

REGULATIONS RELATING TO ACADEMIC MISCONDUCT (Taught Provision)

Version Number: 5.0

Effective Date: 29 October 2018

Document Title: Academic Misconduct Regulations (Taught Provision)			
Version No. Superseded version	5.0 4.0	Author Role Title	OSCAR Manager
Approval Date	24 October 2018	Approved by	Academic Board
Effective Date	29 October 2018	Review Date	25 September 2019



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Regulations

1. INTRODUCTION

- 1.1 The University is committed to safeguarding the standards of its academic awards by acting on alleged cases of Academic Misconduct. These Regulations are intended to allow the University to determine whether or not Academic Misconduct has taken place within a summative assessment. It is expected that Academic Misconduct suspected in formative work will be drawn to a student's attention by staff.
- 1.2 The assessment of students, with regard to their achievement of learning outcomes, is based on the principle that, unless clearly stated otherwise in the assessment instructions, the work undertaken by a student is their own work.
- 1.3 For the purpose of these Regulations, Academic Misconduct is defined as:

'Any action by a student which gives (or which has the potential to give) an unfair advantage in an examination or assessment, or to assist someone to gain an unfair advantage, or any activity likely to undermine the integrity essential to scholarship and research'

(as defined by the Office of the Independent Adjudicator for Higher Education (OIA)). Examples of Academic Misconduct provided in appendix 1 are indicative and not exhaustive.

- 1.4 Concerns relating to the operation of these Regulations must be considered in accordance with the Appeal Stage outlined at paragraph 8. Concerns that fall under the remit of these Regulations cannot be investigated using any other University Regulation for example, the University's Student Complaints Policy and Procedure.
- 1.5 The University will, wherever possible, seek to adhere to the time limits outlined in these Regulations. In cases where there are special circumstances which require deviation from the specified time limits, students will be advised of the reasons for this by a relevant member of staff. Reference to timescales in these Regulations relate to calendar days excluding the Christmas closure period of the University and statutory bank holidays.

2. SCOPE

- 2.1 These Regulations apply to all students registered or enrolled on a Teesside University course, delivered by the University or through its Collaborative Partners, except in cases involving allegations of research misconduct, as these matters will be investigated under the University's 'Regulations relating to Research Misconduct in Research Degree Programmes' or 'Regulations relating to Research Misconduct in Advanced Independent Work (AIW) on Professional Doctorate Programmes'. The Regulations can also apply to former students and to work previously submitted, where credits and/or awards have already been assigned to the work in question.
- 2.2 Should a student withdraw partway through this process, prior to any final outcome, the Dean of the relevant School¹ (or nominee) may choose not to proceed with the process outlined in these Regulations. The University may however, place a note on the student's record, which may be referred to in any future engagement. Such information will be retained in line with the University Record Retention Schedule.
- 2.3 The responsibility lies with the appropriate Dean of the relevant School to appoint the relevant nominee as cited in these Regulations.

¹ Reference in these Regulations to the relevant Dean of the School includes the equivalent role in a Collaborative Partner

3. OPERATING PRINCIPLES

- 3.1 Students are responsible for familiarising themselves with University guidance on the avoidance of Academic Misconduct, and for the academic integrity of all of their own work. Ignorance of these Regulations will not be considered a defence of a charge of Academic Misconduct. A copy of the Regulations can be found at www.tees.ac.uk/studentregulations.
- 3.2 The University/Collaborative Partner hosting the module in which the student is suspected of Academic Misconduct will be responsible for arranging and administering the process. Where a student faces multiple concurrent cases of Academic Misconduct from modules across more than one School/ Collaborative Partner, then normally all concurrent cases should be considered by the University. Collaborative Partners wishing for a case to be considered at Stage 2 must first consult with the relevant School Principal Lecturer (Programmes) (or nominee) and together decide on the type of offence and which stage of these Regulations is to be followed.
- 3.3 All cases of suspected Academic Misconduct must be supported by evidence documented by the person who suspects an offence has occurred. Where there are cases which do not easily fit within the process defined in these Regulations, but nevertheless need to be dealt with insofar as this is possible, the Exceptional Procedure, referred to in paragraph 9, should be followed.
- 3.4 Appendix 4 provides 'Instructions to Students Undertaking Examinations'. In cases of suspected Academic Misconduct discovered during an examination the Invigilator must complete an Incident Report Form and attach any accompanying evidence. This will initially be sent to the Senior Administrator (or nominee) in the School/Collaborative Partner responsible for the examination under consideration.
- 3.5 In cases where alleged Academic Misconduct is suspected during a presentation (or equivalent), the presentation should continue and the Examiners should explore the extent to which the assessment is the student's own work. The Examiners should then include in their Report the extent of the suspected Academic Misconduct and, where appropriate, the case should be referred for consideration under these Regulations.
- 3.6 Students accused of Academic Misconduct shall have the right to be made aware of the allegation, have access to the evidence being used to support the alleged Academic Misconduct, and be given the opportunity to challenge the allegation.

- 3.7 The University/Collaborative Partner will make all reasonable efforts to provide students with a copy of the original work in question prior to any meeting/hearing. Where it is not possible to provide the student with a copy of their original work (for example, due to its size or composition), the student should be given the opportunity to view the work, in advance of a meeting/hearing. In such cases, a student must contact the relevant School/Collaborative Partner to arrange a viewing. The student may be accompanied by a friend (as defined in appendix 3, paragraph 1) to this viewing. No documentation can be removed from the premises, and during this viewing normally an administrative member of staff will be in attendance at all times as an observer only. The observer shall not comment or provide advice on the allegation or associated procedures.
- 3.8 Where any member of staff involved in the consideration of a case has a personal relationship with the student suspected of Academic Misconduct, this should be declared to the University/Collaborative Partner. A determination will be made by the appropriate Dean of the relevant School (or nominee) as to whether the relationship presents a genuine conflict of interest. If necessary, an alternative member of staff shall be appointed to present the case, or sit as a Panel member.
- 3.9 The School/Collaborative Partner reserves the right not to proceed with an allegation of Academic Misconduct if it is considered that there is insufficient grounds or evidence on which to do so.
- 3.10 The University will not consider extenuating circumstances in determining whether Academic Misconduct has occurred, and it may only be taken into consideration when determining the penalty to be applied. Where additional evidence is required to support a claim of extenuating circumstances this should be requested, and ratification of the decision deferred until the evidence is received.
- 3.11 Where it is felt that a student's capacity of rational judgement has been severely impaired, the Panel responsible for considering the case may determine that the student has not committed Academic Misconduct, and may refer the student for consideration under the University's Fitness to Study Policy and Procedure. Any approved claim of extenuating circumstances submitted under the University's Extenuating Circumstances Regulations (Taught Provision) will not be valid for work considered under these Regulations.
- 3.12 The standard of proof to be adopted during the application of these Regulations will be 'on the balance of probability'. This means that the

