

ACADEMIC MISCONDUCT PROCEDURE

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Academic Misconduct Procedure

Introduction and scope

1. This Procedure sets out the ways in which the University will consider and respond to concerns about academic misconduct. Concerns about student conduct that are non-academic should be referred to the University's [Non Academic Misconduct Procedure](#). Concerns about a student's fitness to practise should be referred to the University's [Fitness to Practise Procedure](#). Concerns about a student's ability to effectively engage with their studies should be referred to the [Extraordinary Support for Study Procedure](#).
2. This Procedure should be read in conjunction with [Senate Regulation 6 – Student Conduct \(Academic and Non-Academic\)](#).
3. This Procedure applies to all students from the point that the University confirms their acceptance of an offer of a place on a programme at the University. The Procedure applies at all times and is not restricted to conduct during term time, on University premises, or in respect of University or University-related activities.
4. The University distinguishes academic misconduct from poor academic practice, which is often the result of inexperience or lack of knowledge. The University considers this distinction to be one of academic judgement. Students who are found to have demonstrated poor academic practice will be provided with advice and feedback by academic staff. Concerns about academic misconduct will be considered under this Procedure.

Legal duties

5. In operating this Procedure, the University will remain mindful of its legal obligations, including in performing its contractual obligations, exercising a duty of care, applying the principles of natural justice, upholding human rights, and complying with its obligations under the Equality Act 2010 (including to make reasonable adjustments for disabled students) and under the Data Protection Act 2018.

Timeframes

6. The Academic Misconduct Procedure will be conducted as quickly as possible and normally within 90 calendar days from the start of the investigation. The University timeframes do not include the time taken for police investigations or criminal proceedings.

Relationship with other University Procedures

7. Whilst the University anticipates that most matters involving academic misconduct concerns will be dealt with under this Procedure, matters may arise where it is appropriate for the University to implement other University processes (such as its Fitness to Practise Procedure, Academic Misconduct Procedure, and/or Extraordinary Support for Study Procedure) as an alternative or in addition to this Procedure, and the University is not prevented from doing so at any time.
8. Where a matter has both academic misconduct and fitness to practise concerns, the University will normally follow its procedures relating to fitness to practise to investigate, consider and determine the outcome of all the concerns arising rather than following separate fitness to practise and misconduct procedures. However, the University reserves the right to vary the procedure followed where appropriate and reasonable.
9. The University may suspend its consideration of a matter under this Procedure to allow another University process to take place, for example, assessing whether a student needs extraordinary support for study under Senate Regulation 11. However, where an academic misconduct concern arises, this Procedure should normally be invoked first to ensure that the student is aware of the concern, even if the Procedure is then suspended whilst another process takes place.

10. Where a student raises a complaint under the University's Student Complaints Procedure which is related to an academic misconduct concern already being considered under this Procedure, the University will usually decide to put that complaint on hold until the Academic Misconduct Procedure has been concluded in full.

Disclosure of concerns to third parties and related external procedures

11. Information disclosed during, or resulting following the instigation of this Procedure will be treated with the appropriate degree of confidentiality.

12. When dealing with academic misconduct concerns, or where these concerns have been dealt with, the University may, at its discretion and without notifying the student, discuss and/or refer matters and/or their outcomes to relevant third parties. This may be appropriate, for example, where a student is an immediate risk of harm to themselves or others. Relevant third parties may include the Police, employers, placement providers, sponsors, grant providers, research funding bodies or Professional Statutory and Regulatory Bodies (PSRBs).

13. The University may disclose details of a case where a student has been subject to the Academic Misconduct Procedure as part of a reference to other higher education providers and/or prospective employers. Any disclosure will be limited to factual information and subject to the University's obligations under the Data Protection Act 2018.

14. If a student's conduct may be in breach of the law, the University may at its discretion refer the matter to the police and/or other suitable authorities. The University may take action in respect of a student under this Procedure notwithstanding the student's conviction or acquittal in criminal proceedings. The University is not bound by the outcome of any criminal prosecution although the University may in its discretion take any penalty imposed by a criminal court into consideration in determining any outcome to be imposed under this Procedure.

15. Where a police or other external investigation or criminal proceedings have been or may be initiated in relation to an alleged act of misconduct, the University may suspend its consideration of the matter under this or any other Regulation (at any stage) until such investigation and/or proceedings have been concluded. The University's consideration of a matter under this Procedure may be resumed at any stage should the University deem it to be appropriate in the circumstances.

Variation

16. Any variations to this Procedure for students studying with partner institutions will be set out in the relevant student contract and guidance to students. Otherwise, this Procedure applies in its entirety.

17. In exceptional cases the University reserves the right at any stage of this Procedure to vary the process it follows in the interests of fairness and/or health and safety.

Standard of proof

18. The standard of proof applied in operating this Procedure is the balance of probabilities. The balance of probabilities means that it is more likely than not that a student is in breach of one or more of the University's Regulations in relation to academic misconduct.

Nominees

19. Any reference to a specific member of staff under this Procedure should be read as including alternate reference to the member of staff's delegate or nominee.

Student representation

20. Any student subject to this Procedure will be entitled to be accompanied and/or represented.

21. If someone is representing the student, then they may speak on the student's behalf at any meeting or hearing held under this Procedure, and with consent, may correspond with the University on the student's behalf. The student may normally only be represented by:

- a) a current student or a member of staff of the University;
- b) an advice worker from the Union Advice Service (UAS) in the Union of Brunel Students; or
- c) a relevant individual in the case of reasonable adjustments being made for a disabled student, such as a sign language interpreter.

