

# Student Discipline Procedure

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Procedures for the regulation of student discipline.

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## STUDENT DISCIPLINE PROCEDURE

*This procedure applies to all student disciplinary cases from the beginning of the 2013/14 academic session, and is made in accordance with University Ordinance 5.2 and Regulation 5. This procedure covers:*

- *classification of discipline offences;*
- *definition of discipline offences;*
- *procedures for managing and regulating student discipline;*
- *penalties;*
- *the reporting and recording of disciplinary proceedings;*
- *service of notices and documents;*
- *jurisdiction of University staff, committees and boards to deal with disciplinary matters;*
- *appeals against the findings of disciplinary hearings; and*
- *constitution of committees and boards established to deal with disciplinary matters.*

*This procedure should be read in conjunction with:*

- *the University's Guidance on Dealing with Instances of Possible Academic Dishonesty by Students; and*
- *the University's Dignity and Respect Policy*

*Impartial advice about this procedure may be sought from The Advice Hub, the Advice and Support Service of the University of Strathclyde Students' Association <http://www.strathstudents.com/advicehub>.*

*Any reference to 'Heads of Departments' in this procedure should be taken to include equivalent roles such as Heads of School, Academic Directors, etc.*

## 1. POLICY

### Introduction

- 1.1. These procedures seek to ensure that student disciplinary matters are dealt with fairly and promptly at the appropriate level by those with clear authority from the University. The procedures apply to persons who are subject to the discipline of the University as prescribed in the University Ordinances and Regulations.
- 1.2. The purpose of the procedure is to regulate student behaviour in order to secure the proper working of the University in the broadest sense. In support of this goal, students are expected to conduct themselves at all times in a manner which
  1. demonstrates respect for staff, fellow students, and University property;
  2. enhances the reputation of the University;
  3. is sensitive to a culturally diverse environment; and
  4. demonstrates active engagement in the learning process, a commitment to university-level study, and determination to succeed.

## Definition of a Disciplinary Offence

- 1.3. A breach of discipline is, for the purpose of these procedures, called a 'disciplinary offence', and this will include, but not be limited to, failure to observe all University rules and regulations including any local regulations for the governance of Academic Faculties, Schools/Departments, the University Library, Professional Services Directorates, and University Residences. The essence of an offence under this procedure is improper conduct or improper interference, in the broadest sense, with the proper functioning or activities of the University, or those who work or study in the University. It also includes conduct which otherwise damages the University, reputationally or materially. Failure to adhere to the requirements of any policies, notices or codes of conduct that the University may, from time to time, introduce may also constitute a disciplinary offence.

## Scope

- 1.4. These procedures apply to all registered students in all locations on and off campus both in the UK and overseas (when it is found that there is some link to the University or its reputation).
- 1.5. Discipline of students within the Students' Union building shall be the responsibility of the officials of the University of Strathclyde Students' Association (USSA).
- 1.6. Instances of alleged academic dishonesty by students, including plagiarism, should first be considered under the University's *Guidance on Dealing with Instances of Possible Academic Dishonesty by Students*.
- 1.7. Where an instance of academic dishonesty is of sufficient severity then it may also be deemed to be a breach of discipline and the University may take action under these procedures.

## Fitness for Professional Practice

- 1.8. As part of the function of the University, graduation from certain courses entitles a graduate to practise in a profession or to obtain professional status. In some cases where professional fitness to practice issues arise the University may also invoke relevant procedures. In such cases, the disciplinary case file may be shared with other University Officers responsible for such procedures.

## 2. EXAMPLES OF DISCIPLINARY OFFENCES

- 2.1. The following list (or examples) of behaviour which might be considered a disciplinary offence is illustrative only and in no way limits the breadth of definition of a disciplinary offence or prevents the University or any authorised officer or disciplinary committee thereof from considering and adjudicating upon any other conduct or action which appears to constitute a breach of discipline.
  - a) Failure to adhere to the requirements of any policies, notices or codes of conduct that the University may, from time to time, introduce;

- b) disruption of, or improper interference with, the academic, administrative, social or other activities of the University, including offensive behaviour, whether on University premises or elsewhere;
- c) obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff or other employee of the University or any authorised visitor to the University;
- d) persistent failure to attend classes, tutorial or laboratories in the curriculum;
- e) falsification or serious misuse of University records, including degrees, diplomas or certificates;
- f) behaviour which brings the University into disrepute;
- g) intentional or reckless damage to, or defacement of, University property (including property on loan to the University) or the property of members of the University, including an institution or organisation attended as part of a University course;
- h) misuse or unauthorised use of University premises, facilities or items of property;
- i) failure to disclose name and other relevant details or to show identification to an officer or employee of the University in circumstances when it is reasonable to require that such information be given;
- j) failure to comply with a previously-imposed penalty under these procedures;
- k) failure to treat others (students, staff, visitors and other people in the community) fairly and in accordance with the University's Dignity & Respect Policy;
- l) acts of dishonesty, including theft, fraud, deceit, or deception in relation to the University, its staff or students;
- m) acts of academic dishonesty, including plagiarism, collusion and examination irregularities;
- n) actions likely to cause injury, impair safety or raise false alarm on University premises;
- o) harassment (of any kind) of any student, member of staff, or any authorised visitor to the University;
- p) violent, disorderly, threatening or offensive behaviour or language whilst on or off University premises whether directed towards a member of staff, another student or member of the public
- q) conduct which constitutes a criminal offence where that conduct:
  - takes place on University premises, or
  - affects or concerns other members of the University community, or
  - damages the good name of the University, or

- itself constitutes a disciplinary offence within the terms of these procedures.

