### **Attendance of representatives or friends of students at hearings and meetings**

- 11.32 Where indicated in these regulations, a student may be accompanied to a hearing or meeting by a friend or a representative. A friend need not be a member of the University but a representative must be a member of the University (defined as a current student, member of staff or individual otherwise employed by the University). A representative may undertake the presentation of the case on behalf of the student, providing that the student is present. A friend may not do so. It is the responsibility of the student wishing to be accompanied to inform his or her friend or representative of the date, time and place of any hearing or meeting. The student shall, where possible, notify the Chair/convenor of the hearing or meeting of the name of any friend or representative who will be accompanying him/her at least two days before the date of the hearing or meeting. A student may not be represented by a qualified member of the legal profession at a hearing or meeting unless that person is a member of the University.

#### **Remote attendance of students at hearings and meetings**

- 11.33 A student whose studies take place at a distance from the University may request the opportunity to attend a hearing or meeting held under these regulations remotely by videoconference.

#### **Records and record-keeping**

- 11.34 Summary records of the proceedings of each Student Discipline Panel and Student Discipline Appeals Panel convened under these regulations and allied procedures shall be submitted to Student Conduct Group. Where misconduct has been established in a case, copies of the summary record and the outcome letter following consideration by any Plagiarism Officer, Authorised Officer, Student Discipline Panel and Student Discipline Appeals Panel shall be placed on the relevant student's departmental record. No recording of the proceedings will be permitted.
- 11.35 The Education Officer of the Students' Union shall report to the Academic Registrar in writing the name of any student found responsible by the Disciplinary Committee of the Students' Union of offences identified as reportable under the Students' Union regulations. No report shall be entered on the student's file unless, after consultation with the Education Officer, the Academic Registrar deems this to be appropriate.

**Actions of staff during investigations of student misconduct**

- 11.36 Where, in the opinion of a Chair of a Student Discipline Panel or Authorised Officer, a member of staff has acted inappropriately during a student disciplinary investigation, they shall consider whether the behaviour of the member of staff warrants referral for review under the University's policies and procedures relating to staff discipline.

**PART FOUR: Exclusion of students****Definitions of exclusion**

- 11.37 The Vice-Chancellor is empowered to exclude temporarily a student from the University. References to the Vice-Chancellor with regard to the exclusion of students may be taken to refer also to any nominee delegated by the Vice-Chancellor to act on his or her behalf in such matters. Normally the Vice-Chancellor will delegate the power of exclusion to the Registrar and Chief Operating Officer and the Academic Registrar.
- 11.38 Temporary exclusion will not be used as a penalty. The power to temporarily exclude under this provision is to be used solely to protect the members of the University community in general, or a particular member or members of it, members of the general public, or the infrastructure and/or property of the University. The power shall only be used in circumstances where the Vice-Chancellor is of the opinion that, on the basis of a risk assessment, it is necessary to take such action.
- 11.39 Exclusion involves a restriction on attendance at or access to the University or prohibition on exercising the functions or duties of an office or committee membership in the University or the Students' Union, the exact details to be specified in writing. Exclusion may be subject to qualification, such as permission to attend for the purpose of an examination.
- 11.40 An order for exclusion may include a requirement that the student should have no contact of any kind with a named person or persons.
- 11.41 Total temporary exclusion will be used only where a qualified temporary exclusion from specified activities or facilities is inadequate. Written reasons for the decision will be recorded and notice of the decision provided by email to the student.
- 11.42 A student shall not normally be temporarily excluded unless s/he has been given an opportunity to make representations to the Vice-Chancellor.
- 11.43 In cases of great urgency, the Vice-Chancellor is empowered to temporarily exclude a student with immediate effect, provided that the opportunities for representation set out in paragraph 11.44 are provided at the first reasonable opportunity and the matter reviewed within five days of the start of the period of temporary exclusion.

**Review procedure for temporary exclusion**

- 11.44 A decision to temporarily exclude a student shall be subject to review at least every four weeks. The excluded student is entitled to submit written representations to the Vice-Chancellor in relation to his or her temporary exclusion.

**Reporting of exclusion**

- 11.45 Actions taken to temporarily exclude students, shall normally be reported to the first meeting of Senate following the exclusion.

**PART FIVE: "Stage One" consideration of allegations of academic misconduct and non-academic misconduct****"Stage One" consideration of allegations under these regulations**

- 11.46 Stage One investigation of allegations under these regulations takes one of the following forms:

- (a) For allegations of plagiarism and/or collusion in assessed work: investigation and consideration of allegations at departmental level, which may be followed by a hearing of a Student Discipline Panel;
- (b) For other allegations of academic misconduct: investigation and consideration by an Authorised Officer, which may be followed by a hearing of a Student Discipline Panel;
- (c) For allegations of non-academic misconduct referred for consideration under these regulations: investigation and consideration by an Authorised Officer, which may be followed by a hearing of a Student Discipline Panel;

