

# ACADEMIC MISCONDUCT PROCEDURE

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# **Academic Misconduct Procedure**

## **Introduction**

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 will be considered under the [Student Disciplinary Procedure](#), the [Professional Suitability Policy and Procedure](#), the [Residences Disciplinary Procedure](#), the [Fitness to Study Regulation](#), or other relevant University regulation or procedure as applicable. Concerns about research misconduct should first be reported to the Secretary to Council, who may determine that the matter should be referred for consideration under this 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. 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.
5. 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.
6. Where appropriate, the University reserves the right to refer a concern raised under this procedure for consideration either separately or simultaneously under any other relevant University regulation or procedure at any time.
7. 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.
8. In operating this procedure, the University will remain mindful of its legal obligations including its duty of care, its obligation under the Equality Act 2010 (including to make reasonable adjustments for disabled students), and its obligations under the Data Protection Act 1998.

## **General Policy**

9. 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.
10. 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. In addition, 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



## Definition of Academic Misconduct

22. 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:
  1. the falsification of information, data or evidence or experimental results; and/or
  2. 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;
  3. arranging for someone else to sit for an examination on their behalf.



- 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 Paragraph 12 of this procedure.

**30.** 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.

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

**32.** 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). The report should be copied to the student.

### **Referral to the Misconduct and Professional Suitability Board**

**33.** Following receipt of the Investigating Officer's report, the Deputy Dean (Academic Affairs) will, within 5 working days, take one of the following actions:

- a) Dismiss the concern and take no further action.
- b) Determine that the concern relates to poor academic practice, in which case the concern will be dismissed and the student will be warned about future practice and directed to sources of guidance and information.
- c) Refer the concern back to the Investigating Officer for further investigation.
- d) Refer the concern to the Clerk to the MPS board for further action.
- e) Refer the concern for consideration under another University regulation (t)-6.6 (o)10.5 (t)-6. U

**37.** The student will normally have 5 working days from receipt of the correspondence from the Secretary to the MPS Board to respond to the allegation in writing, and to provide written comment on the evidence provided under Paragraph 36.

**38.** 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.

**39.** The VCR will consider the case, including the student's written response, and may 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 Paragraph 37.

**40.** 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 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 process.



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

**48.** Where a case involves multiple students, the Clerk to the MPS 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.

**49.** 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.

**50.** 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.

**51.** The Secretary to the MPS 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.

**52.** The Secretary to the MPS Board will contact the student normally at least 10 working days prior to the date of the notice.



**67.** The Head of the Student's Department will be informed of the outcome of the Academic Misconduct Panel Hearing.

**68.** Where the Panel applies a penalty under Appendix A, the student may submit a request for an appeal against the decision in line with Paragraphs 69-84 of this procedure.

## **Appeals**

***(Where possible, the 'Appeal' stage as set out in paragraphs 69 to 75 should be completed within 25 days of receipt of the appeal, as set out in paragraph 69.)***

**69.** If a student is dissatisfied with the decision of the Vice-Chancellor's Representative or the Academic Misconduct Panel to apply a penalty listed in Appendix A, they should submit a Misconduct Appeal Form within 10 working days of the outcome letter. Appeals received after this deadline will only be accepted at the discretion of the Office for Student Complaints, Conduct and Appeals.

**70.** A student may appeal on one or more of the following grounds only:

- 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 Vice-Chancellor's Representative or the Academic Misconduct Panel was unreasonable.

**71.** Upon receipt of an appeal, the Head of Student Affairs and Casework will determine whether the grounds for appeal have been met. Where they have, a Review Panel will be convened; otherwise the appeal will be dismissed. The decision will normally be communicated within 10 working days of receipt of the appeal.

**72.** Where a Review Panel is convened, this will 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 for Student Complaints, Conduct and Appeals, acting as Clerk to the Panel. The Review Panel shall normally meet within 10 working days of the decision to refer the appeal to them.