For the avoidance of doubt, the University may proceed under student disciplinary procedures notwithstanding the instigation of any criminal proceedings. However, the University reserves the right to defer action pending any criminal investigation or prosecution.

- r) any other act or behaviour which may be reasonably interpreted as a disciplinary offence notwithstanding the lack of equivalent examples above.

### **3. PRELIMINARY PROCEDURES FOR CONSIDERING DISCIPLINARY CASES**

#### **Initiating Procedures**

- 3.1. The University shall have the right to investigate any allegation of misconduct against a student and may take disciplinary action where it decides, on the balance of probabilities, that a disciplinary offence (as defined above) has been committed.
- 3.2. In all cases, an investigation will be undertaken. The initial investigator will normally be an authorised person (Disciplinary Officer) identified at paragraph 3.4 below. If a disciplinary offence is later deemed to be a major offence then the Chief Operating Officer or nominee may appoint an appropriate person to undertake further investigations. Any investigation will include an interview of the student(s) concerned.
- 3.3. For cases where a student withdraws from the University whilst a disciplinary investigation is on-going, the disciplinary case shall be concluded in the student's absence, if necessary, by the Disciplinary Officer, authorised committee or the Senate Discipline Committee.

#### **Authorised Disciplinary Officers**

- 3.4. The following individuals, as appropriate officers of the University, shall be entitled to deal with disciplinary matters of a minor nature that occur within their area of authority or responsibility:
  - the Executive Deans or their nominee
  - the Heads of Department/School
  - the Director of Information Services
  - the Director of Student Experience and Enhancement Services
  - Head of Student Experience
  - the Accommodation Services Manager
  - the Head of the Centre for Sport and Recreation
  - the Security Services Manager
- 3.5. These officers shall be referred to throughout the procedures as 'Disciplinary Officers'. According to the circumstances of each individual incident, the case should always be reported to and investigated by a Disciplinary Officer.

- 3.6. For cases which originate within the University Library, the Director of Information Services may choose to delegate their authority to deal with minor disciplinary matters and impose appropriate sanctions and penalties to the University Librarian.

## Categorisation of Offences

- 3.7. Disciplinary offences are broadly categorised as follows:
- a) Acts of academic dishonesty (including plagiarism, collusion and examination irregularities);
  - b) Non-academic offences
- 3.8. Disciplinary offences of both categories dealt with under this procedure are subdivided into minor and major offences depending on their apparent gravity, the frequency with which they have occurred and the penalty which might be imposed if an allegation is substantiated.
- 3.9. It should be noted that even a 'minor' disciplinary offence is considered by the University to be a serious matter and is not without potentially serious consequences for students (see paragraph 4.13).
- 3.10. Where disciplinary action under this procedure is felt to be appropriate in relation to allegations of academic dishonesty, consideration should also be given to the University's *Guidelines on Dealing with Instances of Possible Academic Dishonesty by Students*.
- 3.11. The decision as to whether a breach of discipline constitutes a major or minor offence will initially be taken by Heads of Department/School in regard to cases of academic dishonesty<sup>1</sup> and by the relevant designated Disciplinary Officer in all other cases. Guidance on determining the severity of instances of academic dishonesty and whether they warrant consideration under formal discipline procedures is available in the University's *Guidelines on Dealing with Instances of Possible Academic Dishonesty by Students*.

## Reporting of Offences

- 3.12. It is the duty of every member of staff of the University, in whose opinion a breach of discipline may have occurred, to report the incident as soon as possible to a Disciplinary Officer. All incidents must be referred, in order to ensure that a transparent system operates in which all cases are treated consistently, equitably and fairly.
- 3.13. The following procedures detail the manner in which the University deals with non-academic disciplinary offences and with cases of academic dishonesty that are considered to warrant disciplinary action.

## 4. STAGE ONE DISCIPLINARY PROCEDURE (AND MINOR OFFENCES)

- 4.1. Where an allegation of misconduct is made known to a Disciplinary Officer, that Officer shall conduct an investigation of sufficient depth and breadth as is necessary to ascertain the facts of the case.
- 4.2. As part of any investigation, and before determining the severity of the alleged disciplinary offence or considering the outcome of the case, the Disciplinary Officer

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<sup>1</sup> See the University's *Guidance on Dealing with Instances of Possible Academic Dishonesty by Students*



shall conduct an interview with the student(s) concerned. The student(s) will have an opportunity to submit a written statement regarding the case. This should indicate whether the student intends to deny or admit responsibility.