**Plagiarism and collusion: departmental procedures for investigation and consideration of allegations**

- 11.47 The Head of each Department shall appoint a member of the academic staff of his or her department as Plagiarism Officer. The role of the Plagiarism Officer is to consider cases of suspected plagiarism and/or collusion identified in work submitted for assessment set by the department, other than in time-constrained written examinations. Where a student is found to have been cheating in written examinations or falsifying results in other ways, the allegations will, instead, be referred to the relevant Authorised Officer as set out under these regulations.
- 11.48 Where an internal examiner suspects plagiarism and/or collusion, s/he shall gather the necessary evidence. Wherever possible this shall include the original sources(s) that may have been used inappropriately. It may also include a review of other assessed work submitted by the student for evidence of plagiarism or collusion.
- 11.49 The internal examiner shall submit the evidence, together with a written explanation of his or her concerns, to the Plagiarism Officer. The Plagiarism Officer may, in confidence, request further information from the internal examiner or other members of staff in relation to the case.
- 11.50 If, after these investigations are concluded, the Plagiarism Officer determines that there is no case to answer, the Plagiarism Officer may dismiss the case.
- 11.51 Unless the Plagiarism Officer determines that there is no case to answer, the Plagiarism Officer shall write to the student, presenting the evidence assembled, and provide them with an opportunity to make a written response to the allegation(s) of plagiarism and/or collusion, including any information which s/he considers should be taken into account as mitigating factors for their actions. Information relating to any mitigating circumstances should wherever possible be supported by documentary evidence. A deadline shall be set for the submission of the written response which shall not be fewer than five working days from the date of notification of this request. In determining whether factors which mitigate the allegation of plagiarism are established by a student, it is noted that guidance on academic integrity is provided within departments to all students and ignorance of the rules of academic writing and integrity will therefore not provide a defence to an allegation of plagiarism. Circumstances which can provide valid mitigation for an allegation of plagiarism will be exceptional.
- 11.52 The Plagiarism Officer may, when writing to the student to present him or her with the evidence, require the student, in addition to providing a written submission, to attend a meeting to discuss matters relating to the allegations. The student shall be given at least five working days written notice of a meeting. Where the Plagiarism Officer determines to offer a meeting to the student, the deadline for submission of the written response shall normally be set which is not less than five working days after the date of the meeting.
- 11.53 The Plagiarism Officer may request that the internal examiner who reported the alleged plagiarism and/or collusion attend the meeting. The student may be accompanied by a friend or representative in accordance with the general provisions for this in these regulations. A member of staff of the University shall also be asked to attend the meeting to take notes. A record of the meeting shall be made by that member of staff which shall on request be made available to the student.
- 11.54 If, having been served due notice, a student does not submit a response to the allegations and/or fails to attend the meeting called under paragraph 11.52 above, the Plagiarism Officer may proceed to

determine an outcome to the case without offering any further opportunity to the student to make representations.

- 11.55 Having reviewed the evidence assembled and the response (if any) received from the student, the Plagiarism Officer shall determine one of the following regarding the allegation:
- (a) that there is no case to answer and dismiss the case;
  - (b) that plagiarism or collusion are not proved, but that there is evidence of poor academic practice, as defined in paragraph 11.61, and that the student should be warned, directed to academic support within the department, and required to undertake the University's on-line plagiarism tutorial;
  - (c) that there is evidence of plagiarism or collusion, and impose a departmental-level penalty as permitted under these regulations;
  - (d) **either** (i) that there is evidence of plagiarism or collusion for which a Plagiarism Officer cannot impose an appropriate penalty under these regulations, **or** (ii) that the case is too complex to resolve without a full hearing, and refer the matter for consideration by a Student Discipline Panel.
- 11.56 As noted at 11.51 above, instances in which circumstances may be accepted as mitigating an offence of plagiarism will be exceptional. Where the Plagiarism Officer concludes that mitigating circumstances are relevant and should be taken into account in determining penalty, the Plagiarism Officer shall determine the most appropriate penalty to be applied and shall have authority, where considered appropriate, to reduce the severity of the category of penalty that would otherwise be applied. In determining whether particular circumstances are relevant, the Plagiarism Officer will take into account whether the circumstances have previously been disclosed in a timely manner, as required under the University's Regulations.
- 11.57 The Plagiarism Officer shall notify the student concerned of the outcome of the case, including reasons for the judgement, normally no more than 10 working days following the deadline for the student's written response. Where the Plagiarism Officer determines that the outcome should be 11.55(b) above, their letter should direct the student to the sources of further training and advice.

**Plagiarism and collusion: Departmental penalties for plagiarism and/or collusion**

- 11.58 For definitions of plagiarism and collusion see paragraphs 11.9 – 11.10 above. The scheme of penalties for plagiarism and/or collusion operates on the basis that departments have a responsibility to ensure that all students understand clearly what constitutes plagiarism and collusion and are provided with advice on how to avoid these offences. Explicit guidance should be provided during the first few weeks of study through course materials, study skills teaching and/or completion of on-line tutorials. Students must acknowledge when they use ideas, words or images etc. that they have taken from the work of others. This acknowledgement must be adjacent to the material used (e.g. in-text citation) not simply an inclusion in the reference list and the extent of any copying or quotation must be clearly shown.
- 11.59 The evaluation of individual cases is the responsibility of the Departmental Plagiarism Officer, who is well-placed to determine the severity of the offence in the context of the academic discipline and the nature and scale of the assignment.
- 11.60 In applying the penalties set out below the Plagiarism Officer will take into account the principle that operation of the penalties for plagiarism must not put a student into a better position than if the piece of work in question was not plagiarised but did not merit a pass mark.
- 11.61 Four categories of plagiarism have been identified and a penalty will be applied for each of these. A lesser category of poor academic practice is also recognized, which will not attract a penalty:

Category	Characteristics	Action
<p>Poor academic practice (PAP)</p> <p>First offences occurring in the first semester of a student's course should normally be treated as poor academic practice</p>	<p>This is not a disciplinary offence and does not count as a first offence in the context of the Category 3 plagiarism definition. PAP involves collaboration or poor citation practice where there is evidence that the student did not appreciate the rules of academic writing or where the extent of copied material can be considered so slight that it does not justify disciplinary proceedings or a penalty. The work in question includes (among other characteristics):</p> <ul style="list-style-type: none"> <li>• a limited amount of material or copied text expressing ideas or concepts taken from the work of others in the student's own words but without appropriate citation.</li> <li>• a limited amount of material or copied text which is referenced in the bibliography but is not properly cited.</li> <li>• a limited amount of material or copied text that has been subjected to minor linguistic changes with or without citation.</li> <li>• a limited amount of material or copied text that is cited but not in quotation marks.</li> <li>• limited collaboration between students as evidenced by structure, source or copied text; this includes cases where the written work is original throughout.</li> </ul>	<p>A formal warning but no penalty is issued by the Departmental Plagiarism Officer and the student is directed to academic support within the department.</p> <p>The student is required to undertake the University's on-line plagiarism tutorial.</p> <p>In cases of poor academic practice the mark will reflect the academic merit of the work; the mark is likely to be low.</p>
<p>Category 1 plagiarism and/or collusion</p>	<p>The work breaches the rules of academic integrity by presenting the material of others as the student's original material. Category 1 plagiarism includes (among other characteristics):</p> <ul style="list-style-type: none"> <li>• short blocks of material or copied text expressing ideas or concepts taken from the work of others without appropriate citation, or copied text that is cited but not in quotation marks.</li> <li>• short blocks of material or copied text which is referenced in the bibliography but is not properly cited</li> <li>• short blocks of material or copied text that have been subjected to minor linguistic changes and presented as the student's own, with or without citation.</li> <li>• short blocks of material or copied text that is cited but not in quotation marks.</li> <li>• collaboration between students as evidenced by structure, sources or short blocks of copied text, (including copied text subjected to minor linguistic changes) or similar bibliographies.</li> </ul> <p>A short block of text may be as small as two continuing lines.</p> <ul style="list-style-type: none"> <li>• Short blocks of copied code, other computer files or experimental results copied from another student or the work of others from online resources or books without appropriate referencing.</li> </ul>	<p>A mark of zero (0) should be awarded for the assessment in which the plagiarism was found to occur.</p> <p>The module mark is calculated on the basis of the zero mark for the plagiarised assessment. If this results in failure of the module, where resubmission is available, the student may resubmit the assessment for a capped module mark.</p> <p>The cap should be set at the pass mark for the programme.</p>