University is satisfied that, on the evidence available, the student's guilt is more likely than not.

- 3.13 Instances of proven Academic Misconduct, and any penalty awarded, may be referred to in a reference or notified to an accrediting body. Where it has been concluded that Academic Misconduct has taken place, and the course is governed by professional, statutory or regulatory body (PSRB) requirements, the University reserves the right to also invoke relevant procedures under its Fitness to Practise Regulations.
- 3.14 Where an Academic Misconduct Stage 1 or 2 Panel has found a case against a student to be proven, the Chair of the relevant Assessment Board must be informed (normally by an administrative officer) of the Panel's decision in order to inform progression decisions. Where a Stage 2 Panel has found the situation is irredeemable and awarded Penalty 6 (as defined in appendix 2), the relevant Progression/Award Board will formally record a student as being discontinued and consider the student's profile to recognise any achieved credits. Compensation cannot be awarded against a module where there is a proven case of Academic Misconduct.
- 3.15 The University reserves the right to revoke an award, and all privileges and rights associated with that award, where it is established that a person has obtained the award by committing Academic Misconduct. In such cases of alleged Academic Misconduct, the Stage 2 procedure will be followed. If the Stage 2 Hearing concludes that the allegation is proven, it will be recommended to the relevant Assessment Board that the award be revoked. If the Assessment Board accepts such a recommendation, it will report its decision to the University's Academic Board for information.
- 3.16 General principles in relation to these Regulations can be found at appendix 3.

4. INITIAL CONSIDERATION

- 4.1. Academic Staff, Invigilators, and External Examiners are responsible for the identification of suspected case(s) of Academic Misconduct. Where a case of Academic Misconduct is suspected, this should be brought to the attention of the School Principal Lecturer (Programmes) (or nominee) who will determine as soon as possible whether the suspected Academic Misconduct should be considered under these Regulations, or via feedback and/or discussion with the student at an informal meeting. If it is deemed appropriate for the matter to be dealt with informally, a record of the meeting should be made by the relevant member of staff and placed in the student's file. If a meeting takes place, the student should be given at least 5 days' notice of the meeting and

the opportunity to bring a friend (as defined in appendix 3, paragraph 1) if so desired. If it is determined that the case should be considered formally, then a Suspected Academic Misconduct Report Form should be completed and submitted to the School Principal Lecturer (Programmes) (or nominee).

- 4.2 If the Principal Lecturer (Programmes) (or nominee) deems that the case should be considered under these Regulations they should verify, by conferring with administrative staff, whether there has been any previous proven case(s) of Academic Misconduct in order to determine the stage of the procedure to be followed. The table in appendix 2 should be used to determine what stage the suspected Academic Misconduct shall be considered (for example, Stage 1 or Stage 2).
- 4.3 Any second or subsequent offence of Academic Misconduct committed by a student whilst enrolled at the University, can only be described as such when an outcome has been determined on any previous case of Academic Misconduct, and the outcome notified to the student. Where this is not the case, the offence should be considered to be a possible simultaneous offence. Any previous offence of Academic Misconduct, held by the University, may influence the stage of subsequent meeting/hearing and any penalty imposed, but will not be taken into account when considering whether Academic Misconduct has occurred. If a student has been found to have previously committed an offence of Academic Misconduct under any previous sets of the University's Academic Misconduct Regulations, any new offences will be counted as a second or subsequent offence of Academic Misconduct. Consequently, any penalties already imposed may be taken into account when determining a subsequent penalty.

5. FORMAL STAGES OF THE PROCEDURE

- 5.1 The formal stages for dealing with allegations of Academic Misconduct in summative assessments, are as follows:
- Stage 1: Further information on the Stage 1 process can be found at paragraph 6, and appendix 2 of these Regulations.
 - Stage 2: Normally used for dealing with second and subsequent offences of Stage 1 cases, more serious offences (Stage 2 cases), and Exceptional Cases. Further information on the Stage 2 process can be found at paragraph 7 and appendix 2, and the Exceptional Cases Procedure at paragraph 9 of these Regulations.
 - Appeal Stage: This is a formal review, at the request of a student, of the decision of the Stage 1 Meeting or Stage 2 Hearing as to whether or not

Academic Misconduct has occurred and the penalty imposed. Further information on the Appeal Stage can be found at paragraph 8 of these Regulations.

6. STAGE 1

6.1 A designated member of School/Collaborative Partner staff will formally notify the student in writing of the alleged Academic Misconduct, normally giving 7 days' notice of the Stage 1 Meeting, and provide them with a copy of these Regulations. The invitation should inform the student of:

- The full details of the nature of the alleged Academic Misconduct including a copy of the work. If this is not possible, an explanation of the process for viewing the material in situ prior to the Stage 1 Meeting;
- The constitution of the Stage 1 Meeting;
- The support available from Advisers based in the Students' Union and Student & Library Services;
- Their right to be accompanied by a friend (as defined in appendix 3, paragraph 1);
- That they will be given the opportunity during the Meeting to report any extenuating circumstances they wish the Panel to be aware of.