**73.** The Review Panel will consider whether there is sufficient reason to challenge the decision made by the Vice-Chancellor's Representative or the Academic Misconduct Panel. If the Panel determine such reason is present, they can set aside the previous decision and replace it with one of their own, or it can refer the case back to the Vice-Chancellor's Representative or Academic Misconduct Panel for fresh consideration with commentary. If the Panel determines there is insufficient reason to challenge the previously made decision, the appeal will be dismissed and the original decision will stand.

**74.** The decision of the Review Panel shall normally be communicated in writing by the Office for Student Conduct, Complaints and Appeals, within 5 working days of its meeting.

**75.** 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 Vice-Chancellor's Representative or Academic Misconduct Panel if the case has been referred back for fresh consideration.

## The Office of the Independent Adjudicator

**76.** 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 (OIA).

*(Updated February 2022)*

### Appendix A – Indicative list of penalties for Academic Misconduct

**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
VCR + Hearing Panel	First offence or less serious case occurring in a first assessm asse9	

Hearing  
Panel

Second  
offence (UG  
and PGT) or  
more serious  
cases,  
including  
Contract  
Cheating as  
defined in  
paragraph  
22e.

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  
offence TUG

from re

Contract  
Cheating as  
defined in  
paragraph  
22e.

## Appendix B – Temporary Suspension and Exclusion

**B1.** Circumstances can arise where it is necessary for the University to take precautionary action in order to manage risk to the University, its members, and/or to the wider community. This Appendix sets out how this risk will be managed.

**B2.** The University may in appropriate cases use its powers to temporarily suspend and/or exclude a student for a defined period of time (which may be extended) or until a matter is considered under the relevant University procedures.

**B3.** Where a concern is raised relating to a student's conduct, whether on or off campus, which represents a potential or actual threat to the safety, security, health, wellbeing, good order, or reputation of the University, its [members](#), an external organisation or placement provider, or members of the public, a member of staff may make a recommendation to the Vice-Chancellor or Vice-Chancellor's delegate that the student should be suspended or excluded for a defined period of time (which may be extended) or until a matter is considered under the relevant University procedures.

suspension/exclusion to continue or whether it should be revoked or extended for a further specified period of time, and whether its terms should be maintained or varied.

**B12.** The student may request a review by the Vice-Chancellor's delegate under Paragraph B11 by making written representations in respect of the terms of the temporary suspension and/or exclusion should there be a material change in the student's circumstances.

### Appeals

**B13.** The student will have the opportunity to appeal to the Academic Registrar within 10 working days of the communication of the decision taken by the Vice-Chancellor's delegate to temporarily suspend and/or exclude a student.

**B14.** An appeal to the Academic Registrar should be made on the following grounds:

- a) That there has been a procedural irregularity.
- b) That there was bias on the part of the decision-maker.
- c) That the decision is unreasonable and/or disproportionate.
- d) That there is new material evidence which the student can demonstrate was for good reason not previously available.

**B15.** The Academic Registrar will consider the student's appeal and will:

- a. Maintain the terms of the temporary suspension and/or exclusion.
- b. Vary the terms of the temporary suspension and/or exclusion.
- c. End the temporary suspension and/or exclusion.

## Appendix C – Delegation of powers relating to temporary suspension or exclusion of students

The arrangements for the delegation of powers of the Vice-Chancellor as set out in in Senate Regulation 6, the Student Disciplinary Procedure (SDP), and/or the Academic Misconduct Procedure (AMP), shall be:

Regulation / Procedure / Paragraph	Action	Action normally taken by	Deputy in the non-availability of normal action-taker	In the non-availability of either normal action-taker or deputy
SR6 para 8	<i>The University may in appropriate cases use its powers to temporarily suspend and/or exclude a student for a defined period of time (which may be extended) or until a matter is considered under the relevant University procedures. The imposition of a temporary suspension and/or exclusion is precautionary. It is not a penalty and does not indicate that the University has concluded that the student has breached its rules regarding student conduct. The procedures that will be followed are set out in the Student Disciplinary Procedure and the Academic Misconduct Procedure.</i>			
SDP para B4, and AMP para B4	Temporary suspension or exclusion of a student from all or part of their studies or research	Vice-Provost and Dean of the student's College	Provost	A Vice-Provost who is not also the Dean of the student's College
SDP para B9, and AMP para B9	Action by Delegate at Departmental level to <u>urgently</u> suspend or exclude a student prior to providing the student with formal written notification	See next page	See next page	See next page
SDP para B9, and AMP para B9	Review of action taken by Departmental Delegate to urgently suspend or exclude a student prior to issue of full written notification	Vice-Provost and Dean of the student's College	Provost	A Vice-Provost who is not also the Dean of the student's College