<p>Category 2 plagiarism and/or collusion</p>	<p>A Category 2 offence will be committed when the copied material represents a significant proportion of the work. The line between Category 1 and Category 2 offences will be determined by the level of similarity between the work and the source material on a case by case basis. Category 2 plagiarism includes (among other characteristics):</p> <ul style="list-style-type: none"> <li>• significant or numerous blocks of material or copied text expressing ideas or concepts taken from the work of others without appropriate citation.</li> <li>• significant or numerous blocks of material or copied text which is referenced in the bibliography but is not properly cited;</li> <li>• significant or numerous blocks of material or copied text that have been subjected to minor linguistic changes and presented as the student's own, with or without citation.</li> <li>• significant or numerous blocks of material or copied text that is cited but not in quotation marks. Significant blocks of text may be as small as several continuing lines</li> <li>• collaboration between students as evidenced by structure, sources, significant or numerous blocks of copied text, (including copied text subjected to minor linguistic changes) or similar bibliographies.</li> <li>• blocks of copied code, other computer files or experimental results copied from another student or the work of others from online resources or books without appropriate referencing.</li> </ul>	<p>A mark of zero (0) should be awarded for the assessment in which the plagiarism was found to occur.</p> <p>The module mark is calculated on the basis of the zero mark for the plagiarised assessment. If this results in failure of the module, the student should be required to resubmit the assessment in order to fulfil the learning outcomes and obtain the module credits where this is required for progression purposes. No mark will be awarded.</p> <p>If this penalty does not result in the failure of the module, the module mark obtained for the module should be further reduced by 10% of the maximum available mark.</p>
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<p>Category 3 plagiarism and/or collusion - 'repeat offence'</p>	<p>A Category 3 offence will be committed if a Category 1 or 2 penalty has been applied to a student's work on a previous occasion (i.e. a repeat offence). Contemporaneous offences or offences in which a student has had no opportunity to act upon advice arising from an earlier offence due to close submission dates etc. are not treated as repeat offences but may attract PAP, Category 1 or Category 2 penalties in the normal way.</p> <p>The Plagiarism officer shall determine whether the latest instance of plagiarism is Category 1 or Category 2 in the level of severity. The penalty to be applied shall then take into account the category of penalty of the prior offence.</p>	<p>If both offences are Category 1 then the penalty on the second offence is a Category 2 penalty. If either of the two offences is a Category 2 offence then the penalty on the second offence is a Category 3 penalty.</p> <p>The Category 3 penalty is as follows:</p> <p>A mark of zero (0) should be awarded for the assessment in which the plagiarism was found to occur.</p> <p>The module mark is calculated on the basis of the zero mark for the plagiarised assessment. If this results in failure of the module, the student should be required to resubmit the assessment in order to fulfil the learning outcomes and obtain the module credits where this is required for progression purposes. No mark will be awarded.</p> <p>If the penalty does not result in the failure of the module, the module mark obtained for the module should be further reduced by 10% of the maximum available mark.</p> <p>If this penalty does not reduce the degree classification at the end of the programme by one class, the degree class should be reduced by one class.</p> <p>Where reduction in the degree class would result in undergraduate students not obtaining an Honours degree, or in Foundation degree students or postgraduate students failing the programme, their cases should be considered by a disciplinary panel.</p>
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Category 4 plagiarism and/or collusion	A Category 4 offence is the most severe plagiarism where the departmental processes do not provide a sufficient penalty. Examples include purchasing of work or soliciting to do so or multiple repeat offences. It may also be appropriate to refer to a disciplinary panel a case which is complex and where the department is unable to establish the facts, for example a case of apparent collusion where the identification of the guilty party cannot be ascertained. A disciplinary panel has the power to impose penalties up to and including expulsion from the University.	Refer to Panel
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- 11.62 **Plagiarism in the honours-level or postgraduate project or dissertation** will normally be considered as Category 2 or Category 4 plagiarism depending on the scale of the plagiarism. A Category 2 penalty applied to a postgraduate dissertation will result in failure to obtain a Master's degree since no Master's award can be made where a zero mark is recorded for the dissertation. In such cases a resubmission is not offered and the Board of Examiners will consider whether an interim award is available. Where the plagiarism in the project or dissertation is very serious or a repeat offence then this will be treated as Category 4 plagiarism.
- 11.63 **Resubmission of a student's own work (self-plagiarism).** This occurs when a student submits material for assessment which s/he has previously submitted as part of another assessment exercise and which has been marked. The extent of the offence would be evaluated using the above categories.