- 4.3. The Disciplinary Officer dealing with the case will be responsible for all official correspondence and communications in connection with the consideration and disposal of the matter at this stage. A copy of all documentation, including written records of meetings and a note of any sanctions imposed, must be retained in case of future referral to the Senate Discipline Committee or any subsequent appeal.
- 4.4. Once an interview has been scheduled the student should be invited in writing to attend the meeting at which the case will be considered. The student should be given a minimum of 5 working days' notice of the meeting date. The following information should be included:
  - a) The details of the alleged offence;
  - b) The evidence under consideration;
  - c) The penalties or sanctions which may be imposed if the alleged offence is admitted or found to be proven;
  - d) A request for a written statement from the student;
  - e) The date, time and place set for an interview; and
  - f) A copy of this Procedure
- 4.5. Normally, not more than 20 working days shall elapse between the date of notification to the student of the offence and the date set for the interview.
- 4.6. An additional member of University staff shall be present during the interview to witness and record the proceedings.
- 4.7. The student shall be entitled to be accompanied or represented at the interview by a person of their choice who shall be entitled to speak on the student's behalf.
- 4.8. If, following a request to attend an interview, a student does not respond to such a request, the Disciplinary Officer shall consider the case in the absence of the Student.
- 4.9. If, following a request to attend an interview, a student responds but is unable to make the date and time provided then the interview shall be rescheduled once. The need to reschedule a meeting means that it may not be possible to meet the timescales stated above. Any further rescheduling shall be at the sole discretion of the Disciplinary Officer.
- 4.10. Where a case is considered in the absence of the student then the student shall be advised in writing of the decision taken by the Disciplinary Officer (see paragraph 4.14).
- 4.11. Where an interview does not take place, either because of a student's non-attendance or otherwise, the reason for this should be recorded.
- 4.12. Following an investigation and, where possible, an interview with the student(s) concerned, the Disciplinary Officer shall determine whether there is reasonable cause to believe that an offence has been committed. If reasonable cause has not been established no further action will be taken and the student will be informed of the decision not to proceed. If there are grounds for proceeding, the Disciplinary

Officer shall determine whether the offence constitutes a minor or major disciplinary offence. Instances of the latter, or where sanctions may be warranted that are beyond the authority of the Disciplinary Officer, will require referral as detailed in paragraph 4.17, along with all relevant information and documentation.

- 4.13. The Disciplinary Officer considering a case deemed to constitute a minor offence is empowered to impose the following sanctions or penalties:
- a) A fine not exceeding an amount determined by Senate (last set in Session 2007/08 at £100);
  - b) A reprimand, a suspension of facilities, services or privileges for a stated period not exceeding one semester;
  - c) A requirement to make good in whole or in part any damage caused; or
  - d) In the case of academic dishonesty deemed to constitute a minor disciplinary offence, a formal reprimand, and/or a requirement to repeat an assignment or undergo further assessment, and/or a reduction of marks by percentage or to zero.

*GUIDANCE NOTE: Subsequent failure to pay any fine imposed or to make good damage by the date specified may be deemed to constitute a major offence.*

- 4.14. Where a student has admitted responsibility for a minor offence or where an allegation is found proven, the student or the student's representative shall have the opportunity to present evidence that they feel provides extenuation or mitigation before the matter of penalty is decided. The Disciplinary Officer shall determine whether such evidence constitutes sufficient extenuation or mitigation.
- 4.15. The student will receive written notification of the decision of the Disciplinary Officer considering the case. The notification should include a written record of the meeting, a statement of facts held to be proved, the substance of any findings that such facts constitute a breach of discipline and a record of any penalty or sanction imposed. It should also provide details of the student's right to appeal the decision taken or penalty imposed and the grounds upon which any appeal may be considered.
- 4.16. The decision of the Disciplinary Officer or authorised committee concerning penalties or sanctions shall be final, subject to the student's right to appeal (see Section 7).
- 4.17. Where the Disciplinary Officer considers that the offence in question is of a more serious nature than at first appeared or that the available sanctions are an inappropriate response or where the case involves a repetition of a previous offence, then the matter shall be reported to the Chief Operating Officer or nominee.

*GUIDANCE NOTE: It is essential that members of staff involved in a discipline case maintain an audit trail and take notes of meetings held with a student in connection with a case. Staff should be aware that all relevant documentation, including emails, may need to be disclosed to students at some stage of the process, and statements must be factual and balanced.*

## 5. STAGE TWO DISCIPLINARY PROCEDURE (MAJOR OFFENCES)

- 5.1. The Chief Operating Officer or nominee, following advice from the relevant Disciplinary Officer, shall be satisfied that an alleged breach of discipline constitutes a major offence. If such a breach is identified as a major offence, it shall be referred in due course to the Senate Discipline Committee. If it is not classified as a major offence then it shall be remitted to a Disciplinary Officer or an authorised committee for attention and disposal (see Section 4).
- 5.2. The Disciplinary Officer or individual referring the case to the Chief Operating Officer or nominee should provide copies of all relevant documents and information pertaining to the case, as well as the outcomes of preliminary investigations and any recommendations. In cases involving allegations of academic dishonesty this should include:
  - a) a completed Academic Dishonesty Form;
  - b) a record of any meetings with the student in relation to the allegations; and
  - c) any supporting evidence, including in cases of plagiarism, the student's work and the likely sources marked up to show the areas of alleged plagiarism

*GUIDANCE NOTE: For an exemplar of a report submitted in regard to an allegation of academic dishonesty which is deemed to constitute a major offence see Annex C.*