22. If someone is **accompanying** the student, then they may not speak on the student's behalf, and may not correspond with the University on the student's behalf, but may advise and support the student and, with consent, be copied into any correspondence between the University and the student. In addition to the individuals listed at Paragraph 21 above, the student normally also may be accompanied by:

- a) any health professional or disability support worker;
- b) a friend or relative.

23. Neither the student nor the University shall normally be represented by a legal practitioner at meetings or hearings held in accordance with this Procedure. In exceptional cases where one party wishes to have legal representation, notice should be given to the other party at least 2 working days prior to the meeting or hearing if possible. The Chair of the Misconduct and Fitness to Practise Board will then make a final decision as to whether legal representation is permitted. Where it is agreed that a student may be represented by a legal practitioner, a legal representative from the University may also attend the meeting/hearing.

Fair dealing

24. It is expected that students, their representatives (where applicable) and staff will act reasonably and fairly towards one another, and treat the process with respect. If inappropriate behaviour is displayed, further action may be taken under Senate Regulation 6 and/or the University may consider the matter via written representations only.

25. When implementing this Procedure, the University will ensure that students have an opportunity to respond to the academic misconduct concern and that any decisions made under the process are fair, unbiased and impartial. Any investigation conducted under this Procedure will be handled in a confidential, independent, impartial, fair and transparent manner and, wherever possible, by someone who has not previously been involved in the concern raised.

26. Where appropriate, the University may verify the authenticity of any documents submitted under this Procedure, and may refer the matter for further investigation under Senate Regulation 6 if there are concerns about authenticity.

27. If students provide evidence under this Procedure in a language that is not English they will normally need to arrange for these documents to be formally translated. Evidence in a language other than English, where formal translations have not been provided, will not normally be considered.

Student support

28. When dealing with students under this Procedure, University staff will consider what support and guidance may be signposted and offered to students at all stages of the Procedure. Students will be reminded of the support services provided by the University through Student Services, including Student Support & Welfare, Student Wellbeing, and also by the Students' Union Advice Service, and will be encouraged, where appropriate, to seek support from relevant external sources (e.g. local GPs or mental health services (see Appendix C)).

29. Under this Procedure, consideration should be given as to whether reasonable adjustments in relation to the academic misconduct process are necessary and appropriate for students who have disabilities or other health issues. In making decisions about reasonable adjustments for students under this Procedure, staff should refer to the OIA Good Practice Framework on Supporting Disabled Students.

Record keeping

30. Notes will normally be made of any meeting held under this Procedure, and a copy will be made available to the student. A record will also be made of any Academic Misconduct Hearings. Written outcomes of cases considered by a Deputy Dean (Academic Affairs), a Vice Chancellor's Representative or an Academic Misconduct Panel will be kept by the Secretary to the Misconduct and Fitness to Practise Board within the Office of Student Complaints, Conduct and Appeals (OSCCA) and retained permanently. The rest of the file relating to a student case considered under this Procedure will be retained for 6 years.

Impact of student non-participation

31. The University may proceed with any steps under this Procedure in the absence of the student, if the student withdraws from the University, or if the student does not engage with the Procedure.

32. Where a student withdraws (or is withdrawn) from their studies once this Procedure has been initiated, the University may choose to continue to investigate and consider a case. Should the University choose not to proceed with a case, a note will be placed on the student file and the case will be re-activated should the student re-apply to the University.

Communication

33. Communications relating to matters considered under this Procedure will normally be sent to a student's Brunel University London email address. Any variations to this policy will be communicated to the student.

Impact of Procedure on the granting of awards, provision of services and admissions

34. Where applicable, the University may withhold granting an award to a student subject to this Procedure until its consideration of an academic misconduct concern is complete. This may include withholding information that indicates an award is forthcoming.

35. Where a student is suspected of academic misconduct, the associated assessment grade will not normally be confirmed by the Board of Examiners.

36. The University may refuse admission to any programme of the University, or the provision of any other service or facility, to a student until consideration of an academic misconduct concern under this Procedure is concluded.

Definition of academic misconduct

37. The following is a non-exhaustive list of conduct which where proven will normally constitute academic misconduct:

- a) **Plagiarism**, which is defined as the knowing or reckless presentation of another person's work or ideas as one's own, and includes the use of published or unpublished work without acknowledging the source;
- b) **Unpermitted recycling / re-using work** which means submitting work for assessment which has previously been submitted, in whole or in part, for assessment at this or another institution, without explicitly acknowledging and referencing the assessment and qualification for which the material was previously submitted, and unless expressly permitted by the assessment brief;
- c) **Cheating**, which is defined as acting dishonestly or unfairly in order to gain an academic advantage. This includes:

- i. the falsification of information, data, evidence or experimental results; and/or
 - ii. cheating in examinations or other formal assessment, including possession of unauthorised material or technology during an examination and/or attempting to access unseen assessment materials in advance of an examination; and/or
 - iii. arranging for someone else to impersonate a student by sitting their examinations.
- d) **Collusion**, which is defined as aiding or attempting to aid another member of the University in order to gain an unfair academic advantage by;
 - i. The unauthorised and/or unacknowledged collaboration of persons in a piece of assessed work, and/or;
 - ii. Allowing a piece of assessed work to be copied by another person or persons.