6.2 The Stage 1 Meeting will normally consist of:

- A Chair nominated by the Dean of the relevant School (or nominee).
- The member of staff who suspects the Academic Misconduct.
- The student (and friend).
- (A secretary may be in attendance)

6.3 The procedure for a Stage 1 Meeting is as follows:

6.3.1 Those present must be introduced.

6.3.2 The Chair will confirm the procedure to be followed, and that a record of the meeting will be made, which will be forwarded to the student, normally within 7 days of the Stage 1 Meeting.

6.3.3 The case against the student must be outlined, and include the presentation of evidence that has been collected.

6.3.4 The student must be given the opportunity to respond to the allegation and make representations to the Panel.

- 6.3.5 A period for general discussion must be allowed to take place on the allegation of Academic Misconduct. The student must be given the opportunity to advise the Stage 1 Meeting of any extenuating circumstances they feel should be taken into consideration. If, at any time, evidence is brought forward which requires further investigation, the meeting must be adjourned and a time and date agreed by the Chair for it to be reconvened.
- 6.4 If it becomes apparent that there is no firm basis for the allegation, or the student has provided an adequate explanation, the case will be dismissed.
- 6.5 The Chair will reach a decision as to whether or not there has been a breach of the Regulations, and complete an Academic Misconduct Record Proforma. The Proforma should record the allegation, any decision reached and, if appropriate, any penalty to be imposed.
- 6.6 Normally within 7 days of the Stage 1 Meeting, the student will be sent a copy of the Academic Misconduct Record Proforma. A copy of the Academic Misconduct Record Proforma must also be sent to:
- Relevant member(s) of staff involved with the student, for example the student's personal tutor.
 - School/Collaborative Partner Senior Administrator for retaining on the student's file.
 - Chair of relevant Assessment Board.
- 6.7 The student must be advised that if they disagree with the decision reached they may, in accordance with the Appeal Stage, submit an appeal of the decision and/or penalty imposed.

7. STAGE 2

- 7.1 A designated member of School/Collaborative Partner staff will formally notify the student in writing of the alleged Academic Misconduct, normally giving 7 days' notice of the Stage 2 Hearing, and provide them with a copy of these Regulations. The invitation should inform the student of:
- The full details of the nature of the alleged Academic Misconduct including a copy of the work. If this is not possible, an explanation of the process for viewing the material in situ prior to the Stage 2 Hearing;
 - The constitution of the Stage 2 Panel;

- The support available from Advisers based in the Students' Union and Student & Library Services;
- Their right to be accompanied by a friend (as defined in appendix 3, paragraph 1);
- That they will be given the opportunity during the Hearing to advise the Panel of any extenuating circumstances they wish the Panel to be aware of.

7.2 The School/Collaborative Partner will inform the Panel members and other relevant staff in writing normally within 7 days of the Stage 2 Hearing of the case of Academic Misconduct to be considered. The correspondence to the member of staff alleging the Academic Misconduct must indicate that they are permitted to be accompanied to the Stage 2 Hearing by a friend (as defined in appendix 3, paragraph 1).

7.3 The Stage 2 Hearing will normally consist of:

- A Chair nominated by the Dean of the relevant School (or nominee).
- Two members of the School/Collaborative Partner, not involved in the case.

For cases relating to a student enrolled with a Collaborative Partner, an additional member from the School which has responsibility for the course of study may also be in attendance as an additional Panel member.

A Secretary will also be present to record the events of the Hearing.

7.4 The procedure for the Stage 2 Hearing is as follows:

7.4.1 Those present must be introduced.

7.4.2 The Chair will confirm to all parties the procedure to be followed, that a record of the hearing will be taken and correspondence confirming the recommended outcome will normally be forwarded to all relevant parties within 7 days of the meeting.

7.4.3 The case against the student must be outlined, and include the presentation of evidence that has been collected.

7.4.4 The student must be given the opportunity to respond to the allegation and make any representations to the Panel.

- 7.4.5 A period for general discussion must be allowed, during which the parties present can ask questions and provide explanations of points which have been raised. The student must be given the opportunity to advise the Panel of any extenuating circumstances they feel should be taken into consideration. If, at any time, evidence is brought forward which needs further investigation, the meeting must be adjourned and a time and date agreed by the Chair for it to be reconvened.
- 7.4.6 After hearing the evidence the non-panel members, with the exception of the Secretary, will be asked to leave the hearing and the Panel members will determine whether Academic Misconduct has taken place and, if so, the penalty to be imposed. In reaching a decision the Panel should consider all of the points raised, any reason given by the student to explain their conduct, including any extenuating circumstances, and any actions previously taken in similar cases.
- 7.4.7 When a decision has been reached the non-panel members will be invited back into the hearing and informed of the findings of the Panel.
- 7.5 If it becomes apparent that there is no firm basis for the allegation, or the student has provided an adequate explanation, the proceedings must be halted, and the case must be dismissed.
- 7.6 The student will be informed in writing, normally within 7 days, of the decision of the Panel, as to whether or not there has been an infraction of the Regulations and if so, its nature and extent, together with the reason for any decision and/or penalty to be reported to the relevant Assessment Board. A copy of the correspondence must also be sent to:
- Relevant member(s) of staff involved with the student, for example the student's personal tutor.
 - School/Collaborative Partner Senior Administrator for retaining on the student's file.
 - Chair of relevant Assessment Board.
- 7.7 The student must also be advised that if they do not agree with the decision, they may, in accordance with the Appeal Stage, submit an appeal of the decision and/or penalty imposed.