- 5.3. Details of the investigation undertaken by the Disciplinary Officer at Stage One will be considered. Where it is felt that further information or clarification is required, the Chief Operating Officer or nominee may appoint an appropriate member of staff to undertake supplementary investigations.
- 5.4. In cases where it is thought that a student may be involved in criminal conduct, the Chief Operating Officer or nominee, in consultation with the Principal and where deemed appropriate, will report the matter to the police.
- 5.5. The fact that the criminal authorities are unable to obtain a conviction or are unwilling to proceed with a criminal prosecution does not preclude the University from taking such disciplinary action against the student as may be thought fitting or necessary.
- 5.6. If the identity of the student or students alleged to have committed a major offence is not known, the Chief Operating Officer may appoint a Committee of Inquiry (consisting of not more than three persons) to ascertain the relevant facts. The Committee of Inquiry may include a student nominated by the USSA President but shall not include any member of the Senate Discipline Committee. Every student interviewed or questioned by the Committee of Inquiry shall be informed that it is not necessary to make a statement.
- 5.7. The Committee of Inquiry shall report its findings to the Chief Operating Officer. The Chief Operating Officer shall then decide whether or not there is a *prima facie* case against any student or students. If there is a case, the Chief Operating Officer shall arrange for the preparation and presentation of the case before the Senate Discipline Committee and the formulation of the complaint or charge against the student or students concerned.
- 5.8. In cases referred to the Senate Discipline Committee, the Chief Operating Officer or nominee will write to the student to acknowledge receipt of information about the

alleged incident, enclosing a copy of any evidence, and to confirm arrangements for the hearing by the Senate Discipline Committee.

- 5.9. Notice of a hearing will be served in writing on a student at least ten working days prior to the hearing. The student will be notified of:
- a) The details of the alleged offence;
  - b) The evidence under consideration;
  - c) The penalties or sanctions which may be imposed if the alleged offence is admitted or found to be proven;
  - d) Their right to be accompanied (or represented in their absence) by a person of their choice, who shall be entitled to address the Senate Discipline Committee;
  - e) Their right to submit evidence to the Senate Discipline Committee in advance;
  - f) Their right to call witnesses in support of his or her case; and
  - g) The date, time and place of the hearing.

A copy of this Procedure will also be made available to the student.

*GUIDANCE NOTE: Normally, not more than six weeks shall elapse between the date of a formal notification from the Chief Operating Officer or nominee to the student of the details of the alleged offence and the date set for the hearing of the case.*

- 5.10. Any evidence which the student wishes to be considered by the Senate Discipline Committee must be submitted to the Chief Operating Officer or nominee at least five working days before the hearing.
- 5.11. If the student wishes to admit the offence this may be done in writing before the date of the hearing. The student shall still be entitled to appear before the Senate Discipline Committee.
- 5.12. Each student must inform the Chief Operating Officer or nominee, at least five working days before the hearing, of the names of any witnesses and the name of any representative who will accompany the student at the hearing. The student shall be entitled to receive from the Chief Operating Officer or nominee a note of the names of any witnesses who shall be appearing on behalf of the University.
- 5.13. The case for the University shall be as presented in the case papers before the Senate Discipline Committee. At the instigation of the Chief Operating Officer, the University may be legally represented.
- 5.14. Where a student has admitted an offence or where an allegation is found proven, the student or the student's representative shall have the opportunity to present evidence that they feel provides extenuation or mitigation before the matter of penalty or sentence is decided. The Senate Discipline Committee shall determine whether such evidence constitutes sufficient extenuation or mitigation.
- 5.15. The student, their representatives and the University's representatives shall withdraw while the Senate Discipline Committee considers its decision and shall return to hear it delivered.
- 5.16. The Senate Discipline Committee may, if it is deemed necessary, adjourn, continue or postpone a hearing for a period not normally exceeding four weeks.

5.17. Students shall normally be allowed to continue with their studies (or take any outstanding resit examinations) pending a hearing or decision of the Senate Discipline Committee. However there may be times when, depending upon the nature of the alleged offence, the student's level of study and the point in the academic cycle, the Senate Discipline Committee chooses to suspend a student pending a hearing or decision.

## 6. SENATE DISCIPLINE COMMITTEE

### Penalties

6.1. The Senate Discipline Committee is empowered to impose one or more of the following sanctions or penalties:

- a) A reprimand;
- b) A fine not exceeding an amount set by Senate (£200 set in session 2012/13)
- c) In the case of abuse of any of the University services or facilities, disqualification from using these services or facilities for a stipulated period;
- d) Requirement to make good to the satisfaction of the University any damage or injury caused to the property of the University or an institution(s) attended as part of a University course;
- e) In the case of academic dishonesty deemed to constitute a major offence, the deduction of marks in a particular assessment(s), and/or the requirement to re-sit a class or a diet of examinations, and/or the requirement to re-attend any part of the course, and/or the loss of opportunity to re-sit an assessment(s), and/or preventing progress to the next stage of the course, and/or the capping of degree classification, and/or the withholding of award (final or exit), and/or the deferment of an award for up to twelve months;
- f) Suspension from attendance at the University for a stipulated period;
- g) Expulsion from the University; and
- h) Such other penalties as may be appropriate.

*NOTE: The above list of potential sanctions and penalties is not exhaustive and the University reserves the right to impose other penalties or sanctions it deems appropriate and proportionate to the offence.*

6.2. Any of the above penalties may be suspended for a period of time on specified conditions.

6.3. Where a student is found to be in breach of discipline, the Senate Discipline Committee may defer sentence for a period not exceeding six months. For the avoidance of doubt, such deferral shall be without further disruption to the student's studies.

6.4. Notwithstanding 5.1 above, where a student is studying for a qualification where professional fitness to practice issues arise and is found to be in breach of discipline, the Senate Discipline Committee shall refer its findings to the relevant Committee on Fitness to Practise.

6.5. The student has the right to appeal against a decision or finding of the Senate Discipline Committee in accordance with the terms of Section 7 below.