In both these instances, all persons involved are liable to be penalised;

- e) **Contract cheating**, which is defined as obtaining or purchasing work from another person or organisation and submitting it as one's own for assessment, where such third-party input / assistance is not permitted (such as the use of essay mills, buying work online [including code and/or games]) or paying someone else to conduct research for them or sit their examinations;
- f) **Research misconduct**, as defined in the [Research Integrity Code of Practice](#) (concerns about research misconduct should first be reported to the Office of Student Complaints, Conduct and Appeals (OSCCA) in accordance with Council Ordinance 18: Procedures for Investigation of Research Misconduct, who will consider the concern under the Brunel Research Misconduct Procedure, and may refer a matter for consideration under this Regulation);
- g) **Submitting fraudulent extenuating circumstances claims** or falsifying evidence in support of extenuating circumstances claims, including claims in support of academic appeals;
- h) **Breaches** of any University rules, regulations, policies or procedures relating to academic activity or assessment, such as the [Examinations Policy](#);
- i) **Failing, without good reason, to cooperate in the University's process of assessment**, e.g. by refusing to take part in a *viva* for a taught assessment as set out in Senate Regulation 4.
- j) **Providing work** to websites/repositories where the purpose is for the work to be shared, and/or selling work for any sort of gain (financial, work in kind, credit or similar) in order to facilitate an unfair academic advantage, unless expressly permitted by the assessment brief.

38. Failure to comply with a decision taken under this Procedure may constitute misconduct and may be referred for consideration under the [Non-Academic Misconduct Procedure](#).

Reporting of concerns

39. A concern that a student has committed academic misconduct as defined under Paragraph 37 should be reported to the Deputy Dean (Academic Affairs) of the student's College via the College Appeals, Complaints and Student Misconduct team.

40. Viva assessment may also be used as a means of checking the authorship of submitted work prior to reporting a concern, and/or as part of the investigation. The viva should not determine whether the allegation is substantiated, but gather evidence to be submitted as

stated in Paragraph 39. A written record of the viva should also be added to the set of evidence that constitutes the case against the student. Should a viva assessment be required, the viva should:

- a) be held as soon as possible, whilst ensuring that the procedural rules set out at paragraph 45 below are adhered to;
- b) be chaired by someone independent of the allegation;
- c) be attended by:
 1. the student; and
 2. an academic subject expert (normally the person making the allegation); and
- d) be conducted in a fair and transparent manner.

41. The student should be allowed to present evidence at the viva, such as date-stamped draft copies of their work. The academic subject expert will normally ask questions about the work to ascertain whether the student understands what they submitted.

42. The Deputy Dean (Academic Affairs) will determine whether the concern falls within the scope of this Procedure, and may gather further information in order to do so:

- a) Where the concern does fall within the scope of this Procedure, they will appoint an independent Investigating Officer to investigate the concern;
- b) Where the concern does not fall within the scope of this Procedure, they may either dismiss the concern, determine that the allegation relates to poor academic practice (in which case it will be dismissed and the student will be informally warned about future practice and directed to sources of guidance and information) or refer it for consideration under any other relevant University Regulation or Procedure.

43. It may be necessary to temporarily suspend and/or exclude a student from the University following the report of a concern about academic misconduct. Such decisions and any action will be taken in line with Senate Regulation 16: Precautionary Action.

Investigation

(Where possible, the 'Investigation' stage as set out in paragraphs 44 to 56 will normally be completed within 30 days of the student being formally notified of the concern and the investigation.)

44. The Investigating Officer will first write to the student(s) involved to notify them of the investigation and will normally:

- a) Inform the student of the nature of the concern that has been raised, the purpose of the investigation and will provide a copy of this Procedure and Senate Regulation 6;
- b) Inform the student that if they do not engage with the investigation, including attending any meetings when requested, the investigation may continue in the student's absence;
- c) Copy this communication to the student's Head of Department, Personal Tutor and College Appeals, Complaints and Student Misconduct Team.

45. The investigation may include the gathering of written, oral and other information from relevant sources. The Investigating Officer will normally offer to meet with the student during the course of investigation, either in-person or virtually, and will normally:

- a) Inform the student of the purpose of any such meetings in advance;
- b) Give the student at least 5 working days' notice of any such meetings;
- c) Inform the student of their entitlement to be accompanied to and/or represented at any such meetings in accordance with Paragraphs 20-23 of this Procedure.

46. If a student chooses not to attend the meeting with the Investigating Officer, having previously been given due notice of the date of the meeting, the Investigating Officer will proceed to complete their investigation.

47. Notes will normally be kept of any meetings held with the student during the course of the investigation. A copy of such notes will be made available to the student and College Appeals, Complaints and Student Misconduct Team.

48. The Investigating Officer will normally invite the student to provide a written response to the concerns and to present any supporting information and/or evidence. The Investigating Officer will normally give the student 10 working days to do so.

49. At the conclusion of the investigation, the Investigating Officer will provide a report and copies of any relevant information to the Deputy Dean (Academic Affairs) and College Appeals, Complaints and Student Misconduct Team. The report should be copied to the student.