8. APPEAL STAGE

- 8.1 A student may submit an Appeal if they are dissatisfied with the decision of the Stage 1 Meeting or the Stage 2 Panel and/or the penalty imposed.
- 8.2 An Appeal must be submitted on an Academic Misconduct Appeal Form available from the Office of Student Complaints, Appeals and Regulations (OSCAR), or the University's website (www.tees.ac.uk/studentregulations). All sections of the Appeal Form must be completed as fully as possible, following the guidance in the Academic Misconduct Application Pack. The Appeal must be submitted to OSCAR within 7 days of the date of the decision letter/report. Only in exceptional circumstances will late applications be considered. Late Appeals will normally be rejected as 'out of time'. If a student submits a late Appeal they must enclose, with their Appeal, a separate written explanation for the late submission. The decision of whether to accept a late Appeal will be at the discretion of the Chair of the Academic Misconduct Appeal Committee (Appeal Committee), and is not subject to further review and the student will be issued with a 'Completion of Procedures' letter.
- 8.4 An Appeal may be based on the following grounds:
- 8.4.1 That the decision reached by the Stage 1 Meeting or the Stage 2 Hearing as to whether Academic Misconduct has occurred was wholly inconsistent and/or unsupported by evidence.
- 8.4.2 That there was a material and/or procedural irregularity by the Stage 1 Meeting or the Stage 2 Hearing, which has prejudiced the student's case.
- 8.4.3 Additional evidence has come to light since the decision of the Stage 1 Meeting or the Stage 2 Hearing, which could not have been expected to have been produced at the time of the consideration of the case.
- 8.5 An Appeal must clearly identify the relevant ground(s). A student must submit their Appeal with clear and legible documentary evidence. Where the submission of supporting documentary evidence is not possible at the time of submission, due to circumstances outside the student's control, the Appeal should be submitted together with a clear statement that evidence will follow, normally within 10 days. If no subsequent evidence is received, OSCAR will process the Appeal based on the available documentation.
- 8.6 Students are advised to retain a copy of their Appeal, and any supporting documentation. Documents supplied as part of the Appeal process will not

normally be returned. Where photocopies of documents are submitted, the student may be required to provide OSCAR with sight of the original documents in order to verify their authenticity. If evidence is provided in a language other than English, it is the student's responsibility to have it independently translated.

- 8.6 OSCAR will acknowledge receipt of the Appeal, and seek clarification from the relevant School/Collaborative Partner on the case.
- 8.7 On receipt of the Appeal, OSCAR reserves the right to request further clarification and/or information from the student prior to referring the Appeal to the Chair of the Appeal Committee.
- 8.8 OSCAR will liaise with the Chair of the Appeal Committee if they believe that an Appeal is incomplete, or the student has failed to show why it was not reasonably practicable for them to submit the Appeal in time. In such cases, the Chair of the Appeal Committee shall have the power to dismiss the Appeal and the student will be issued with a 'Completion of Procedures' letter.
- 8.9 Alternatively, if the case is applicable for consideration, OSCAR will circulate the Appeal to the relevant Chair of the Stage 1 Meeting or Stage 2 Panel (or nominee) ('relevant Chair') for initial consideration. If the relevant Chair believes that there appears to be a case for the decision to be reviewed they may take Chair's Action. In this event, the decision should be reported to the next appropriate Assessment Board. The relevant Chair must inform the student, in writing, explaining that Chair's Action has been taken and the decision has been revised. A copy of the decision should be sent to OSCAR. The relevant Chair must advise the student of the right to continue to pursue their case through the Appeal Stage and to contact OSCAR within 5 days if they remain dissatisfied with the decision.
- 8.10 If the decision of the relevant Chair is not reviewed, under paragraph 8.7 above, then the relevant Chair must provide a written report (Chair's Report) to OSCAR within 12 days of receipt of the Appeal. The Chair's Report must normally contain:
 - A copy of all of the documentation that was considered by the Stage 1 Meeting or Stage 2 Panel;
 - The communication to the student informing them of the decision;
 - Minutes of the Stage 1 Meeting or Stage 2 Panel;
 - Any other information/statement, which may assist the Chair of the

Appeal Committee (or nominee) in reaching a decision.

- 8.11 OSCAR will forward all relevant documentation to the Chair of the Appeal Committee who, after considering the case, believes that grounds permitted for an Appeal have been satisfied, they may:

8.11.1 Dismiss the Appeal; or

8.11.2 Refer the Appeal to the Academic Misconduct Appeals Committee (Appeal Committee) for further consideration.

The decision of the Chair of the Appeal Committee is not subject to further internal appeal.

- 8.12 Where it is deemed to refer the Appeal to the Appeal Committee, the Committee will normally consist of:

- A Chair who shall be the Vice-Chancellor's nominee.
- A senior representative of a School/Collaborative Partner not related to the case.
- A representative of the Students' Union.

A Clerk and Secretary will also be present to provide administrative support. The Chair of the Stage 1 Meeting or Stage 2 Panel (and friend, if applicable (as defined in appendix 3, paragraph 1)) will be required to attend the Appeal Committee, along with the student (and friend, if applicable (as defined in appendix 3, paragraph 1)).

- 8.13 OSCAR will arrange for an Appeal Committee to be convened and formally notify all relevant parties, including the student and the relevant Chair in writing, no later than 7 days prior to the Appeal Hearing. In addition, all parties will be provided with a copy of the papers to be considered by the Appeal Committee.

- 8.14 It will not normally be possible for the date of the Appeal Hearing to be changed. This will only be done in exceptional circumstances. Any requests to change the date must be submitted in writing to OSCAR, and the decision will be at the discretion of the Chair of the Appeal Committee. Where a decision to re-arrange an Appeal Hearing has been refused, the student and School/Collaborative Partner will be informed, in writing, of the refusal and the case will be considered in the absence of the student or the relevant Chair.

