

## **POLICY FOR DEALING WITH ALLEGATIONS OF ACADEMIC MISCONDUCT AGAINST GRADUATES OF THE UNIVERSITY**

The following Policy will be followed upon receipt of written allegations of academic misconduct brought against a Graduate of the University<sup>1</sup>. A Flowchart of the process is also available.

### **SECTION 1 - THE ALLEGATION**

- 1.1 Allegations of academic misconduct (as defined in the [Code of Practice on Student Discipline \(Academic\)](#)) against graduates of the University should be submitted to the Academic Registrar in writing and be signed.
- 1.2 Written allegations will be acknowledged and the Accuser bringing the allegation will be informed of the Policy to be followed. At this stage the Accuser will be asked to respond to the below within 28 days:
  - (i) if they wish to submit further evidence, to be received;
  - (ii) to give written permission for the University to send the allegation to the Graduate being accused.
- 1.3 Where the Accuser refuses permission, because they wish to remain anonymous to the Graduate and give acceptable reasons for such a request, the written allegation will be amended to remove details of the name of the Accuser. However, any documents submitted in evidence as web-links will not be redacted due to the practical difficulties associated with this.
- 1.4 Upon receipt of the items in 1.2:
  - (i) The written allegation and a copy of the Policy will be sent to the Graduate, who will be asked to submit a written response within 28 days. If the Graduate does not respond, or cannot be contacted, the case will still be taken forward for investigation;
  - (ii) Where the allegation relates to an Undergraduate or Postgraduate Taught graduate the case will be investigated under the Code of Practice on Student Discipline (Academic) and the appropriate penalty applied should the case be proven. Also see Section 4.
  - (iii) Where the allegation relates to a Postgraduate Research Student the relevant School in which the Graduate studied will be asked to prepare documents to aid the investigation:
    - Where the accusation relates to plagiarism, collusion or contract cheating, put the thesis through the University's plagiarism software checker (eg TurnitinUK) and prepare a report on its findings. The Graduate's permission is not required for this to go through the plagiarism software checker;
    - A report from the Lead Supervisor regarding the allegation, if they are still a member of staff of the University;
    - Yearly assessment forms;
    - A list of any relevant study skills/training whilst a student;
    - Reports from the External Examiner.

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<sup>1</sup> Allegations of academic misconduct against members of staff are considered under the University's Policy on Good Research Practice and Procedure on the Handling of Allegations of Research Misconduct. Allegations of academic misconduct against registered students are considered under the Code of Practice on Student Discipline (Academic).

## SECTION 2 - INVESTIGATIONS FOR POSTGRADUATE RESEARCH STUDENTS

### 2.1 ***Graduate admits the allegation of academic misconduct***

2.1.1 If the Graduate admits the allegation, the case will be considered by a Disciplinary Committee. Go to Section 2.4 and Appendix A. The penalties are described in Section 3.

### 2.2 ***Graduate denies the allegation of academic misconduct***

2.2.1 The written allegation, any written response to the allegation from the Graduate, together with any documents from the relevant School will be considered by an *Internal Review Panel* (Appendix B).

2.2.2 The Panel judges whether there is a *prima facie* case of academic misconduct.

- (i) **If it does not exist**, the Graduate against whom the allegation has been made, will be informed of the Panel's decision and that no further action will be taken. The Accuser will be advised that the case has been considered and is now concluded.

The Graduate's response to the allegation that has been considered by the Panel will remain confidential within the University;

- (ii) **If a *prima facie* case exists**, go to Section 2.3 below.

2.2.3 The Note of the Panel's meeting will be held in the Graduate's file.

### 2.3 ***Independent Subject Specialist (ISS)***

2.3.1 If the Internal Review Panel judges that a *prima facie* case of academic misconduct exists, there will be an assessment of the allegation by an independent subject specialist, external to the University (Appendix B).

2.3.2 The accused graduate will not be named but any documents submitted in evidence as web-links will not be redacted due to practical difficulties associated with this.

#### **ISS believes academic misconduct has or may have taken place**

2.3.3 If the opinion of the ISS is that academic misconduct has or may have taken place, their report – redacted, together with all written documentation in regard to the allegation, will be considered by a Disciplinary Committee [Appendix A].

#### **ISS believes academic misconduct has NOT taken place**

2.3.4 If the opinion of the independent subject specialist is that academic misconduct has not taken place, the Internal Review Panel will be asked to consider the findings of the ISS and decide that academic misconduct has not taken place.

2.3.5 The Accuser bringing the allegation and the Graduate concerned will be informed that it is the University's decision that academic misconduct has not taken place and that no further action will be taken. The name of the ISS and their report will remain confidential within the University.

## **2.4 Disciplinary Committee**

- 2.4.1 The Graduate will be asked to attend a hearing of a Disciplinary Committee, usually with notice of at least 28 days. The Graduate may defer one hearing date, but thereafter the hearing will proceed and a decision will be reached in the absence of the Graduate, or if the Graduate does not attend the hearing without a valid reason. Hearings are permitted via MS Teams video calling or similar, subject to the Graduate having a camera. Where the cost of an overseas teleconference carries a fee, the cost shall be borne by the Graduate whose conduct is under scrutiny.
- 2.4.2 The Graduate and the Disciplinary Committee will be sent all relevant papers for the hearing at the same time, at least 10 working days in advance of the hearing date. This includes the report of the external Independent Subject Specialist, whose identity shall remain anonymous unless, exceptionally, they are asked to attend the Disciplinary Committee.
- 2.4.3 The Graduate may be accompanied at the hearing by one person of their choice. The Chair has the discretion to permit additional persons to accompany the Graduate, though the Graduate must request this in advance.
- 2.4.4 A Disciplinary Committee hearing will follow the process as laid out in Appendix A.
- 2.4.5 The standard of proof that shall be used in all cases under this Policy is the balance of probabilities. This is the same standard used in civil law proceedings. This means that the Committee permitted to make a decision under this Policy will be satisfied that an event occurred if they decide, having reviewed the evidence available, that the occurrence of the event was more likely than not.