Outcome of investigation

50. Following receipt of the Investigating Officer's report, the Deputy Dean (Academic Affairs) will, normally within 5 working days, determine whether the case is a 'Category 1' case, or a 'Category 2' case, as below:

<p>Category 1 case</p>	<ul style="list-style-type: none"> • First offences/allegations of: plagiarism (SR6.21a), Unpermitted recycling / re-using work (SR6.21b), cheating in examinations (SR6.21c[iii]), collusion (SR6.21d), research misconduct (SR6.21f), Breaches of any University rules, regulations, policies or procedures (SR6.21h) and Failing, without good reason, to cooperate in the University's process of assessment (SR6.21i) for Undergraduate (UG) and Postgraduate Taught (PGT) students.
<p>Category 2 case</p>	<ul style="list-style-type: none"> • Where a case is considered to be more serious and/or complex; • Where a student has previous history of academic misconduct of any kind; • Any first allegation of cheating by falsification (SR6.21c[i]) or impersonation (SR6.21c[iii]); • Any first allegation of contract cheating (SR6.21e); • Any first allegation of submitting fraudulent extenuating circumstances claims (SR6.21g); • Any first allegation of providing work to websites/repositories and/or selling work for any sort of gain (SR6.21j) • Any first allegation of academic misconduct (any offence) for a Postgraduate Research (PGR) student.

51. If it is a **Category 1** case, the Deputy Dean (Academic Affairs) will take one of the following actions:

- Dismiss one or more of the allegations, either because the student has no case to answer or because the allegation has not been proven, and determine that no further action should be taken;
- Determine that one or more of the allegations has been proven and that the student has committed academic misconduct;
- Determine that the allegation relates to poor academic practice, in which case it will be dismissed and the student will be informally warned about future practice and directed to sources of guidance and information;
- Refer the case for consideration under another University Regulation or Procedure;
- Refer the case back to the Investigating Officer for further investigation.

52. Where the Deputy Dean (Academic Affairs) considers that a **Category 1** academic misconduct has occurred, they will determine which, if any, penalty as set out in Appendix A should be applied.

53. The Deputy Dean (Academic Affairs) may take into account any extenuating circumstances presented by the student when applying any of the penalties set out in Appendix A, and will apply a penalty that is appropriate in all the circumstances. Mitigating factors might include, but are not limited to, those set out in Appendix B.

54. The student will be informed in writing, normally within 5 working days of the decision, of the outcome of the case and the reasons for the Deputy Dean (Academic Affairs)'s decision, copying in the student's Head of Department and Personal Tutor.

55. Where the Deputy Dean (Academic Affairs) applies a penalty under Appendix A, the student may submit an appeal against the decision in line with Paragraphs 89-98 of this Procedure.

56. If it is a **Category 2** case, the Deputy Dean (Academic Affairs) will consider the case and will take one of the following actions:

- a) Dismiss one or more of the allegations, either because the student has no case to answer or because the allegation has not been proven, and determine that no further action should be taken;
- b) Determine that the allegation relates to poor academic practice, in which case it will be dismissed and the student will be informally warned about future practice and directed to sources of guidance and information;
- c) Refer the case for consideration under another University Regulation or Procedure;
- d) Refer the case back to the Investigating Officer for further investigation;
- e) Refer the concern to the Clerk to the Misconduct and Fitness to Practise board for further action.

Referral to the Misconduct and Fitness to Practise Board

57. Upon receipt of a concern from the Deputy Dean (Academic Affairs), the Clerk to the Misconduct and Fitness to Practise Board will, within 5 working days, take one of the following actions:

- a) Where the concern does not normally attract a penalty of expulsion, which may include where a student has no previous history of academic misconduct or has previous history of a different academic misconduct offence as defined under Senate Regulation 6.21, refer the concern for consideration by the Vice-Chancellor's Representative (VCR);
- b) Where it is considered to be more serious, which may include where a student has previous history of the same academic misconduct offence as defined under Senate Regulation 6.21, refer the concern for consideration at an Academic Misconduct Panel hearing;
- c) Refer a case back to the Deputy Dean (Academic Affairs) for further investigation.

The Vice-Chancellor's Representative (VCR)

(Where possible, the 'VCR' stage as set out in Paragraphs 58 to 66 will normally be completed within 15 days of the referral date detailed in Paragraph 57.)

58. The Vice-Chancellor's Representative (VCR) is a senior member of University staff appointed to consider concerns relating to academic misconduct.

59. Where a concern is to be referred to the VCR, the Secretary to the Misconduct and Fitness to Practise Board will first write to the student with the following:

- a) A copy of this Procedure and Senate Regulation 6;

- b) A statement setting out the University's case and the allegation of academic misconduct that is being made against the student, with reference to Senate Regulation 6.21;
- c) A copy of the evidence and documentation in support of the allegation that will be submitted to the VCR.

60. The student will normally have 5 working days from receipt of the correspondence from the Secretary to the Misconduct and Fitness to Practise Board to respond to the allegation in writing, and to provide written comment on the evidence provided under Paragraph 59. The student will be informed that if they do not respond to the allegations within this timeframe, then the referral to the VCR may continue.

61. The VCR will consider the case, including the student's written response, and may exceptionally gather additional information, or seek advice or guidance, from the relevant parties either in writing or in person. Where additional information has been gathered by the VCR, the student will be presented with a record and invited to comment in line with the Procedure set out in Paragraphs 59-60.