- 8.15 In considering the Appeal, the Appeal Committee may call any relevant persons to give evidence. If it is expected that attendance of a member of staff may be required, 7 days' notice of the Appeal Hearing should normally be given, and the member of staff may be accompanied to the Appeal Hearing by a friend (as defined in appendix 3, paragraph 1).
- 8.16 The presentation of any new documentation, on the day of the Appeal Hearing, will only be accepted in exceptional circumstances with agreement of the Chair. This may result in a postponement of proceedings to provide all parties with the opportunity to consider the new documentation.
- 8.17 The student, their friend and the relevant member(s) of staff from the School/Collaborative Partner will normally be allowed to be present throughout the whole of the Appeal Hearing except when the decision is being debated. If the Committee, in its absolute discretion, determines that the presence of any party is not appropriate throughout the whole Appeal Hearing or during any specific part of it, the Chair shall use reasonable endeavours to ensure that such person is given an adequate opportunity to present their case.
- 5.18 The procedure to be followed at the Appeal Hearing is as follows:
- Those present must introduce themselves;
 - The student and/or friend will be asked to present their Appeal;
 - The relevant Chair may ask for clarification on the representations made by the student and/or friend.
 - The Appeal Committee may ask questions of the student and/or friend;
 - The relevant Chair will be asked to respond to the Appeal;
 - The student and/or friend may ask for clarification on the representations made by the relevant Chair;
 - The Appeal Committee may ask questions of the relevant Chair;
 - The relevant Chair will be asked to sum up their case;
 - The student and/or friend will be asked to sum up their response;
 - The Chair of the Appeal Committee will ask the student and relevant Chair and any associated friends to leave the meeting.

The Committee has the authority to adjourn the Hearing at any time, or any reason, for such a period as it, in its absolute discretion, thinks fit.

- 8.19 The Appeal Committee will make one of the following decisions:

8.19.1 Dismiss the Appeal.

8.19.2 Uphold the Appeal, and impose an alternative penalty as defined in appendix 2 of the Regulations.

8.19.3 Uphold the Appeal, and rule that no penalty should be imposed.

8.20 The student and the relevant Chair will normally be informed within 7 days of the decision of the Appeal Committee, and the student will be issued with a 'Completion of Procedures', letter which concludes the internal process of the University.

9. EXCEPTIONAL CASES PROCEDURE

9.1 There are, from time-to-time, cases which do not easily fit within the process defined in these Regulations, but nevertheless need to be dealt with insofar as this is possible. An example of an exceptional case is when the marker reasonably believes that the submitted assessment is not a student's own work, (for example, so inconsistent with previous performance as to suggest that it has not been produced by the student concerned), but the sources from which the work might have been derived cannot be located. This may be because the student has plagiarised the work from another or purchased/commissioned a piece of work.

9.2 All alleged exceptional cases will be dealt with via the Stage 2 process. The Stage 2 Hearing will normally include a viva with the student, normally undertaken by the member of staff who has concerns about the origins of the work. The viva will involve a short question and answer session to establish that the work in question is indeed the student's own work. Students may bring a friend with them to the Stage 2 Hearing but the friend will not be allowed to speak on the student's behalf during the viva. All members of the Stage 2 Panel should be present to hear the viva to ensure it is carried out fairly and to see any nuances in the discussion. At the conclusion of the viva the designated member of staff should report to the Stage 2 Panel whether they believe Academic Misconduct has occurred.

APPENDIX 1: Examples of Definitions and Descriptions of Academic Misconduct:

Bribery	The offering of money or other incentives to a person, which may result in a student gaining an unfair advantage over their peers.
Collusion	<p>Where two or more students collaborate to produce a piece of work which is then submitted by one or both students as their own work, or a student sharing with another student(s) a copy of their work whether in whole or in part when this is not a requirement of the assessment. In such cases, the originator of the work may also be liable to the charge of Academic Misconduct where it can be shown that the originator knowingly allowed their work to be used.</p> <p>If Academic Misconduct is suspected in respect of a piece of group work, and the originator of the work cannot be established, the entire group may be deemed responsible to a charge of Academic Misconduct.</p>
Examination Irregularities	<p>Engaging in any action with the intent of gaining an unfair advantage over other students taking the same examination or knowingly assisting others in this intent. This may include, but is not limited to:</p> <ul style="list-style-type: none"> • Copying, consulting or attempting to make use of a script from any other student(s) during an examination with or without their permission or knowledge or knowingly assisting others in this intent. • Communicating or attempting to communicate during an examination with any person other than an authorised member of staff except where the Regulations specifically allow such communication. • Taking into the examination room, or making use of, any written or printed materials, electronically stored or communicated information, or devices unless expressly permitted by the examination or course regulations that have been notified to the Senior Invigilator, or knowingly supporting others in this intent. Devices may include, but are not limited to, mobile telephones, smart watches, pagers, MP3/MP4 players, iPods, tablet computers, laptop computers, personal organisers, electronic dictionaries, and unauthorised calculators. • Gaining access to any unauthorised material relating to an examination during or before the examination. • Removing or attempting to remove, part of an examination script from the examination room. • Impersonating, being knowingly impersonated or being party to impersonation of a student sitting an examination in place

	<p>of another student with the intention to deceive or gain unfair advantage.</p> <ul style="list-style-type: none"> • Obtaining a copy of an 'unseen' examination question paper in advance of the date and time of its authorised release. • Leaving the examination room, for instance during a comfort break, and consulting any material, which would give an unfair advantage or knowingly assisting others in this intent. • Disruptive behaviour during an examination. • Leaving the examination room outside of the authorised timeframes without permission from the Senior Invigilator. • Breach of the Regulations with reference to the 'Instructions to Students undertaking Examinations' (appendix 4).
Exceptional Cases	No evidence to support the allegation of Academic Misconduct but nevertheless needs to be dealt with insofar as possible.
Fraudulent Applications	Submitting a fraudulent case to obtain an extension, deferred submission or extenuating circumstances application in order to gain an unfair advantage.
Fabrication of data, evidence or results	The presentation of data purported to have been carried out by the student, or obtained by unfair means. This also includes the manipulation, tampering with and adding of data in experimental or similar situations.
Interfere with recorded marks	The interference with recorded marks which give a student an unfair advantage.
Modification	The submission of a piece of work known to have been originated by another but which the student has deliberately modified to make it appear as if it was their own piece of work.
Personation	The assumption by one person of the identity of another person with intent to deceive or to gain unfair advantage. It may exist where one person assumes the identity of a student, with the intention of gaining unfair advantage for that student, or the student is knowingly and willingly impersonated by another with the intention of gaining unfair advantage for themselves.
Plagiarism	The incorporation of another's work, which can include items or articles, images, equations, programming results or codes, test results, judgements or ideas in an assessment either verbatim or in substance without proper, clear and unambiguous acknowledgement of the source or content (for example, paraphrasing of a source with no attempt to acknowledge the source, or failure to reference appropriately the source of material used). This includes unacknowledged material downloaded from electronic sources, published sources or the work of another student.
Purchase/ Commissioning (including Contract Cheating)	The purchase/commissioning of a piece of work from another party which is passed off as the student's own work, which can include work purchased from commercial internet assignment writing sites, organisations or private individuals.