**Other forms of academic and non-academic misconduct: procedures for investigation and consideration of allegations by Authorised Officers**

- 11.64 With the exception of allegations of plagiarism and/or collusion in an assessment, or of matters considered under fitness to practise, allegations of student misconduct are normally considered at Stage One under these regulations by an Authorised Officer.
- 11.65 A member of staff who has concerns that misconduct may have been committed by a student or students should report the matter in the first instance to the relevant Head of Department or Head of Service. If the Head of Department or Head of Service considers it appropriate to do so they may issue a departmental warning that such behavior in future may lead to referral under the University's discipline regulations. If the Head of Department or Head of Service considers that the matter requires consideration and/or investigation at University level, they shall be responsible for ensuring that a report is made in writing to the Academic Registrar, indicating the matter at issue and its relevance to these regulations. The Academic Registrar may refer the matter for investigation by an Authorised Officer or refer the matter directly for consideration by a discipline panel. In cases where the Academic Registrar does not consider that it is appropriate to pursue a matter under the discipline regulations, the Academic Registrar may direct that parties involved in the matter seek support in the resolution of the matter from the University's student support services.
- 11.66 The Authorised Officer may, in confidence, request further information from any member of staff in relation to the case. S/he may also request that a Head of Department or another member of staff conduct further investigations into the matters raised.
- 11.67 When this investigation is concluded, if the Authorised Officer determines that there is no case to answer, s/he may dismiss the case.
- 11.68 Unless the Authorised Officer determines that there is no case to answer, the Authorised Officer shall write to the student, presenting the evidence assembled, and invite him or her to make a written response to the allegation(s), including any information which the student considers should be taken into account as mitigating factors for their actions. Information relating to any mitigating circumstances should wherever possible be supported by documentary evidence. A deadline shall be set for the

submission of the written response which shall not be fewer than 5 working days following the date of notification of this invitation.

- 11.69 The Authorised Officer may, when writing to the student to present the evidence, request that the student, in addition to providing a written submission, attend a meeting to discuss matters relating to the allegation. The student shall be given at least 5 working days written notice of a meeting. Where the Authorised Officer determines to offer a meeting to the student, the deadline for submission of the written response shall normally be set which is not less than 5 working days after the date of the meeting.
- 11.70 The Authorised Officer may request that one or more other members of staff relevant to the case attend the meeting. The student may be accompanied by a friend or representative in accordance with the general provisions for this in these regulations. A member of staff of the University shall be asked to attend the meeting to take notes. A record of the meeting shall be made by that member of staff, which shall be made available to the student on request.
- 11.71 If, having been served due notice, a student does not submit a submission and/or fails to attend a meeting called under paragraph 11.69 above, the Authorised Officer may proceed to determine an outcome to the case without offering any further opportunity to the student to make representations.
- 11.72 Having reviewed the evidence assembled and the response (if any) received from the student, the Authorised Officer shall determine one of the following:
- (a) that there is no case to answer and dismiss the case;
  - (b) that there is evidence of student misconduct and impose a penalty as permitted under these regulations;
  - (c) either (i) that there is evidence of an offence for which the Authorised Officer cannot impose an appropriate penalty under these regulations, or (ii) that the case is too complex to resolve without a full hearing, and refer the case to a Student Discipline Panel.
- 11.73 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 Student Discipline Panel regardless of whether the second offence took place in the same examination period.
- 11.74 The student will be informed in writing of the Authorised Officer's decision in respect of the allegations, including reasons for their judgement, normally no more than five working days following the deadline for the student's written response.

**Other forms of academic and non-academic misconduct: Penalties of Authorised Officers**

- 11.75 With regard to non-academic offences, an Authorised Officer is permitted to impose one or more of the following penalties:
- (a) issue a reprimand;
  - (b) exclude a student temporarily or permanently from University residential accommodation;
  - (c) suspend specific privileges for a specified period of time;
  - (d) require that the cost of any damage caused is made good in whole or in part (without monetary limit);
  - (e) issue a fine not exceeding £300.
- 11.76 Fines may, at the discretion of the Authorised Officer, be commuted, or part-commuted, to a maximum of 100 hours of community service undertaken under the supervision of the relevant Head of Service.
- 11.77 An Authorised Officer is permitted to impose the following penalties in relation to academic offences:

- (a) Any penalty available for non-academic misconduct or for examination misconduct, appropriate for the offence.

11.78 Cases of examination misconduct will be referred to the Academic Registrar or authorised deputy.

11.79 **For first offences of cheating in an examination** the Academic Registrar (or deputy) shall determine whether the circumstances of the incident make the breach of regulation more or less severe and impose one of the penalties at (i) and (ii) below, accordingly. The determination of severity shall be a matter of judgement by the Academic Registrar (or deputy), taking into account previous decisions.

**Either** (i) 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 for progression purposes only; in modules above level 1, the mark of zero may not be excluded from any calculation for the classification of an award

**or** (ii) a mark of zero is assigned to the piece of work in question and a re-assessment is permitted for a capped module mark.

For a second offence of cheating in an examination, the student will be referred to a Student Discipline Panel.

**For other breaches of the examination regulations** the Academic Registrar may impose either of the penalties at (i) and (ii) above or another penalty appropriate to the offence. Such penalty may include a reduction in the mark given for the piece of work in question.

11.80 The application of penalties resulting from cheating in an examination is not intended to have a disproportionate effect on upon overall progression and award decisions for individual students. Once penalties set out under 11.79 (i) have been applied to a module, the following will apply:

When considering a module penalised under 11.79 (i) at the point of progression, the mark obtained at re-sit should be used to consider whether a student may be allowed to progress. Where a student has committed the offence at re-sit the module should count as failed at the second attempt for progression decisions at that stage, however a further re-sit for progression purposes should be offered where permitted under regulations. The mark of zero will remain on the student's formal record of marks.

When considering the degree classification for a student for whom a penalty under 11.79 (i) has been imposed, the mark of zero shall be considered within the calculation of the credit weighted average. However, where the module has been re-sat for progression purposes and the pass mark reached in that re-assessment, the module will not be considered as failed when calculating the amount of failed credit permitted under the relevant scheme of assessment. The mark of zero will remain on the student's formal record of marks.

11.81 In determining penalties, the Authorised Officer/Academic Registrar shall take into account mitigating circumstances material to the case submitted by the student. Where an Authorised Officer 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 Authorised Officer will take into account whether the circumstances have previously been disclosed in a timely manner, as required under these Regulations.

11.82 Academic offences referred to the Academic Registrar may be referred by the Academic Registrar to an Authorised Officer or to a Student Discipline Panel if appropriate.

11.83 Appeals against an outcome determined by an Authorised Officer should be submitted under the procedures for the consideration of Student Disciplinary Appeals (see Part Seven below).