62. Once their consideration of the case is concluded, the VCR will normally take one of the following actions:

- a) Dismiss one or more of the allegations, either because the student had no case to answer or because the allegation has not been proven, and determine that no further action should be taken;
- b) Determine that one or more of the allegations has been proven and that the student has committed academic misconduct;
- c) Determine that the allegation relates to poor academic practice, in which case it will be dismissed and the student will be informally warned about future practice and directed to sources of guidance and information;
- d) Refer the case for consideration under another University Regulation or Procedure;
- e) Refer the case for consideration at an Academic Misconduct Panel Hearing. If this action is taken, the student will be notified of the likely timescales for completion of the case, as it may take longer than the prescribed usual timescales set out in this Procedure;
- f) Refer the case to an earlier stage of this Procedure. If this action is taken, the student will be notified of the likely timescales for completion of the case, as it may take longer than the prescribed usual timescales set out in this Procedure.

63. Where the VCR considers that the student has committed academic misconduct, the VCR will determine which, if any, penalty as set out in Appendix A should be applied.

64. The VCR may take into account any extenuating circumstances presented by the student when applying any of the penalties set out in Appendix A, and will apply a penalty that is appropriate in all the circumstances. Mitigating factors might include, but are not limited to, those set out in Appendix B.

65. The Secretary to the Misconduct and Fitness to Practise Board will inform the student in writing, normally within 5 working days of the decision, of the outcome of the case and will set out the reasons for the VCR's decision, copying in the Head of the Student's Department and Personal Tutor.

66. Where the VCR applies a penalty under Appendix A, the student may submit an appeal against the decision in line with Paragraphs 89-98 of this Procedure.

Academic Misconduct Panel Hearings

(Where possible, the 'Academic Misconduct Panel Hearing' stage as set out in Paragraphs 67 to 88 should be completed within 20 days of the referral set out in Paragraph 57b or 62e.)

67. A concern may be referred to an Academic Misconduct Panel Hearing by the Clerk to the Misconduct and Fitness to Practise Board under Paragraph 57, or by the VCR under Paragraph 62.

68. The Deputy Dean (Academic Affairs) will appoint a member of University staff to act as the University Representative, normally the Investigating Officer, who will present the concern regarding the student to the Panel.

69. Where a case involves multiple students, the Clerk to the Misconduct and Fitness to Practise Board will determine whether each student's case should be heard at the same or at different panel hearings, and by the same or different panels.

70. The ruling of the Chair of the Panel on the admissibility of any evidence at a hearing or on any point of procedure relating to the conduct of a hearing will be final.

71. A Panel will be made up of three impartial members. The membership will include a Chairperson and normally one member of the Union of Brunel Students.

72. The Clerk to the Misconduct and Fitness to Practise Board will appoint a Panel Secretary to each Panel Hearing, who will act as note taker and advise the Panel on procedural matters. The Panel Secretary will not take part in the Panel's decision making.

73. Academic Misconduct Panel Hearings will normally take place virtually, unless an in-person meeting is requested by the student for a good reason, such as a request for reasonable adjustments.

74. The Panel Secretary will contact the student normally at least 10 working days prior to the date of the Academic Misconduct Panel Hearing and set out in writing the following:

- a) The date, time and location (if applicable) of the hearing, and the name of the Panel members;
- b) The student's right to be accompanied to and/or represented at the hearing in accordance with Paragraphs 20-23 of this Procedure;
- c) A copy of this Procedure and Senate Regulation 6;
- d) A statement setting out the University's case and the allegation of academic misconduct that is being made against the student, with reference to Senate Regulation 6.21;
- e) A copy of the evidence and documentation in support of the allegation that will be submitted to the Panel;
- f) The name of the person acting as the University Representative under Paragraph 68;
- g) The student's right to call witnesses to appear at the hearing.

75. The student will be invited to make a written submission and submit any supporting evidence in advance of the hearing in response to the University's case and the allegation of academic misconduct. The student will be asked to provide this written submission to the Panel Secretary no later than five working days before the scheduled date of the hearing, together with details of any witnesses they are intending to call.

76. The University Representative or Deputy Dean (Academic Affairs) may submit additional information to the Panel Secretary in advance of a hearing. A copy of the information should normally also be provided to the student in advance. In accordance with Paragraph 70, the admissibility of additional information will be at the discretion of the Chair of the Panel.

77. Where a student chooses not to acknowledge the date of a hearing or provide a written submission in advance, the hearing may still proceed. Further, if a student chooses not to attend a hearing held under this Procedure, having previously been given due notice of the date of the hearing, the hearing may proceed in the student's absence. The decision to proceed in the student's absence will be taken by the Chair.

78. A student may request to the Panel Secretary that a hearing is postponed, and should provide a good reason for the request supported by evidence. The Chair may also determine

that a hearing should be postponed, either on the recommendation of the Panel Secretary or Clerk to the Misconduct and Fitness to Practise Board or otherwise. The final decision to postpone a hearing will be taken by the Chair.

79. Notice of any witnesses to be called by the student and/or the University Representative at the hearing should normally be given in writing to the Panel Secretary at least 5 working days in advance of the date of the hearing, normally with a written statement prepared by the witness setting out the contribution that they will make. If applicable, the Panel Secretary will provide a copy of each party's witness notice and statements to the other party normally 3 days in advance of the hearing. In accordance with Paragraph 70, the admissibility of any witnesses will be at the discretion of the Chair of the Panel.

80. A Panel cannot compel a witness to appear at a hearing. It is the responsibility of the party calling the witness to ensure that they attend.