## **Records and Reports**

- 6.6. The Senate Discipline Committee shall keep a report of its proceedings and, where necessary, a summary of evidence given at hearings conducted by it. The report shall give the name of the student or students, the nature of the alleged offence and the outcome of the proceedings.
- 6.7. In cases where allegations of academic dishonesty are upheld, an Academic Dishonesty Form will be completed and returned to the relevant Department/School to be held on the student's file.
- 6.8. An anonymised report shall also be submitted to the Senate at its next meeting.
- 6.9. A copy of all such reports shall be held by the University and, except as directed by the Chief Operating Officer or nominee, shall be available only to individuals or committees authorised to conduct disciplinary investigations (or in the case of 6.4 above to a relevant Fitness to Practice Committee).
- 6.10. The report of the Senate Discipline Committee shall be made available to the student as a matter of routine.

## **7. APPEALS**

### **Grounds for Appeal**

- 7.1. A student has the right of appeal on one or more of the following grounds against a decision made or the penalty imposed in both minor and major discipline cases:
  - a) There was a procedural irregularity in the process undertaken that gives rise to a reasonable doubt as to whether the Disciplinary Officer or Senate Discipline Committee would have reached the same decision had the irregularity not occurred;
  - b) Substantive new evidence has come to light since the original hearing of the case which might have caused the Disciplinary Officer or Senate Discipline Committee to reach a different conclusion. The evidence was not available, for good reason, at the time the case was considered;
  - c) Allegations of prejudice or bias on the part of the Disciplinary Officer or Senate Discipline Committee; or
  - d) Submission that the penalty imposed is unduly harsh in light of the severity of the offence or exceeds the limit of authority given to the Disciplinary Officer or Senate Discipline Committee.

### **Appealing a decision taken in regard to a minor offence**

- 7.2. A student who wishes to appeal against a decision or penalty imposed by a Disciplinary Officer in relation to a minor offence must, within 10 working days of formal written notification of the outcome, submit a notice of appeal in writing to the Chief Operating Officer. The notice of appeal must include a copy of the outcome notification provided to the student at the conclusion of the Stage One Disciplinary Procedure.
- 7.3. The notice of appeal must clearly state the grounds upon which the appeal is made and be accompanied by any supporting evidence (see paragraph 7.1).

- 7.4. The Chief Operating Officer or nominee will consider whether the appeal is admissible in accordance with the criteria listed at paragraph 7.1. If the appeal meets one or more of these criteria then the Chief Operating Officer or nominee may either determine, after due consideration, to:
  - a) deal with the case informally;
  - b) refer it back to the relevant Disciplinary Officer if substantive new evidence, not available at the time for good reason, has come to light that might have caused the Disciplinary Officer to reach a different conclusion; or
  - c) refer the case to a hearing of the Senate Discipline Committee.
- 7.5. Where an appeal does not meet any of the criteria listed at paragraph 7.1 the appeal will not normally be able to proceed and the Chief Operating Officer or nominee shall inform the student in writing at the earliest opportunity.
- 7.6. Where grounds are deemed sufficient for an appeal to proceed the Chief Operating Officer or nominee shall notify the student in writing and provide at least ten working days' notice of the date of any hearing.

*NOTE: Normally not more than 20 working days shall elapse between the receipt of the note of appeal and the date set for a hearing of the appeal.*

#### **Appealing a decision taken in regard to a major offence**

- 7.7. Any note of appeal against a decision or penalty imposed by the Senate Discipline Committee in regard to a major offence must be submitted by the student to the Chief Operating Officer within ten working days from the original hearing of the case and must clearly state the grounds upon which the appeal is made and be accompanied by any supporting evidence. Appeals shall be heard by the Senate Discipline Appeals Board.
- 7.8. The Chief Operating Officer or nominee, in consultation with the Convener of the Senate Discipline Appeals Board, shall assess the stated grounds for appeal, taking account of the criteria listed at paragraph 7.1.
- 7.9. Where an appeal does not match any of the criteria listed at paragraph 7.1 the appeal will not normally be able to proceed and the Chief Operating Officer or nominee shall inform the student in writing at the earliest opportunity. Any decision in this regard shall be final.
- 7.10. If an appeal is deemed appropriate to proceed then the student shall be given at least ten working days' notice in writing by the Chief Operating Officer or nominee of the time and place of the meeting of the Senate Discipline Appeals Board.

*GUIDANCE NOTE: Normally not more than six weeks should elapse between the receipt of the Note of Appeal and the date set for the hearing of the appeal by the Senate Discipline Appeals Board.*