Self-Plagiarism/ Duplication	Submitting or duplicating work which is in whole or part identical or similar to work already submitted by the student for another assessment within the University or elsewhere to gain credit. This will not apply to draft copies of work.
Theft	Theft of another student's work
Unauthorised possession of confidential staff materials	The possession of confidential staff material which has been obtained without the consent of the member of staff relating to an assessment, which would give the student an unfair advantage.
Unethical Behaviour	Conduct which deviates from acceptable behaviour including breach of confidentiality or improper handling of privileged or private information on individuals gathered during data collection. In addition, failure by a student to gain appropriate ethical clearance before collecting data.
Any other Academic Misconduct	Any other practice or deliberate attempt, which the University considers to give a student an unfair advantage over other students.

APPENDIX 2: Stages and Recommended Penalties for Academic Misconduct

Type	Examples	Recommended Penalties available
Stage 1	<p>Minor and/or first offences of Academic Misconduct, but not limited to cases which are:</p> <ul style="list-style-type: none"> • Normally less than 40% of the assessed work was related to the Academic Misconduct. • The Academic Misconduct resulted primarily from the inclusion of unattributed material including poorly applied citation conventions. • Failure to follow assessment instructions. • The submission of work which has been previously submitted by the student (either at the University or at another institution), or work submitted for assessment that has previously been published elsewhere. 	Penalty 1, 2, 3 or 4
Stage 2	<p>Major cases and/or second or more offences of Academic Misconduct, but not limited to cases which are:</p> <ul style="list-style-type: none"> • Normally more than 40% of the assessed work was related to the Academic Misconduct. • There are strong indications that the student has intended to gain an unfair advantage. • Exceptional Cases. 	Penalty 1, 2, 3, 4, 5, or 6.

RECOMMENDED PENALTIES FOR ACADEMIC MISCONDUCT

The following penalties are available to proven cases of Academic Misconduct. No penalty may be imposed for Academic Misconduct other than in accordance with the provision of these Regulations as cited below.

Penalty	Definition
Penalty 1	Give appropriate advice and guidance on how to avoid Academic Misconduct in the future, and award a mark for the work omitting the Academic Misconduct issues.
Penalty 2	Failure of the work, with a reassessment opportunity granted where permissible. The relevant component will be capped at the relevant pass mark.
Penalty 3	Failure of the work, with a reassessment opportunity granted where permissible. The overall module result will be capped at the relevant pass mark.
Penalty 4	Failure of the module. The student may restudy the same module, or take an alternative module if permitted, at the next available opportunity.
Penalty 5	Failure of the module. The student may restudy the same module, or take an alternative module if permitted, at the next available opportunity to receive a capped mark.
Penalty 6	Failure of the module and withdrawal of the student from their course of study. Students retain the credits granted up to that point of study, with any award that this may lead to.

Any of the penalties/actions may also be applied to a student found to have committed academic misconduct during a reassessment. A penalty for a second or subsequent substantiated allegation of Academic Misconduct should be at least a penalty higher than the previously imposed penalty. When applying Penalty 2 and 3 care should be exercised to ensure that a student is not able to gain an unfair advantage.

APPENDIX 3: General Principles

1. The Role of a Friend

Students subject to these Regulations and staff presenting a case shall have the right to be accompanied to any meeting or hearing by one 'friend' who may not act as a representative or attend in any legal capacity unless permitted to do so by the person conducting the proceedings. In addition, the friend is not permitted to speak when a viva voce is taking place.

If a student, or member of staff presenting the case is accompanied at any meeting/hearing by a friend, it is their responsibility to provide all relevant communications and documents to their friend. The student, or member of staff,

must provide the name of their friend to the relevant Chair **5 days** prior to any meeting/hearing.

2. Advice and Guidance on the Regulations

Advisers in the Students' Union can provide students with advice, independent of the University. Staff and students can also seek advice and support on understanding these Regulations from OSCAR. Any member of staff involved in a case may obtain advice on the Regulations from their Union representative.

Students based at Collaborative Partners should contact their own Students' Union support service or equivalent.

3. Communication

For the purposes of this process, written communication can be in paper or electronic format for example, e-mail. Students are expected to check their University e-mail account regularly. Written communications may also be sent to the student's current term-time address (during term-time) or home address (out of term-time) as recorded on the University's student record system. Students are responsible for ensuring that their contact details are kept up to date. Non-receipt of properly addressed and dispatched correspondence will not be accepted as valid grounds for delay or annulment of procedures or outcomes under these Regulations, nor will it be accepted as grounds for appeal.

4. Attendance at Meetings/Hearings

Students will be given the opportunity to attend any meeting/hearing in person. In the event that a student fails to attend a meeting/hearing without reasonable explanation in advance of the meeting/hearing, the meeting/hearing will proceed in the student's absence and the Stage 1 Meeting or Stage 2 Hearing will reach a decision based on the evidence available to them. The student will be informed of the decision in due course.

All participants at meetings/hearings are expected to behave in an orderly and non-confrontational manner. If the appropriate Chair believes it necessary they may adjourn or halt proceedings if, in their opinion, progress of the meeting/hearing is being hampered by a participant's behaviour.

If the student and/or their friend has a disability and requires additional facilities or adjustments, those requirements should be made known to the School/ Collaborative Partner/OSCAR prior to the meeting/hearing in order that, if possible, appropriate arrangements can be made.

5. Location of Meetings/Hearings

Any meeting/hearing will normally be held at the University's Middlesbrough or Darlington campuses, or at a Collaborative Partner's campus. Students and staff based in other locations may either attend the relevant campus or participate in meetings/hearings electronically for example, via Skype. Those who wish to do so must inform the relevant Chair prior to the meeting/hearing.