81. A full copy of the evidence and documentation that will be considered by the Panel, including the student's written submission and evidence under Paragraph 75, will be sent to the University Representative in advance of the hearing.

82. Where a Panel considers that it has insufficient information to reach a decision, the Chair may adjourn the hearing, for a defined period, to allow either the student or the University Representative to gather further information. The student and University Representative will be informed of the date, time and location of the reconvened hearing with a notice period of not less than 2 working days.

83. The order of proceedings at a hearing will normally be as follows:

- a) The Chair will introduce the proceedings;
- b) The University Representative will present the University's case and the allegation of academic misconduct that is being made against the student, and may call witnesses. The University Representative and any witnesses will answer any questions from the Panel and the student;
- c) The student, or student's representative, may respond to the University's case and the allegation of academic misconduct and supporting evidence, and may call witnesses. The student and any witnesses will answer questions from the Panel and the University Representative;
- d) The University Representative may make a closing statement;
- e) The student may make a closing statement;
- f) The Panel will retire in private to consider the case.

84. Once its consideration of the case is concluded, the Panel will normally take one or more of the following actions:

- a) Dismiss one or more of the allegations, either because the student had no case to answer or because the allegation has not been proven, and determine that no further action should be taken;
- b) Determine that one or more of the allegations has been proven and that the student has committed academic misconduct;
- c) Determine that the allegation relates to poor academic practice, in which case it will be dismissed and the student will be informally warned about future practice and directed to sources of guidance and information;
- d) Refer the case for consideration under another University Regulation or Procedure;
- e) Refer the case to an earlier stage of this Procedure.

85. Where it considers that the allegation has been proven, the Panel will determine which, if any, penalty as set out in Appendix A should be applied.

86. The Panel may take into account any extenuating circumstances presented by the student when applying any of the penalties set out in Appendix A, and will apply a penalty that

is appropriate in all the circumstances. Mitigating factors might include, but are not limited to, those set out in Appendix B.

87. The Panel Secretary will inform the student in writing, normally within 5 working days of the decision, of the outcome of the case and will set out the reasons for the Panel's decision, copying in the Head of the Student's Department and Personal Tutor.

88. Where the Panel applies a penalty under Appendix A, the student may submit an appeal against the decision in line with Paragraphs 89-98 of this Procedure.

Appeals

(Where possible, the 'Appeal' stage as set out in Paragraphs 89 to 98 should be completed within 25 days of receipt of the appeal, as set out in Paragraph 89.)

89. If a student is dissatisfied with the decision of the Deputy Dean (Academic Affairs), Vice-Chancellor's Representative or the Academic Misconduct Panel to apply a penalty listed in Appendix A, they should submit an Academic Misconduct Appeal Form to conduct@brunel.ac.uk within 10 working days of the outcome sent under Paragraphs 54, 65 or 87.

90. Where an appeal is received outside of the timeframe set out in Paragraph 89, and where no explanation or evidence of a good reason for the delay is presented by the student, the Head of Student Affairs and Casework may dismiss the appeal and issue a Completion of Procedures Letter.

91. A student may appeal on one or more of the following grounds:

- a) That there is evidence that could not have been, or for good reason was not made available previously, and that sufficient evidence remains that the appeal warrants further consideration;
- b) That there is evidence of a procedural irregularity on the part of the University in considering the academic misconduct, and that sufficient evidence remains that the appeal warrants further consideration;
- c) That there is evidence of prejudice or bias on the part of those responsible for investigating or considering the academic misconduct;
- d) That, giving due consideration to the documentation previously provided, the decision of the Deputy Dean (Academic Affairs), Vice-Chancellor's Representative or the Academic Misconduct Panel was unreasonable.

92. Upon receipt of an appeal, the Head of Student Affairs and Casework will consider the appeal and may refer to other available documentation where necessary. The Head of Student Affairs and Casework will determine whether the ground(s) for appeal have been met. Where they have, a Review Panel will be convened; otherwise the appeal will be dismissed and a Completion of Procedures Letter issued.

93. The student will be informed of the decision of the Head of Student Affairs and Casework in writing, normally within 10 working days of receipt of the appeal.

94. Where a Review Panel is convened, this will normally comprise two senior Officers of the University, neither of whom will have been previously involved in the academic misconduct case, supported by a member of the Office of Student Complaints, Conduct and Appeals, acting as Secretary to the Panel. The Review Panel shall normally meet within 10 working days of the decision to refer the appeal to it.

95. Once its consideration of the case is concluded, the Review Panel will determine one or more of the following outcomes:

- a) Dismiss the appeal, either in whole or in part;
- b) Uphold the appeal, either in whole or in part.

96. Where an appeal is upheld, either in whole or in part, the Review Panel will take one or more of the following actions:

- a) Set aside the previous decision of the Deputy Dean (Academic Affairs), Vice-Chancellor's Representative or Academic Misconduct Panel and replace it with one of its own;
- b) Refer the case back to the Deputy Dean (Academic Affairs), Vice-Chancellor's Representative or Academic Misconduct Panel for further consideration, with or without commentary;
- c) Refer the case to a different Vice-Chancellor's Representative or a new Academic Misconduct Panel for fresh consideration, with or without commentary.

97. The Secretary to the Review Panel will inform the student in writing, normally within 5 working days of the decision, of the outcome of the appeal and will set out the reasons for the Review Panel's decision. Where appropriate, a Completion of Procedures Letter will be issued.