**Fitness to practise: procedures for the investigation and consideration of allegations**

11.84 The procedures for the investigation and consideration of allegations relating to Fitness to Practise shall be set out in the relevant policies and procedures allied to these regulations.

## PART SIX: “Stage One” Student Discipline Panels

### “Stage One” Student Discipline Panels

- 11.85 Where the disciplinary policies and procedures of the University prescribe that a case should be heard at “Stage One” by a Student Discipline Panel, a report on the allegations against the student and all relevant supporting documentation shall be forwarded to the Secretary to the Student Conduct Group by either the Departmental Plagiarism Officer (in the case of an allegation of plagiarism and/or collusion), or by the Head of Department (in the case of an allegation of neglect of academic obligations), or by the Authorised Officer who has determined to refer the case to a Panel.
- 11.86 Student Discipline Panels are appointed from the membership of the Student Conduct Group, and, as provided for under these regulations, from other appropriately-qualified groups of persons. Student Discipline Panels are convened to hear allegations relating to the misconduct of individual students or specific groups of students, as provided for under these regulations.
- 11.87 The Chair of the Student Conduct Group shall appoint the Chair of each Panel and the other members of the Panel for each hearing. Any person with a direct interest in the proceedings who considers that there is or that there is the appearance of a conflict of interest or compromise in their serving on a particular Panel shall notify the Secretary to the Student Conduct Group. The Secretary shall then refer the matter to the Chair of the Student Conduct Group who shall determine whether a replacement Panel member should be appointed.
- 11.88 The Secretary to the Student Conduct Group shall appoint a Secretary to each Panel. The Secretary shall act as note-taker and shall advise the Panel regarding procedural matters.
- 11.89 Where the case is to proceed to a hearing, the student shall be informed in writing by the Secretary of the Student Conduct Group that a referral to a Student Discipline Panel has been made and that a hearing will be convened, which shall observe the provisions set out below.
- 11.90 Each Student Discipline Panel shall be convened in the mode appropriate to the allegation(s) presented. The mode in which a Panel shall normally be convened is:
- (a) **Mode A:** for allegations of non-academic misconduct;
  - (b) **Mode B:** for cases of academic misconduct.

Wherever possible, one Panel will be convened to give a full hearing and determine penalties relating to all the allegations presented against a student. A panel convened in Mode B may, in addition to academic misconduct, determine outcomes relating to any associated matters of non-academic misconduct.

### Procedures for hearings of Student Discipline Panels

- 11.91 The Secretary to the Student Discipline Panel shall send to any student required to appear before a hearing of a Panel a written summons stating:
- (a) the nature of the allegation;
  - (b) the date, time and place of the hearing;
  - (c) the mode and the membership of the Panel;
  - (d) the name of the person, if any, who will present the case against the student and, as far as practicable, the names of any witnesses who are already expected to be attending the hearing;
  - (e) information on the order and conduct of proceedings in hearings as set out in this policy;
  - (f) the right of the Panel to proceed in the student’s absence if, having been give due notice of the date of the hearing and sufficient notice of the documentary evidence available to the hearing,

s/he fails to appear without providing prior good reason for absence. The decision of the Chair of the Panel as to whether to proceed in the student's absence shall be final.

- 11.92 The Secretary to the Student Discipline Panel shall also enclose with the summons a full set of the documentation provided by the relevant Head of Department, Plagiarism Officer or Authorised Officer concerning the alleged offence(s) which will be considered by the Panel.
- 11.93 The written summons shall provide not less than 5 working days' notice of the meeting of the Panel.
- 11.94 A copy of the summons shall be available to the student's Head of Department.
- 11.95 The ruling of the Chair of the Panel on any point of procedure relating to the conduct of the Panel shall be final.
- 11.96 Where s/he determines that the nature of the case requires it, the Chair of the Panel may require the attendance of a Head of Department, a Plagiarism Officer, an Authorised Officer, or of another member of academic or non-academic staff to present the case against the student.
- 11.97 The Chair of the Panel may request or admit as evidence any additional written information which s/he deems relevant to the case. The Chair shall, in particular, determine whether the admission of information on the student's previous academic or disciplinary record is relevant to the determination of penalty.
- 11.98 If the student wishes, s/he may, prior to the hearing, provide to the Secretary to the Panel with a statement concerning the allegations, and/or any additional supporting evidence relevant to the case and/or information about any mitigating factors which the student considers should be taken into account. Information relating to any mitigating circumstances should wherever possible be supported by documentary evidence.
- 11.99 All written evidence made available to the Panel will also be made available to the student and the person (if any) presenting the case against the student, wherever possible in advance of the hearing.
- 11.100 The Panel may determine that some or all of the written evidence should be made available to each witness. The Chair may determine that a hearing should be postponed or adjourned if any written evidence is supplied without sufficient notice for it to be circulated and properly considered by all relevant parties.
- 11.101 The student required to appear before the Panel, the person (if any) presenting the case against the student, and the Chair of the Panel may nominate witnesses to attend the hearing. The purpose of calling for witness evidence is to inform the Panel's deliberations. The Chair of the Panel's decision as to whether to accept a nomination is final. Where practicable, the Secretary to the Panel shall inform all parties of the identity of any witnesses in advance of the hearing. It is the responsibility of the party calling the witness to ensure their attendance at the hearing, except where the witness is a member of the public. If the witness is a member of the public (being neither a student nor member of staff of the University) the party calling the witness must inform the Secretary as soon as possible of this request. The Secretary will issue the witness with an invitation to attend, making clear who has requested their evidence and explaining the procedures. The Panel reserves the right to proceed in the absence of any particular witness and the ruling of the Chair of the Panel in this matter shall be final.
- 11.102 All parties shall have an opportunity to ask questions through the Chair of all witnesses called.
- 11.103 The ruling of the Chair of the Panel shall be final on the admission of all evidence for consideration by the Panel, including the admission of written evidence and of oral evidence from witnesses or other parties at the hearing. This shall include the power to refuse to admit evidence or hear witnesses on the basis of lack of relevancy.
- 11.104 The student may be accompanied by a friend or representative in accordance with the general provisions for this in these regulations. Where practicable, the Secretary to the Panel shall inform all

parties in advance of the hearing of the identity of any friend or representative who will be in attendance.