*Departmental Delegates under Paragraph B9 of the Student Disciplinary Procedure (SDP) and/or the Academic Misconduct Procedure (AMP)*

<b>Paragraph</b>	<b>Action</b>	<b>Action normally taken by</b>	<b>Deputy in the non-availability of normal action-taker</b>	<b>In the non-availability of either normal action-taker or deputy</b>
<i>Department of Education</i>				
SDP para B9, and AMP para B9	Action by Delegate at Departmental Level to urgently suspend or exclude a student	Head of Department	Departmental Director for Teaching and Learning	Deputy-Dean (Academic Affairs)
<i>Department of Clinical Sciences</i>				
SDP para B9, and AMP para B9	Action by Delegate at Departmental Level to urgently suspend or exclude a student	Head of Department	Departmental Director for Teaching and Learning	Deputy-Dean (Academic Affairs)

## Appendix D – Guidance on Penalties applicable under SR6

As members of the Brunel University London community, students are expected to adhere to the regulations, procedures and policies of the University, to show respect for the persons within and for the property of the University community, and to behave in a way that does not interfere with the proper functioning or activities of the University. Where there is reason to believe that the behaviour of a student falls below the expected standards, as set out below, and/or where regulations, procedures, and/or policies have been broken, as outlined below, the Academic Misconduct Procedure will be instigated. The Procedure extends to alleged misconduct by a student occurring on or off University premises (including via electronic means, such as email and social media) where the alleged victim is the University itself, a member of the University's community, or a visitor to the University.

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 University 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 mitigating circumstances occurring at the time of the alleged incident. A full list of the sanctions which may be imposed is set out in the Academic Misconduct Procedure.

<b><i>Academic Misconduct</i></b>	<b><i>Examples of Unacceptable Behaviour</i></b>	<b><i>Examples of Sanctions</i></b>
<p>Academic Misconduct in Taught Work and Final Year Projects (UG) – first assessment            Single first offences for UG and PG students            Less serious cases for UG and PG students</p>	<p>Plagiarism            Collusion            Cheating in an exam            Research Misconduct</p>	<p>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. 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>

Academic Misconduct in Taught Work and Final

<p>Less serious cases for UG and PG students</p>		<p>the GPA calculation for the classification of any award. Re-assessment (which would 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. *See SR2.70, 2.73 and 3.57</p>
<p>Academic Misconduct in Dissertations (PGT)</p>	<p>Plagiarism Collusion Research Misconduct</p>	<p>A mark of zero/grade of F will be assigned to the dissertation and to the associated assessment block. Re-assessment is not permitted*. Where credits are retained, the student may be awarded an intermediate award.</p>

		<p>activities (including placements), services or facilities (including residences) for a defined period</p> <ul style="list-style-type: none"> <li>xTemporary suspension and/or exclusion from the whole University for a defined period</li> <li>xExpulsion (with or without credit, with or without award)</li> </ul>
<p>Failure to co-operate with the assessment procedures of the University (e.g. failure to take part in a viva to determine authorship of a piece of work as set out in SR4)</p>		<ul style="list-style-type: none"> <li>xFormal warning</li> <li>xAttendance at relevant training programme</li> <li>xApologise to aggrieved party</li> <li>xBanned from attending graduation</li> <li>xExclusion from specified areas of the University or from specified University activities (including placements), services or facilities (including residences) for a defined period.</li> <li>xTemporary suspension and/or exclusion from the whole University for a defined period.</li> <li>xExpulsion (with or without</li> </ul>