98. The decision of the Head of Student Affairs and Casework and any subsequent Review Panel is final. There is no further right of appeal, and no right to appeal against the decision of the Deputy Dean (Academic Affairs), Vice-Chancellor's Representative or Academic Misconduct Panel if the case has been referred back for further or fresh consideration.

The Office of the Independent Adjudicator for Higher Education

99. When all internal procedures are complete, students will be issued with a Completion of Procedures Letter, and may then request an independent review of the case by the Office of the Independent Adjudicator for Higher Education (OIAHE).

Appendix A – Indicative list of penalties for Academic Misconduct in relation to the decision maker

A1. In all proven cases of academic misconduct the decision maker will seek to remove any academic advantage gained by the student through the identified misconduct. The decision maker will normally impose a penalty for proven cases in accordance with the following scheme:

Available To	Type of misconduct	Penalty
Deputy Dean (Academic Affairs), VCR and Hearing Panel	First offence or less serious case occurring in a first assessment – Taught work (UG and PGT)	A mark of zero/grade of F will be assigned to the piece of work in question and to the associated assessment block. Reassessment is required where permitted under the regulations, but the maximum achievable grade in the assessment block will be capped at the relevant threshold grade. If relevant (i.e., if the affected assessment block is FHEQ Level 5, FHEQ Level 6 or FHEQ Level 7), the affected assessment block will contribute grade point 0 to the GPA calculation for the classification of any award. The reassessment will not contribute to the reassessment volume limit defined in Senate Regulation 2 (UG) or Senate Regulation 3 (PGT).
Deputy Dean (Academic Affairs), VCR and Hearing Panel	First offence or less serious cases occurring in a re-assessment – Taught work (UG and PGT)	A mark of zero / grade of F will be assigned to the piece of work in question and to the associated assessment block. If relevant (i.e., if the affected assessment block is FHEQ Level 5, FHEQ Level 6 or FHEQ Level 7), the affected assessment block will contribute grade point 0 to the GPA calculation for the classification of any award. Re-assessment (which could constitute a third attempt) is not permitted unless specifically set out in the programme specification. Where credits are retained, the student may be awarded an intermediate award.
Hearing Panel	Second time committing the same offence as defined in SR6.21 (UG and PGT) or more serious cases as defined in Appendix B	The student will be expelled from the University and barred from re-entry. A mark of zero/grade of F will be assigned to the piece of work in question and to the associated assessment block. The Panel will determine whether the student should retain any credits previously gained. Where credits are retained, the student may be awarded an intermediate award.
Hearing Panel	First offence (PGR)	The student will be expelled from the University and barred from re-entry. Where a student is studying on a programme with taught components, the Panel will determine whether the student should retain any credits previously gained.

See **Appendix B** for further clarification of penalties.

A2. A Deputy Dean (Academic Affairs), VCR and Hearing Panel may, in addition or as a substitute to the above scheme, apply the following penalties:

- Issue a formal written warning.
- Mark the assessment as submitted with any areas regarded as academic misconduct removed. If passed, the maximum achievable grade in the piece of work in question and the associated assessment block will be capped at the relevant threshold grade, and the affected assessment block will contribute grade point 0 to the GPA calculation for the classification of any award. If failed, the matter will be referred to the Board of Examiners to establish whether the student is eligible for further reassessment.
- Require the student to attend a relevant training programme.
- Require the student to apologise to the aggrieved party.
- Ban the student from attending graduation.

A3. A Hearing Panel may, in addition or as a substitute to the above scheme, apply the following penalties:

- Permanently expel the student from the University (with or without credit or award already achieved).

Appendix B – Indicative list of penalties in relation to the type of academic misconduct

Any improper activity or behaviour by a student which may give that student, or another student, an academic advantage in an assessment is considered to be an act of academic misconduct and unacceptable in a scholarly community. Students are required to take responsibility for the integrity of their work, including:

- Asking for clarification where necessary;
- Taking precautions, such as allowing sufficient time to submit the correct document and to proofread work.

Please note that the examples of unacceptable behaviour listed below are not exhaustive. The University can bring action in relation to other unacceptable behaviour. Additionally, the indication of the sanctions which may be applied if certain behaviour is found to have taken place is illustrative only. Furthermore, students may receive one or more of the sanctions listed where the decision-maker considers this to be appropriate.

The decision maker will consider any mitigating and aggravating factors when determining a penalty. Such factors include, but are not limited to: elements of discrimination, instances of previous misconduct, and extenuating circumstances occurring at the time of the alleged incident. If extenuating circumstances are presented by the student, the decision maker will normally consider whether the student made these circumstances known to the University and/or sought support for these circumstances at the time of the affected assessment, and whether these circumstances explain or excuse the alleged misconduct.