11.105 A hearing by a Student Discipline Panel or a Fitness to Practise Panel shall be held in closed session.

11.106 A hearing shall proceed as follows:

- (a) the person (if any) presenting the case against the student shall set out the allegations and evidence in the case, answer questions from the Panel and student, and may call witnesses;
- (b) the student (or person representing him or her) shall respond to the disciplinary charge(s) against him or her, answer questions from the Panel and the person (if any) presenting the case against him or her relating to the case, and may call witnesses;
- (c) the Panel may call any witnesses not called by the other parties;
- (d) the presentation of any closing statement by the person (if any) presenting the case against the student;
- (e) the presentation of any closing statement by the student (or person representing him or her).

11.107 Where the Chair of a Student Discipline Panel determines that the mode in which the Panel has been convened is not competent to hear the case presented at a hearing, s/he shall adjourn the hearing without reaching a judgement and refer the matter to the Secretary to the Student Conduct Group, who will refer the matter to the Chair of the Student Conduct Group, who may determine that a new Panel is convened in another mode for the case to be reheard. Members of the original Panel may be appointed to the new Panel.

11.108 The Chair of a Student Discipline Panel may otherwise adjourn a hearing of a Panel in accordance with the general provisions set out in these regulations.

11.109 The student will be informed in writing by the Secretary to the Panel of the Panel's decision in respect of the allegations, including reasons for that decision, normally no more than five working days following the hearing. The Secretary shall copy this communication to the student's Head of Department, the student's Personal Tutor, the student's departmental Plagiarism Officer (if relevant), any head of service (if relevant), any Authorised Officer (if relevant) and the person (if any) presenting the case against the student at the hearing.

#### **Penalties of Student Discipline Panels**

11.110 If a student is found guilty of non-academic misconduct, a Panel may impose one or more of the following penalties:

- (a) any of the penalties available to an Authorised Officer (Non-Academic) as set out in paragraph 11.75 above;
- (b) a fine up to a maximum of £1000;
- (c) suspension of a student's registration for a specified period;
- (d) in the case of grave misconduct, expulsion from the University, with or without an academic award and/or credit.

11.111 Fines may, at the discretion of the Panel, be commuted, or part-commuted, to a maximum of 100 hours of community service undertaken under the supervision of the relevant Head of Service.

11.112 If a student is found guilty of academic misconduct, a Panel may impose one or more of the following penalties:

- (a) the penalty available to an Authorised Officer (Academic) as set out in paragraph 11.77 above;

- (b) issue a reprimand;
- (c) suspension from specific academic privileges for a specified period;
- (d) suspension of a student's registration for a specified period;
- (e) in the case of grave misconduct, expulsion from the University, with or without an academic award and/or credit.

11.113 In determining the outcome the Panel shall take into account mitigating circumstances material to the case submitted by the student. Where the Panel 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 Panel will take into account whether the circumstances have previously been disclosed in a timely manner, as required under the University's Regulations.

#### **Fitness to Practise Panels**

11.114 The procedures for the conduct of Fitness to Practise Panels at Stage One shall be set out in the relevant allied policies and procedures. The role of such panels is solely to consider issues pertinent to fitness to practice and its role is not to impose disciplinary penalties. Nevertheless such Panels may conclude that a person is not fit to practise or may issue warnings as to future conduct. Such findings may have serious repercussions for a student who should have the right of appeal. The appeal procedure in respect of fitness to practice procedures is set out in the separate regulations dealing with these issues.

#### **"Stage Two" Appeals against "Stage One" decisions (decisions of Plagiarism Officers, Authorised Officers, and Student Discipline Panels)**

11.115 As indicated in these regulations and allied policies and procedures, students have a right of appeal against "Stage One" decisions (decisions of an Authorised Officer, a Plagiarism Officer, and a Student Discipline Panel). Appeals must be submitted to the Secretary of the Student Conduct Group within ten working days of notification of the "Stage One" decision.

11.116 Submissions by students must include the grounds for the appeal. For an appeal to be considered there must be at least one of the following grounds:

- (a) that evidence put to the Plagiarism Officer, Authorised Officer, or Student Discipline Panel was not fully and properly considered;
- (b) that there was procedural irregularity in the conduct of the consideration of the case at Stage One by the Plagiarism Officer, Authorised Officer, or Student Discipline Panel;
- (c) that there was prejudice and/or bias and/or the appearance of prejudice and/or bias in the conduct of the Stage One process by the Plagiarism Officer, Authorised Officer, or Student Discipline Panel;
- (d) that the penalty imposed was excessive;
- (e) that there is new information to be put forward that was not known to the Plagiarism Officer, Authorised Officer, or Student Discipline Panel and that there was good reason why this was not presented during the Stage One process.

11.117 If a student decides to make an appeal, s/he must also state whether the appeal is made against the finding, the penalty imposed, or both the finding and the penalty.

**PART SEVEN: Appeals****“Stage Two” Appeals against “Stage One” decisions: initial consideration**

- 11.118 The Secretary to Student Conduct Group will review each appeal received, and will check whether it has been submitted within the specified time limit or whether there is good cause to account for submission outside the specified time limit. If the appeal is accepted by the Secretary to Student Conduct Group, the student will be informed of this within 5 working days of receipt. If the appeal is determined to be out of time without good cause, the student shall be informed that s/he has no further right to appeal within the University.
- 11.119 The Secretary to Student Conduct Group shall refer the appeal to the Chair of the Student Conduct Group who will appoint a member of Student Conduct Group to be the ‘designated member’. The designated member will have had no previous involvement in the case.
- 11.120 The designated member of Student Conduct Group shall review the appeal submission and documentation relevant to the “Stage One” decision regarding the case of the Plagiarism Officer, Authorised Officer, or Student Discipline Panel. The designated member may determine one of the following:
- (a) that the appeal does not demonstrate sufficient new evidence, complexity or uncertainty regarding the facts of the case to merit a full hearing of the appeal and that the original “Stage One” decision should stand. In this case the designated member will dismiss the appeal without a hearing and without further right of appeal within the University and the original “Stage One” decision shall stand;
  - (b) that there is clear evidence that there was procedural irregularity in the consideration of the case at “Stage One”, or that the Stage One penalty was excessive. In this case, the designated member will take action to remedy the procedural irregularity or to reduce the penalty. Provided that there are no further procedural irregularities in this part of the process, there shall be no further right of appeal within the University;
  - (c) that there is sufficient new evidence and/or complexity and/or uncertainty regarding the facts of the case to merit a full hearing of the Stage Two appeal.
- 11.121 The student shall normally be informed by the Secretary to Student Conduct Group of the outcome of initial consideration of his or her appeal within 15 working days of receipt. The notification of outcome shall set out reasons for the initial decision at Stage Two.