## **8. APPEALS BEFORE THE SENATE DISCIPLINE COMMITTEE OR SENATE DISCIPLINE APPEALS BOARD FOR MINOR AND MAJOR OFFENCES**

### **Procedure**

- 8.1. Appeals for minor offences will be heard by the Senate Discipline Committee (SDC). Appeals for major offences will be heard by the Senate Discipline Appeals Board (SDAB). For the purposes of section 8 of this procedure, 'SDC/SDAB' shall be taken to mean 'Senate Discipline Committee or Senate Discipline Appeals Board' (depending on whether the decision appealed against relates to a minor or major offence).
- 8.2. Where the admission of new evidence has been permitted, the student shall be informed in writing by the Chief Operating Officer or nominee that witnesses may be called in support of the student's case.
- 8.3. The student shall also be advised that they may be accompanied or represented by a person of their choice who will be allowed to address the SDC/SDAB.
- 8.4. Any substantive new evidence, including extenuating or mitigating circumstances not previously notified, which the student wishes to be considered by the SDC/SDAB must be submitted to the Chief Operating Officer or nominee at least five working days before the hearing.
- 8.5. The student must inform the Chief Operating Officer or nominee, at least five working days before the hearing of the Appeal, of the names of any representative or witnesses who will be appearing on the appellant's behalf. The appellant shall be entitled to receive from the Chief Operating Officer a note of the names of the witnesses who will be appearing on behalf of the University.
- 8.6. The SDC/SDAB may request the attendance of additional witnesses where it considers that their evidence would be of assistance.
- 8.7. All persons giving evidence may be questioned by any member of the SDC/SDAB and, if attending, by the Chief Operating Officer or nominee.
- 8.8. It shall be competent for the SDC/SDAB at any stage on cause shown to adjourn, continue or postpone a hearing for a period not normally exceeding four weeks.
- 8.9. The student and their representatives and the University's representatives shall withdraw while the SDC/SDAB considers its decision and shall return to hear it delivered.
- 8.10. The SDC/SDAB may set aside, vary or confirm the decision or penalty previously imposed (either by a Disciplinary Officer or by the Senate Discipline Committee).
- 8.11. In the event of the SDC/SDAB rejecting the Appeal, the student or their representative may address it in extenuation or mitigation before the SDC/SDAB proceeds to deal with the matter. The SDC/SDAB can set aside, confirm or vary the penalty previously imposed. For the avoidance of doubt, a variation can take the form of increased or additional penalties or sanctions.
- 8.12. Decisions by the SDC/SDAB are final in regard to appeals against previous disciplinary findings and no further internal route of appeal is available.



## **Records and Reports**

- 8.13. The SDC/SDAB shall keep a report of its proceedings and, where necessary, a summary of evidence given at appeal hearings conducted by it. The report shall give the name of the appellants, the nature of the alleged offence and the outcome of the proceedings.
- 8.14. In cases where allegations of academic dishonesty are upheld, an Academic Dishonesty Form will be completed and returned to the relevant Department to be held on the student's file.
- 8.15. An anonymised report from the SDC/SDAB shall also be submitted to the Senate at its next meeting.
- 8.16. A copy of all such reports shall be held by the University and, except as directed by the Chief Operating Officer or nominee, shall be available only to individuals or committees authorised to conduct disciplinary investigations.
- 8.17. The report shall be made available to the student as a matter of routine.

## **ANNEX A: COMMITTEE STANDING ORDERS**

### **Senate Discipline Committee**

The Senate Discipline Committee shall be constituted in accordance with Regulation 1.5.

A legal adviser may be invited by the Convener to sit with the Senate Discipline Committee and the Convener may also invite not more than two relevant persons, either internal or external to the University, to attend any meeting of the Senate Discipline Committee (this might include, for example, the University's Equality & Diversity Manager, the Head of Disability Services, or one of the Dignity & Respect Advisors). None of the said persons so invited shall be entitled to vote, but may give advice to or address the Committee at the invitation of the Convener.

Persons who have been involved, in any capacity, in a particular case at an earlier stage shall be disqualified from membership of the Senate Discipline Committee in respect of meetings at which that case is to be considered. If necessary, the Convener is authorised to appoint on behalf of the Senate substitute members in lieu of those persons so disqualified and shall report the action to the next meeting of the Senate. Substitute members shall demit office when the particular case has been disposed of by the Senate Discipline Committee.

In each case, a reserve member will be identified from the above mentioned panel of academic staff. In the event that any member of the Senate Discipline Committee is unable to attend a scheduled hearing then the reserve member shall be called upon to attend in their place to ensure that the meeting is quorate.

### **Senate Discipline Appeals Board**

The Senate Discipline Appeals Board shall be constituted in accordance with Regulation 1.5.

Persons who have been involved, in any capacity, in a particular case at an earlier stage shall be disqualified from membership of the Senate Discipline Appeals Board in respect of meetings at which that case is to be considered. If necessary, the Convener is authorised to appoint on behalf of the Senate substitute members in lieu of those persons so disqualified and shall report the action to the next meeting of the Senate. Substitute members shall demit office when the particular case has been disposed of by the Senate Discipline Appeals Board.

In each case, a reserve member will be identified from the above mentioned panel of academic staff. In the event that any member of the Senate Discipline Appeals Board is unable to attend a scheduled hearing then the reserve member shall be called upon to attend in their place to ensure that the meeting is quorate.

## **ANNEX B: GUIDANCE ON DEALING WITH ALLEGATIONS OF ACADEMIC DISHONESTY UNDER THE STUDENT DISCIPLINE PROCEDURE**

Any action on the part of a student that involves academic dishonesty (such as plagiarism, collusion or cheating in examinations that are assessed as part of the requirements for an academic award) may be regarded as a disciplinary offence and subject to formal proceedings under the University's Student Discipline Procedure.

Alleged acts of academic dishonesty are subject to both academic and disciplinary procedures. Both forms of procedures may be appropriate and relevant in that an allegation of academic dishonesty may be dismissed but the student may still incur an academic penalty for poor scholarship.

In the first instance, a discipline case involving an allegation of academic misconduct will normally be dealt with by the relevant Head of Department. An investigation should be carried out to establish whether or not academic misconduct has taken place and to determine the appropriate category of the offence.

The University's *Guidelines on Dealing with Instances of Possible Academic Dishonesty by Students* should be used as a guide when dealing with cases of academic dishonesty to determine whether disciplinary action under the discipline procedure is an appropriate course of action.