6. Recording of Proceedings

A written record shall be kept of any meetings/hearings held under these Regulations and may be used as part of proceedings. The audio recording of a meeting/hearing is prohibited subject to such reasonable adjustments as may be agreed by the University under the Equality Act 2010.

7. Document Retention

At the conclusion of proceedings under these Regulations, a formal record of the proceedings will be retained in accordance with the University's Classification Scheme and Retention Schedule.

8. Data Protection

All processing of personal data is undertaken in accordance with the General Data Protection Regulations and the Data Protection Act 2018.

Information relating to allegation(s) of Academic Misconduct made or action taken under these Regulations will be treated as confidential and will only be used for the purposes outlined in these Regulations. The University reserves the right to disclose the outcome of any action taken under these Regulations to any applicable Professional Standards and Regulatory Body, and where appropriate in a Reference. Any breach of confidentiality may result in formal disciplinary action being taken.

Where a student submits a complaint to the Office of the Independent Adjudicator for Higher Education ("OIA"), relevant information shall be disclosed to the OIA in order for the review to take place.

For the use of this process, third party data will normally only be accepted from a student with the written consent of the individual concerned. Where third party data is submitted without the consent of the individual, it should be anonymised (i.e. names should be redacted). Students should be aware that documents may not be accepted where third party data submitted without consent has not been anonymised, but that they may be re-submitted once anonymisation has been carried out, or consent provided. Where non-anonymised third party personal data has been accepted in error, the University reserves the right to redact

personal data. Processing of personal data in this way will be under the lawful basis of legitimate interest and in the public interest.

9. Monitoring and Evaluation

On an annual basis, OSCAR shall provide a written report to relevant University Committees/Boards. The report shall provide anonymous statistical data, identify any trends or wider issues, and make any observations and/or recommendations, which may assist the University to further good practice.

10. Fair Treatment

Where a student or staff member believes that consideration of the Academic Misconduct case is likely to affect their relationship, all parties will be expected to continue that relationship in a professional manner. Only in exceptional circumstances will the appropriate Dean of the relevant School (or nominee) consider agreeing to a request for alternative working arrangements whilst the Academic Misconduct case is being considered.

Where a student has declared a disability the University or Collaborative Partner will endeavour to ensure that information is available to the student at all stages of the process in appropriate formats, and where necessary, reasonable adjustments will be made.

11. External Review

At the conclusion of the University's internal processes under these Regulations, the student shall be issued with a 'Completion of Procedures' letter in the manner prescribed by the Office of the Independent Adjudicator for Higher Education (OIA). A student who is dissatisfied with the outcome under these Regulations may submit a complaint to the OIA under the rules of its scheme within 12 months of the issue of the 'Completion of Procedure' letter. Information on the process may be obtained directly from the OIA at <http://www.oiahe.org.uk>.

APPENDIX 4: Instructions to Students Undertaking Examinations

By entering the Examination Room, a student agrees to be bound by the regulations of Teesside University, under the authority of the Senior Invigilator.

NOTE: Where reference to Examinations Office, Teesside University Student Card [TUSC], Head of Learning Environment etc. appears below, the equivalent will apply at Collaborative Partner Institutions and it will be the responsibility of the Collaborative Partner to advise the student on the alternative arrangements.

1. A student must present themselves at the time and place appointed by the University for the examination. Failure to do so, or failure to submit work having so presented himself or herself, will normally be deemed to constitute failure in that assessment, unless there is some cause found valid on production of acceptable evidence to the relevant Mitigating Circumstances Board. Students are not allowed to bring a child or pet into the examination room, nor is a child or pet allowed to be left unattended outside of the examination room.
2. Students should arrive at the examination room at least 15 minutes before the start of the examination. Students must not enter the examination room until permission is given by the Senior Invigilator, normally not more than 10 minutes before the scheduled start of the examination.
3. Students **must** bring their TUSC (or equivalent) identification to the examination room and this **must** be shown to the Invigilator, before entering the examination room. Students who do not provide appropriate identification will not be allowed to enter the room until appropriate identification is provided and then only in the timescales as cited in Paragraphs 10.1 and 10.2 cited in this appendix. Students permitted to enter the examination room must place their TUSC face upwards on the desk at which they are sitting their examination. This card will be inspected by the invigilators during the examination.
4. Students must not communicate with each other whilst they are in the examination room. Students found to be communicating, looking at another students work, or using mobile telephones, pagers, mobile devices or any other similar devices may be classed as a case of Academic Misconduct, and this matter will be forwarded to the student's relevant School for consideration. Students must also behave in a quiet and orderly manner. Senior Invigilators have the authority to report, or remove, any student from the examination room who is acting in an inappropriate manner. Any allegations of inappropriate behaviour may lead to disciplinary action in accordance with the University's Student Disciplinary Regulations and/or Fitness to Practise Regulations.
5. Students are not permitted to use dictionaries unless approval to do so has been granted by the Student Learning & Experience Committee and notification subsequently made to the Senior Invigilator.

6. Students have a personal responsibility prior to an examination to ensure that non permitted items are not present within unauthorised areas of the examination room.

The University is not liable for any losses of personal belongings experienced during an examination. It is recommended that students do not bring valuables to an examination room. Students should only take into the examination room those essential items needed to complete the examination.

Students must leave all large items such as handbags, backpacks and coats in the area designated by the Senior Invigilator.

Smaller personal belongings including, but not limited to, mobile telephones, smart watches, pagers, MP3/MP4 players, iPods, tablet computers, laptop computers, personal organisers, electronic dictionaries, and unauthorised calculators, wallets, purses, and keys (or any other similar item), and any other unauthorised material can be stored underneath a student's exam desk but these must be contained in a transparent pencil case or small transparent plastic bag. Please note that any electronic devices should also be switched off and not accessed for the duration of the examination. "Non-smart" wrist watches are permitted but Invigilators have the right to examine a watch if they suspect it may be used for misconduct.