**“Stage Two” Appeals against “Stage One” decisions: panel hearings**

- 11.122 If it is determined (under paragraph 11.120(c) above) that an appeal should be taken to a full hearing of the appeal, the Chair of the Student Conduct Group shall confirm the mode of the appeal hearing and approve the Chair and members to be appointed to a Student Discipline Appeals Panel constituted in accordance with these regulations. Any member appointed to a Student Discipline Panel who considers that there is or that there is the appearance of a conflict of interest or compromise in their serving on a particular Appeals Panel shall notify the Secretary to the Student Conduct Group who will refer the matter to the Chair of the Student Conduct Group, who will determine whether a replacement Panel member should be appointed.
- 11.123 The mode of the hearing shall normally follow the prior consideration of the case under Academic Discipline or Non-Academic Discipline procedures.
- 11.124 Members of any previous Panel and any Authorised Officer who has previously determined an outcome under these regulations shall not be eligible to sit on the subsequent Appeals Panel considering the same case.
- 11.125 Where the decision under paragraph 11.120(c) above was to proceed to a hearing, the designated member who made this decision shall normally chair the subsequent Student Discipline Appeals Panel.

11.126 The modes in which a Panel may be convened are:

- (a) **Mode C:** for appeals relating to non-academic misconduct;
- (b) **Mode D:** for appeals relating to academic misconduct;

11.127 Wherever possible, one Appeals Panel will be convened to give a full hearing to all aspects of an appeal. A panel convened in Mode D may, in addition to considering appeals relation to Academic misconduct, consider appeals matters relating to Non-Academic misconduct pertinent to the same case.

11.128 The Secretary to the Student Conduct Group shall appoint a Secretary to each Student Discipline Appeals Panel. The Secretary shall act as note-taker and shall advise the Appeals Panel regarding procedural matters.

#### **Procedures for Hearings of Student Discipline Appeals Panels**

11.129 The Secretary to the Student Discipline Appeals Panel shall send to the student required to appear before the Panel a written summons stating:

- (a) the nature and grounds of the appeal;
- (b) the date, time and place of the hearing;
- (c) the mode and membership of the Panel;
- (d) the name of the person (if any) who will present the case against the student and, as far as is practicable, the names of any witnesses who are already expected to be attending the hearing;
- (e) the information on the order of proceedings in hearings set out in these regulations below;
- (f) notice that the Appeals Panel: (i) shall receive and consider all the written evidence which was before the Panel at the original hearing and that the Secretary may invite to appear before it all witnesses who gave evidence at the original hearing; (ii) may also permit the presentation of such further evidence and the attendance of additional witnesses as it deems appropriate;
- (g) the right of the Appeals Panel to proceed in the student's absence or to determine that the appeal is abandoned and to confirm as a consequence the original decision without further hearing if, having been give due notice of the date of the hearing and sufficient notice of the documentary evidence available to the hearing, the student fails to attend the hearing;
- (h) confirmation of the Appeals Panel's intention to consider/not consider at the hearing any additional evidence brought by the student forming part of his or her initial appeals submission.

11.130 This summons shall provide not less than 5 working days' notice of the meeting of the Appeals Panel.

11.131 The student may be accompanied by a friend or representative in accordance with the general provisions for this in these regulations. Where practicable, the Secretary to the Appeals Panel shall inform all parties in advance of the hearing of the identity of any friend or representative who will be in attendance.

11.132 The ruling of the Chair of the Appeals Panel on any point of procedure relating to the conduct of the Panel shall be final.

11.133 Where s/he determines that the nature of the case requires it, the Chair of the Appeals Panel may require the attendance of a Head of Department, a Plagiarism Officer, an Authorised Officer, or of another member of academic or non-academic staff to present the case against the student.

11.134 The Chair of the Appeal Panel may request or admit as evidence any additional written information which s/he deems relevant to the case. The Chair shall, in particular, determine whether the admission of information on the student's previous academic or disciplinary record is relevant to the case.