### **Minor offence (academic dishonesty)**

An incident of academic dishonesty may be treated as a minor discipline offence under the Student Discipline Procedure:

- a) when it relates to a second minor infringement committed by a student in the **first or second year of study**;
- b) when it relates to any minor infringement by a student in a **later year of study** (unless it is a repeat offence which may be appropriate for consideration as a major offence); or
- c) where any student, in any year of study, denies an allegation of academic misconduct that is deemed to be a minor infringement.

Student Business must be asked to provide confirmation on whether or not a student against whom an allegation is being made has previously been found guilty of a relevant offence at an informal Department level or through the University's Student Discipline Procedure.

### **Major offence (academic dishonesty)**

In the following circumstances, a case is likely to be deemed to be a major offence and, following investigation, referred to the Chief Operating Officer or nominee under Stage Two of the Student Discipline Procedure for possible consideration by the Senate Discipline Committee:

- a) a repeat of a previous offence;
- b) a major incidence of academic dishonesty;
- c) all cases where likely sanctions would prevent the student from
  - remaining on their current course
  - progressing to the next stage of the course, including progressing to Honours;

- gaining the award for which he or she is registered; or which would
  - reduce the overall classification of the degree
- d) where a student might be required to withdraw from the University.

As part of the process of the classification of an alleged incident of academic misconduct as a minor or major offence under the Student Discipline Procedure the Executive Deans or their nominees may be consulted to help determine the Category of the offence.

Where a Head of Department/School, as the designated Disciplinary Officer, has reduced marks for disciplinary reasons or where cases have been referred to the Senate Discipline Committee, the relevant undergraduate or postgraduate Board of Examiners must be formally notified. Student Business will supply this information to the relevant Faculty Office and Board of Examiners in an appropriate manner.

It should be noted that the relevant undergraduate or postgraduate Board of Examiners may not use its discretion to adjust marks that have been reduced for disciplinary reasons and may not apply compensation to such marks.

The student should not be notified of the results of any outstanding assessments until the Disciplinary Officer or Senate Discipline Committee has made a judgment. That judgment will then be passed to the Board of Examiners to make progress or award decisions.

In the event that the Board is not due to meet in a reasonable timescale, the Convener may act for the Board under delegated powers and the Faculty Manager or Student Experience and Enhancement Services (as appropriate) will confirm progress or award decisions and detailed assessment results to the student.

Where an allegation of academic dishonesty has been dealt with under the Student Discipline Procedure and the outcome is not available at the Board meeting, the Board of Examiners should make a provisional decision in respect of the student, wherever practicable, on the basis of provisional marks where appropriate.

This provisional decision should take no account of any penalty that may be imposed under the Student Discipline Procedure although it may reflect poor scholarship if that is appropriate (e.g. where the work duplicates work already published). This provisional decision will not be communicated to the student although it should be passed on to the Disciplinary Officer or Senate Discipline Committee, together with details of whether compensation has been applied to the mark.

The Board of Examiners should be advised that, depending on the outcome of the disciplinary hearing, the Senate Discipline Committee may require the Board (or its Convener acting under delegated authority) to revise its provisional decision to take account of any penalty imposed by the Senate Discipline Committee. The Board may not use its discretion to adjust marks that have been reduced for disciplinary reasons.

Where a case of academic dishonesty is notified to a Board of Examiners, Student Business will notify the student concerned when results are finally confirmed. At this time Student Business will advise the student that the Academic Dishonesty Form will be retained on their file, in confidence, for reference only in the event of further allegations/instances of academic dishonesty.

## **Application of the appropriate penalty under disciplinary proceedings**

The University's Student Discipline Procedure sets out the potential penalties that may be imposed where an allegation of academic dishonesty is upheld.

All allegations of academic dishonesty must be fairly assessed and appropriate action taken. If the allegation is upheld under the Student Discipline Procedure then, in deciding on the appropriate action, due regard should be had to:

- the extent and type of academic dishonesty;
- the stage the student is at in his/her studies;
- the significance of the piece of work in terms of its contribution to the final award;
- whether or not the student has received guidance on the appropriate academic conventions and rules and on what constitutes academic dishonesty;
- whether or not the student has previously been involved in academic dishonesty;
- the likely consequences for the student's studies in terms of progression and completion; and
- any mitigating or aggravating circumstances.

## **Monitoring incidences of academic dishonesty**

The University's *Guidance on Dealing with Instances of Possible Academic Dishonesty by Students* provides information on how incidences of academic misconduct are monitored and reported.

## **ANNEX C: EXEMPLAR REPORT TO CHIEF OPERATING OFFICER OR NOMINEE ON A CASE OF ACADEMIC DISHONESTY DEEMED TO CONSTITUTE A MAJOR OFFENCE UNDER THE STUDENT DISCIPLINE PROCEDURE**

### **Exemplar Report by a Head of Department (or equivalent)**

#### 1 Report on a possible case of Academic Dishonesty

1.1 Student A's Honours Dissertation 'The Theory of Justice in the 21st Century' (supervisor: Professor X) contains substantial elements plagiarised from an identified source. At the original marking stage there was some doubt on the part of the 2nd marker (Dr Y) as to whether or not this dissertation consisted wholly of the student's own work, since there appeared to be stylistic and scholarly inconsistencies within the piece. The dissertation was given to a 3rd marker (Dr Z) who agreed that the dissertation looked suspicious, particularly in its use and handling of citation. In the meantime, Dr Y had identified the source.