Before the examination commences, students must place all essential equipment on their desk. These include: pens, pencils, highlighters, erasers (no correction fluid or tape is permitted), pencil sharpener, ruler, coloured pencils; these must be contained in a transparent pencil case or small transparent plastic bag and must be visible to invigilators at all times. In addition, any examination materials that are listed on the rubric for the examination e.g. dictionaries, calculators, course notes etc. These materials maybe checked for any suspected misconduct. Other items such as calculator cases and spectacle cases, must be placed (and all similar unauthorised small items) on the floor under their desks.

Students with alternative arrangements may have a specific item with them which is not listed above, provided it is recommended within their support plan, such as an insulin pen, medical device, or other item.

If unauthorised material is subsequently discovered not to have been placed in the appropriate area, such material may be confiscated at the discretion of the Senior Invigilator. Receipts will be provided by the Senior Invigilator for personal possessions, which are confiscated. If a phone rings or an alarm goes off during an examination, the device will be confiscated by the Senior Invigilator for the duration of the examination and a log of the disruption made against the student's record.

If a student has any queries about what material is regarded as being unauthorised they must consult the Senior Invigilator before the examination.

A student found with unauthorised material in his or her possession during the examination **will** be reported by the Invigilator. This may be deemed as Academic Misconduct and be subject to action under the Regulations relating to Academic Misconduct (Taught Provision) ('Regulations'). If a student does not cooperate with the Invigilator(s) this will be noted on the Invigilators Report Form, and this evidence will be considered within any suspected Academic Misconduct Hearing.

In examinations with durations that necessitate a break during which time bags, books, notes, etc. **must** be left in the examination room, the University will make reasonable efforts to ensure that such possessions remain secure but the exclusion of the liability for valuable items referred to above will apply to such possessions. Furthermore, the University's liability for loss or damage to a student's possessions will be limited solely to a proven loss of items necessary for the examination.

7. Smoking, eating and alcoholic beverages are forbidden in the examination room, unless prior arrangements have been made in relation to the medical needs of a student. Students may bring a small bottle of water in a clear container.
8. Each student must complete an attendance card and the front cover of any answer scripts before he/she commences the examination.
9. Students will be informed by the Senior Invigilator of any specific instructions and when they may commence the examination.
10. Any student arriving late will be admitted providing they arrive no later than 30 minutes from the commencement of the examination. Students who arrive after the 30 minutes will be denied entry into the examination room and the Senior Invigilator will record their details on the Senior Invigilator's Report Form.
11. Students must read all instructions carefully. Any queries about the contents of examination questions will not be answered. A student having any such query must note it in his or her answer script and, in the case of an apparently ambiguous question, must state the interpretation assumed in his or her answer.
12. Students must not leave their seats without permission from an Invigilator. Any student wishing to attract the attention of an Invigilator must raise his or her hand.
13. Extra paper for rough work will not be provided. All work must be done in the supplied answer scripts and any rough work crossed out. Students must ensure that all work is written in a legible manner.
14. Students wishing to leave the examination room because of illness or wanting to visit the toilet must be accompanied by an Invigilator. A student may only use toilets designated to them by the Invigilator, which may be inspected by

them. Invigilators will indicate in the student's Answer Book the time the student left the Examination.

15. Students should ensure that they do not consider leaving the Examination Room until they are sure they have completed. Students who have completed their work are not permitted to leave the examination room during the first 60 minutes or the last 30 minutes regardless of the duration of the examination. Students wishing to leave the examination must obtain permission from an Invigilator and will **not** be re-admitted.
16. The Senior Invigilator will formally announce the end of the examination at which time students **must** stop writing their answers. Students **must remain seated and silent** until dismissed by the Senior Invigilator. Students will not be dismissed until all answer books, scripts etc., have been collected.
17. The Regulations define Academic Misconduct in examination situations as engaging in any action with the intent of gaining an unfair advantage over other students taking the same examination or knowingly assisting others in this intent. This may include, but is not limited to:
 - 17.1 Copying, consulting or attempting to make use of a script from any other students during an examination with or without their permission or knowledge or knowingly assisting others in this intent.
 - 17.2 Communicating or attempting to communicate (by way of oral, written, electronic, non-verbal) during an examination with any person other than an authorised member of staff except where the Regulations specifically allow such communication.
 - 17.3 Taking into the examination room, or making use of, any written or printed materials, electronically stored or communicated information, or devices unless expressly permitted by the examination or course regulations that have been notified to the Senior Invigilator, or knowingly supporting other students in this intent.
 - 17.4 Gaining access to unauthorised material relating to the examination during or before the examination.
 - 17.5 Removing, or attempting to remove, part of an examination script from the examination room.
 - 17.6 Obtaining a copy of an 'unseen' examination question paper in advance of the date and time of its authorised release.
 - 17.7 Impersonating, being knowingly impersonated or being party to impersonation of a student sitting an examination in place of another student with the intention to deceive or gain unfair advantage, or assisting others in this intent.

- 17.8 Leaving the examination room, for instance during a comfort break, and consulting any material which would give an unfair advantage, or knowingly assisting others in this intent.
- 17.9 Leaving the examination room outside of the authorised timeframes without permission from the Senior Invigilator.
- 17.10 Disruptive behaviour during an examination.
- 17.11 Breach of the Regulations with reference to the 'Instructions to Students undertaking Examinations'.
18. Any student suspected of contravening these Regulations will be reported to the relevant School/Collaborate Partner representative and dealt with in accordance with these Regulations. The student(s) involved will be informed by the Senior Invigilator, at the time of the alleged contravention that this is going to happen.
19. During an examination, the interpretation of these Regulations is at the discretion of the Senior Invigilator. A student dissatisfied with any such interpretation must send a letter to OSCAR, within 4 days after the examination.
20. If following or prior to an examination the student feels his/her performance may have or may be affected by any extenuating circumstances he/she must complete a Mitigating Circumstances Form, which is available from the School/Collaborative Partner Office.