## **SECTION 3 - PENALTIES**

- 3.1 If an allegation of academic misconduct by a Postgraduate Research Graduate is admitted or found proved by a Disciplinary Committee, the Committee may impose one of the penalties below:
- (i) a written reprimand, with appropriate advice on how to avoid a recurrence of the situation in which the Graduate has found themselves;
  - (ii) that the award be rescinded, but that the work be re-assessed with the possibility of resubmitting for examination for the same award. Once resubmitted the relevant School would arrange for new Examiners to be appointed;
  - (iii) that the award be rescinded but that the work be re-assessed with the possibility of a lower award being made. For example, if PhD, the lower award could be MPhil.  
  
When the work is resubmitted the relevant School would decide the type of lower award for the piece of work. The School would then also arrange for new Examiners to be appointed;
  - (iv) that the award concerned be rescinded. The Graduate will not normally be eligible for re-admittance to the University.

## **SECTION 4 - ALL CASES (Ug/PgT/PgR)**

- 4.1 Where the penalty applied means that the Degree/Diploma/Certificate can no longer be awarded, the Graduate will be advised as appropriate that:
- the University Library and the British Library will be informed of the decision and asked to remove copies of any dissertation or thesis in question from their holdings;
  - their Degree/Diploma/Certificate award certificate should be returned;
  - the Graduate's student record (SRS) will be returned to its pre-graduation state, the pass for the award being removed, with a note on the SRS to show the type of award and date that it was revoked;
  - the Senate will be informed and the Graduate's name will be printed in Senate papers.
- 4.2 The Accuser will be advised that the case has been considered and is now concluded.
- 4.3 The steps in Section 4 will be undertaken when the University's internal appeals process has been exhausted.

## **SECTION 5 - RIGHTS OF APPEAL**

- 5.1 The Graduate has the right of appeal against any decision made under this Policy using the University's Policy and Procedures on Student Appeals but only if there are valid grounds to appeal. Full details on this process and the grounds on which an appeal can be submitted are available on the University website by consulting the [University's Policy and Procedures on Student Appeals](#).

**DISCIPLINARY COMMITTEE (PgR students)****Composition of Disciplinary Committee**

- A senior member of Senate (Chair)
- Four other staff members of the Senate selected by a Vice-Principal not involved in the case
- In addition, a member of the academic staff with knowledge of the subject area under investigation and who has not been involved at an earlier stage may be co-opted.

A member of staff from Registry will Clerk the meeting.

The accused Graduate may submit an objection to any particular person on cause shown and this will be considered by the Chair of the Disciplinary Committee.

**CONDUCT AT THE COMMITTEE HEARING**

- 1 The Chair of the Committee will outline the procedures to be followed.
- 2 The Chair will then outline the nature of the allegation(s) and invite the Graduate or their representative to respond stating whether they admit or deny the allegation(s).
- 2 The Chair will invite witnesses (if any) to give oral evidence.
- 3 Members of the Committee will be given the opportunity to seek clarification on any of the points raised, either by the Graduate or by any witness(es).
- 4 Through the Chair, the Graduate and/or their representative will be invited to address questions to the Chair and/or to any witness(es) on their statement(s) and on their written submissions.
- 5 Through the Chair, the Graduate and/or their representative will be invited to give a concluding statement.
- 6 When all statements have been made, all witnesses heard and all questioning completed, all persons present other than the Disciplinary Committee will leave the room. The Clerk may remain.
- 7 The Committee will then consider the evidence and reach its decision. The Clerk will take no part in the decision-making process. The Clerk shall communicate the Committee's decision to the Graduate in writing, usually within five working days.
- 8 Where the Committee feels the need to obtain additional supporting evidence or clarification from another party, the normal decision-making framework may be delayed. The Graduate will be advised of any delay and, where possible, the Graduate will be advised of this at the end of the Disciplinary Hearing.
- 9 Having reviewed any additional evidence or clarification the Committee, or Chair's action, can decide to issue the final decision through the Clerk or can ask for the Disciplinary Hearing to be reconvened as soon as possible to present their findings and reach a final decision.

**COMPOSITION OF INTERNAL REVIEW PANEL (PgR students)**

The Panel will decide whether or not a *prima facie* case of academic misconduct exists.

- Vice-Principal (Chair)
- Head of the relevant subject
- Another senior academic from the relevant School

A member of staff from Registry will Clerk the meeting.

**EXTERNAL INDEPENDENT SUBJECT SPECIALIST (ISS)**

When contacting a possible ISS the Head of the relevant School will not reveal the name, gender, race or ethnic origin of either the person bringing the allegation or of the Graduate concerned.

The ISS will be sent:

- the *Policy on Dealing with Allegations of Academic Misconduct Against Graduates of the University*
- the University's definitions of academic misconduct (as defined in the *Code of Practice on Student Discipline (Academic)*);
- documents considered by the Internal Review Panel. Any documents submitted in evidence as web-links will not be redacted due to the practical difficulties associated with this.

The ISS will be asked to send the Clerk a detailed, written, report of their investigation, which should conclude with the ISS indicating, in their academic judgement based on the documents provided, either that academic misconduct

- (i) has taken place or
- (ii) has not taken place or
- (iii) may have taken place or there is a reasonable suspicion that academic misconduct has taken place, but that there is insufficient evidence to decide conclusively.