1.2 Chapter 6 of the Dissertation entitled 'The Influence of Rawls' (pp.67-76) is essentially a verbatim transcript of Amanda Black & Elizabeth Ford, 'Rawls Revisited' *Political Philosophy Today* (January 1998). This article is published on the WWW in two parts:  
[http://www.\\*\\*\\*.edu/philos/pol/rawls1.html](http://www.***.edu/philos/pol/rawls1.html)  
[http://www.\\*\\*\\*.edu/philos/pol/rawls2.html](http://www.***.edu/philos/pol/rawls2.html)

*Political Philosophy Today* is an electronic journal maintained by the Institute for the Study of Political Philosophy at Poppleton University.

1.3 The source article was downloaded by the student, and the graphics and hypertext removed. Some attempt has been made at altering the endnotes (endnote 2 of the source, for example, has been deleted, while endnote 4 has been re-written slightly; the second part of endnote 19 of the source has become endnotes 20 and 21 through the repetition of the same phrase; page references to be found in the source have been deleted throughout in the transcription).

1.4 There has been some attempt at re-organising the source text in the transcribed version. Paragraph 3 of the student's work, for example, is actually a slightly revised version of paragraph 6 of the source, whilst paragraph 8 of the source appears to have been deleted. But, apart from the occasional verbal alteration, the chapter is a direct transcription of the internet source. I have concluded that pages 19-34 of the dissertation (some 34% of the total) are the work of Amanda Black and Elizabeth Ford.

#### 2 Subsequent Action

2.1 Student A was interviewed on Tuesday 5 June 2001 in Professor X's office. The interview began at 12.15 and lasted for approximately half an hour. Present at the interview were Professor X (Head of Department) Dr Y (Internal Examiner) and Ms F (Departmental/Faculty Administrator), the student and their representative.

2.2 The allegation that a substantial section of the student's honours dissertation (namely Ch.3 of the dissertation) was plagiarised from an identified website was put to the student. He was asked if this was the case. The student agreed that it was the case. He was asked if he understood what constituted plagiarism, and he responded that he did understand.

2.3 The interview panel then sought to try and comprehend the background behind the plagiarism. In particular, they were concerned to try and uncover any mitigating and / or aggravating factors which needed to be considered. The student responded that, under mitigating factors, he would like the Department/ Faculty to consider the following:

- a) Responsibility for his supervision was passed from Ms W to Professor X in December 2000. Student A felt that he had not received adequate supervision from Ms W, and that the supervision he had received from Professor X was of such a kind that he had found it difficult to translate the advice he was receiving in discussion into the work that was needed to produce an adequate dissertation.
- b) He felt that he was under financial pressure to succeed in his studies, and he was worried that the work he had already produced for his dissertation did not do himself justice.
- c) He felt there was family pressure to succeed in his studies, and he was worried that the work he had already produced for his dissertation did not do himself justice.
- d) He had thought about asking for an extension, but had preferred to attempt to resolve the academic difficulties he was experiencing without further support from the Department/Faculty.
- e) The student expressed sincere contrition for the offence which he had fully and completely acknowledged. He mentioned that on more than one occasion he had considered approaching the Department/Faculty asking that he be allowed to withdraw his dissertation, prior to it being examined.
- f) The ease with which it was possible to incorporate internet material into the body of his dissertation was mentioned by the student. In his own words, having discovered the material which seemed applicable to his dissertation, he was presented with “both the solution and a temptation”.
- g) It was pointed out to the student that confession to any other work which had been plagiarised at this stage would be considered to be ‘pre-discovery confession’ and would count as a mitigating factor. The student claimed that no other piece of work which he had submitted to the Final Honours Board had been plagiarised. The panel accepted his claim. His work having been re-read by an external examiner, there is no suspicion concerning the status of any other work which he has submitted.
- h) The bulk of the dissertation (64%) was the student’s own work, which would have been graded in the 2:2 / 2:1 range.

2.4 The interview panel would draw attention to the following aggravating factors:

- a) The student was intentionally dishonest;
- b) The offence was premeditated;
- c) The student is studying in his fourth year at University; and
- d) The final honours dissertation is an important piece of work, equivalent to a whole class.

### 3 Evidence and Attachments

3.1 The student’s dissertation and relevant information downloaded from the internet are attached for information.

3.2 Completed Academic Dishonesty Form.

### 4 Recommendation

4.1 As Head of Department, I recommend that this case be considered by the Senate Discipline Committee as a major offence.

4.2 The Discipline Committee may wish to note that:

- this is a final honours dissertation that cannot normally be repeated; and

- prior to this incident, the student had accumulated appropriate credits to qualify for a Pass Degree

### 3 Honours Board and Student Notification

At the Final Honours Board (12 June 2012) it was reported that the honours dissertation was being referred to the Chief Operating Officer to investigate a possible serious case of plagiarism under the Student Discipline Procedure and that the student had been informed accordingly. As the outcome of the Senate Discipline Committee was not known at the time of the Board meeting, the Board made a provisional decision in respect of the student, on the basis of provisional marks available. The provisional decision of the award of an upper second honours degree was agreed. The Board was made aware that the allegation of academic dishonesty will be considered by the Senate Discipline Committee, and that the convenor of the Board may be required to use delegated authority to revise its provisional decision regarding the student, taking into account any penalty imposed by the Senate Discipline Committee.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_