- 11.135 If the student wishes, s/he may, prior to the hearing, provide to the Secretary to the Appeal Panel with a statement concerning the allegations, and/or any additional supporting evidence relevant to the case and/or information about any mitigating factors which the student considers should be taken into account. Information relating to any mitigating circumstances should wherever possible be supported by documentary evidence.
- 11.136 All written evidence made available to the Appeals Panel will also be made available to the student and the person (if any) presenting the case against the student, wherever possible in advance of the hearing.
- 11.137 The Appeals Panel may determine that some or all of the written evidence should be made available to each witness. The Chair may determine that a hearing should be postponed or adjourned if any written evidence is supplied without sufficient notice for it to be circulated and properly considered by all relevant parties.
- 11.138 The student required to appear before the Appeals Panel, the person (if any) presenting the case against the student, and the Chair of the Appeal Panel may nominate witnesses to attend the hearing. The purpose of calling for witness evidence is to inform the Appeals Panel's deliberations. The Chair of the Appeals Panel's decision as to whether to accept a nomination is final. Where practicable, the Secretary to the Appeal Panel shall inform all parties of the identity of any witnesses in advance of the hearing. It is the responsibility of the party calling the witness to ensure their attendance at the hearing, except where the witness is a member of the public. If the witness is a member of the public (being neither a student nor member of staff of the University) the party calling the witness must inform the Secretary as soon as possible of this request. The Secretary will issue the witness with an invitation to attend, making clear who has requested their evidence and explaining the procedures. The Appeals Panel reserves the right to proceed in the absence of any particular witness and the ruling of the Chair of the Appeals Panel in this matter shall be final.
- 11.139 All parties shall have an opportunity to ask questions through the Chair of all witnesses called. The party calling the witness will normally ask the first questions of the witness.
- 11.140 The ruling of the Chair of the Appeals Panel shall be final on the admission of all evidence for consideration by the Appeals Panel, including the admission of written evidence and of oral evidence from witnesses or other parties at the hearing. This shall include the power to refuse to admit evidence or hear witnesses on the basis of lack of relevancy.
- 11.141 A hearing by an Appeals Panel shall be held in closed session.
- 11.142 The student appearing before the Appeals Panel shall inform the Secretary of his/her intention to be accompanied by a friend or representative of the Students' Union at least two working days before the hearing. Where practicable, the Secretary to the Appeal Panel shall inform all parties in advance of the hearing of the identity of any friend or representative who will be in attendance.
- 11.143 The Appeals Panel shall receive all the written evidence which was before the original Student Discipline Panel at the original hearing and the Secretary may invite to appear before it any witnesses who gave evidence at the original hearing. It may also permit the presentation of such further evidence and the attendance of additional witnesses as it deems appropriate.
- 11.144 The appeals hearing shall proceed as follows:
- (a) the student (or person representing him or her) shall present his or her appeal and evidence for the appeal, answer questions from the Appeals Panel and the person (if any) presenting the University's case and call witnesses;
  - (b) the person (if any) presenting the case against the student shall briefly set out the allegations and evidence in the case, answer questions from the Appeals Panel and student in relation to the grounds for appeal;
  - (c) the Appeals Panel may call any witnesses not called by the other parties;

- (d) the presentation of any closing statement by the person (if any) presenting the case against the student;
- (e) the presentation of any closing statement by the student (or person representing him or her).

11.145 The student will be informed in writing by the Secretary to the Appeals Panel of the Appeals Panel's decision in respect of the appeal, including reasons for that decision, normally no more than 5 working days following the appeals hearing. The Secretary to the Appeals Panel shall copy this communication to the student's Head of Department, the student's departmental Plagiarism Officer (if relevant), any head of service (if relevant), any Authorised Officer (if relevant) and the person (if any) presenting the case against the student at the hearing.

#### **Outcomes of Hearings of Student Discipline Appeals Panels**

11.146 Having considered all the evidence presented, the Student Discipline Appeals Panel shall determine one of the following outcomes to the Appeal:

- (a) confirm the Stage One decision;
- (b) substitute a lower penalty except that, in so doing, the new, lower penalty must be consistent with precedent;
- (c) find that the original outcome was unsafe in part and find the student culpable of a lesser offence and impose a lesser penalty;
- (d) determine that the original outcome should be wholly overturned, exonerate the student and remove any penalty previously imposed;
- (e) determine that the circumstances of the case require a new hearing by a new Student Discipline Panel, of which the membership will have had no previous involvement in the case.

11.147 Where the Appeals Panel concludes that mitigating circumstances have been presented which are relevant to the appeal and should be taken into account in determining a new penalty, the new penalty shall be determined according to precedent. In determining whether particular circumstances are relevant, the Panel will take into account whether the circumstances have previously been disclosed in a timely manner, as required under the University's Regulations.

#### **Further right to appeal**

11.148 Following completion of "Stage Two" there is no further right to appeal within the University. Students who are dissatisfied with the outcome of the disciplinary process may submit their concerns to the Office of the Independent Adjudicator for Higher Education (OIA), once all internal University procedures have been completed.

## Appendices

### Appendix A: composition of Student Disciplinary Panels in Modes A and B

#### **Mode A**

- A Chair, who shall be a member of Student Conduct Group
- One member of the senior staff of the University, who may be a member of academic or non-academic staff
- One student member (normally identified from a pool of students nominated by the University of Leicester Students' Union to sit on Student Disciplinary Panels and Student Disciplinary Appeals Panels)

#### **Mode B**

- A Chair, who shall be a member of Student Conduct Group
- One member of the senior staff of the University, who will be a member of academic staff of the University
- One student member (normally identified from a pool of students nominated by the University of Leicester Students' Union to sit on Student Disciplinary Panels and Student Disciplinary Appeals Panels)

The Chair and members of each Student Discipline Panel shall have had no association with the teaching of the student appearing before the Panel. Wherever possible, the Panel shall be constituted with due regard to the need to ensure equality of representation.

### Appendix B: composition of Student Discipline Appeals Panels in Modes C and D

#### **Mode C**

- A Chair, who shall be a member of Student Conduct Group
- One member of the senior staff of the University, who may be a member of academic or non-academic staff
- One student member (normally identified from a pool of students nominated by the University of Leicester Students' Union to sit on Student Disciplinary Panels and Student Disciplinary Appeals Panels)

#### **Mode D**

- A Chair, who shall be a member of Student Conduct Group
- One member of the senior staff of the University, who will be a member of academic staff
- One student member (normally identified from a pool of students nominated by the University of Leicester Students' Union to sit on Student Disciplinary Panels and Student Disciplinary Appeals Panels)

The Chair and members of the Student Discipline Appeals Panels shall have had no association with the teaching of the student before the Appeals Panel nor shall they be the same persons who heard the original case. Wherever possible, the Panel shall be constituted with due regard to the need to ensure equality of representation.

## **Appendix C:**

### **Terms of Reference and Composition of Student Conduct Group**

#### ***Terms of Reference***

- (a) To oversee matters relating to student discipline in the University;
- (b) To contribute to processes for the consideration of allegations of student misconduct, as set out in the Regulations for Student Discipline;
- (c) To meet at least annually to review matters relating to student discipline, including the sufficiency of the regulations and procedures in place for their management;
- (d) To report at least annually to Senate on matters relating to student discipline, including the sufficiency of the regulations and procedures in place for their management.

#### ***Composition***

- (a) The Dean of Students as chair
- (b) Members drawn from the academic staff across all the Colleges of the University
- (c) The Authorised Officers
- (d) Up to 4 members of the University of Leicester Students' Union, who shall also be members of the Panel of students nominated by the Union to sit on Student Disciplinary Panels and Student Disciplinary Appeals Panels