<i>Type of academic misconduct</i>	<i>Examples of unacceptable behaviour</i>	<i>Indicative penalty</i>
First offence or less serious case occurring in a first assessment – Taught work (UG and PGT)	<ul style="list-style-type: none"> • Plagiarism (as defined in SR6.21a); • Unpermitted recycling / re-using work (as defined in SR6.21b) • Cheating in an examination (as defined in SR6.21c[ii]) • Collusion via unauthorised and/or unacknowledged collaboration (as defined in SR6.21d[i]) • Research Misconduct (as defined in SR6.21f) 	<p>A mark of zero/grade of F will be assigned to the piece of work in question and to the associated assessment block.</p> <p>Reassessment is required where permitted under the regulations, but the maximum achievable grade in the assessment block will be capped at the relevant threshold grade. If relevant (i.e., if the affected assessment block is FHEQ Level 5, FHEQ Level 6 or FHEQ Level 7), the affected assessment block will contribute grade point 0 to the GPA calculation for the classification of any award. The reassessment will not contribute to the reassessment volume limit defined in Senate Regulation 2 (UG) or Senate Regulation 3 (PGT).</p>
First offence or less serious case occurring in a first assessment or re-assessment – Taught work (UG and PGT)	<ul style="list-style-type: none"> • Collusion via allowing a piece of assessed work to be copied by another person or persons (as defined in SR6.21d[ii]) 	Formal warning

<p>First offence or less serious cases occurring in a re-assessment – Taught work (UG and PGT)</p>	<ul style="list-style-type: none"> • Plagiarism (as defined in SR6.21a); • Unpermitted recycling / re-using work (as defined in SR6.21b) • Cheating in an examination (as defined in SR6.21c[ii]) • Collusion via unauthorised and/or unacknowledged collaboration (as defined in SR6.21d[i]) • Research Misconduct (as defined in SR6.21f) 	<p>A mark of zero / grade of F will be assigned to the piece of work in question and to the associated assessment block. If relevant (i.e., if the affected assessment block is FHEQ Level 5, FHEQ Level 6 or FHEQ Level 7), the affected assessment block will contribute grade point 0 to the GPA calculation for the classification of any award. Re-assessment (which could constitute a third attempt) is not permitted unless specifically set out in the programme specification. Where credits are retained, the student may be awarded an intermediate award.</p>
<p>Second time committing the same offence as defined in SR6.21 (UG and PGT) or more serious cases</p>	<ul style="list-style-type: none"> • Second time committing the same offence as defined in SR6.21 <p>More serious cases:</p> <ul style="list-style-type: none"> • Cheating by falsification (as defined in SR6.21c[i]) • Contract cheating (as defined in SR6.21e) • Submitting fraudulent extenuating circumstances claims or falsifying evidence in support of extenuating circumstances claims, including claims in support of academic appeals (as defined in SR6.21g); • Providing work to websites/repositories (as defined in SR6.21j) <ul style="list-style-type: none"> • Multiple offences of any type (2 or more) 	<p>Expulsion (with or without credit, with or without award).</p>
<p>PGR Students</p>	<p>Any first offence defined in SR6.21</p>	<p>Expulsion – no award</p>
<p>Other breaches of University rules, regulations, policies or procedures relating to academic activity or</p>		<ul style="list-style-type: none"> • Formal warning • Attendance at relevant training programme • Apologise to aggrieved party

<p>assessment (as defined in SR6.21h)</p> <p>Failing, without good reason, to cooperate in the University's process of assessment (as defined in SR6.21i)</p>		<ul style="list-style-type: none"> • Banned from attending graduation • Expulsion (with or without credit, with or without award)
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Appendix C – Sources of support and guidance

The University appreciates that it may be a difficult and stressful time for students who are involved in concerns or cases being considered under this Procedure and that they may require welfare support, or advice when drafting and submitting any statements or responses. This support can be obtained **for free** from the following on-campus support services:

- The **Union Advice Service (UAS)** – The UAS in the Student’s Union provides free, impartial advice to students on a number of University issues, processes and procedures, including the Academic Misconduct Procedure. Information about the UAS can be found on their [website](#) and you can contact them by filling out an [Enquiry Form](#);
- **Student Support and Welfare** – If you require any additional welfare support during this process, including support due to a disability, you may wish to contact the [Student Support and Welfare Team](#):

Email	studentsupport@brunel.ac.uk
Telephone	01895 268268

- **Student Wellbeing** – The Student Support and Welfare Team can link up with [Student Wellbeing](#) and arrange for you meet with representatives from **other support services at Brunel** to access the best support for your particular needs and circumstances. For example:
 - **The University’s Counselling Service** can provide you with confidential advice and support to help you work on immediate problems, developing healthy coping techniques, gaining understanding of underlying issues and, if necessary, developing a longer-term treatment plan;
 - A **Brunel Mental Health Adviser** can help you work things through in an honest, compassionate and collaborative way, providing on-going emotional support and practical advice;
 - The **Chaplaincy’s listening service** provides a non-judgemental space for conversation, where you can talk about anything that is impacting or worrying you. Sessions are held with someone from the chaplaincy team and last for up to thirty minutes.
- The University’s accredited **Sexual Violence Liaison Officer** can provide support if you have been affected by sexual violence, harassment or abuse.

Other forms of support include:

- [The Calm Zone](#): Free and confidential webchat and helpline;
- [The Samaritans](#): Listening support by email, phone or in person;
- [Nightline](#): A student listening service open at night and run by students;
- [The Mix](#): Essential support for under 25s;
- [Shout](#): A free, confidential, 24/7 text messaging support service.

The following sources of guidance and information may also be helpful to you:

- [Bullying and Harassment Policy](#);
- [Guidance to Support Students who have Experienced Bullying and/or Harassment](#);

- [Sexual Violence and Sexual Harassment Guide;](#)
- [Sexual Violence & Sexual Harassment Policy.](#)