

REGULATIONS RELATING TO RESEARCH MISCONDUCT ON RESEARCH DEGREE PROGRAMMES

Document Title: Regulations relating to research misconduct on research degree programmes			
Version No.	4	Policy Owner	PRAB/REISC/RIS
Superseded version	3: AY 2018-9	Author Role Title	Head of Research Governance & Postgraduate Research
Approval Date	15 May 2013	Approved by	UAB
Effective Date	1 September 2019	Review Date	31 July 2020

These regulations deal with academic misconduct in *research degrees* other than work conducted as part of taught courses that may form part of the supporting skills training or other support for a research degree student. Misconduct taking place in taught elements should be dealt with under the definitions and procedures specified in the University's *Regulations Relating to Academic Misconduct (Taught Components and Programmes)*. The definitions and procedures for academic misconduct in research degrees only are specified below.

1 **Definitions**

- 1.1 Academic misconduct is defined by the University as any activity, or attempted activity, which gives an unfair advantage to one or more students over their peers. In the context of research degrees, "academic misconduct" is normally also a form of "research misconduct" and so throughout this document the term "research misconduct" will be used in order to align with external policies and guidelines as given by the UK Research Integrity Office (UKRIO)¹ and Universities UK (UUK)².
- 1.2 The definition of "research misconduct" is given at 1.3. This definition aligns with external definitions of research misconduct in the UKRIO and UUK documents.
- 1.3 **Definition of research misconduct in research degrees**

Within the context of a *degree conducted by research*, research misconduct is defined as:

- a) ***fabrication of data***, which includes fake and constructed "data", whether in total or presented alongside genuine data; this also refers to "data" obtained by fraudulent means, such as through experiments never actually undertaken but reported as if they were undertaken;
- b) ***falsification of data***, which includes any deliberate *tampering* with or *omission* of genuine data, as well as *misrepresentation* of genuine data, such as inappropriate manipulation of images or graphs, with the *intention of increasing the apparent significance or originality* of results or outcomes; or as an attempt to *establish priority* of results or outcomes;

Genuine disagreement over scientific or scholarly methods *does not imply falsification*, nor does a difference of opinion in interpretation of data or results. Only if a method or interpretation is presented in such a way as to *deliberately mislead* others can the behaviour be considered falsification;

¹ <http://www.ukrio.org/ukR10htre/UKRIO-Code-of-Practice-forResearch1.pdf>

² <http://www.universitiesuk.ac.uk/Publications/Documents/TheConcordatToSupportResearchIntegrity.pdf>.

- c) **plagiarism** is the incorporation of another's work in work submitted as part of a research degree without proper acknowledgment. In a research degree, plagiarism could occur in a thesis submitted for final examination; reports or other work submitted for interim progress monitoring; or drafts of such work submitted for feedback from supervisors or other staff.

Non-exhaustive examples of plagiarism are:

- i) inclusion in a student's work of more than a single phrase from another's work without the use of quotation marks and acknowledgement of the sources;
 - ii) summarising of another's work by simply changing a few words or altering the order of presentation without acknowledgement;
 - iii) reproducing another person's work or ideas in a student's own words without acknowledgement;
 - iv) unauthorised use of the ideas of another person without acknowledgement of the source or sources;
 - v) copying the work of another student, a supervisor, or colleague with or without that person's knowledge or agreement;
 - vi) *entire or part* appropriation of another's work without attribution, by replacing the original author's name with the name of the plagiariser, such as through theft, commissioning, or purchase of another's work from any source.
- d) **failing to seek permission via ethical review to conduct the project, where this is required.** Any student work submitted for examination must have received the appropriate ethical Clearance, whether by Release or Approval, as set-out within the University's "*Policy, Procedures, and Guidelines for Research Ethics*";

- e) submission of work which was conducted in **collaboration** with others which is declared to be the work of a single individual only without acknowledgment or clear identification of the contribution of others;
- f) **sabotaging the work of others** or **deliberately stalling the progress of another researchers' work** in order to establish priority of results or outcomes;
- g) **serious irregularities at viva voce examination**, such as **personation** (a person assumes the identity of a student with the intention of gaining unfair advantage for that student); or **bribery** (offering of money or other incentives to persuade a person to influence a behaviour which gives the student an unfair advantage);
- h) **collusion**, where a student engages in any of the above categories of misconduct with the knowing participation of (an)other student(s).

1.4 Allegations of academic misconduct in research leading to the award of a research degree should be referred to the Postgraduate Research Assessment Board [PRAB].

1.5 Allegations of academic misconduct **in non-research coursework elements of taught course components** which form part of research methods training, or a professional masters/doctorate programme, should be dealt with under the *University's Regulations Relating to Academic Misconduct (Taught Components and Programmes)*. The outcome of any procedure or investigation carried out under the remit of taught programme regulations should be notified to PRAB.

2 Guiding Principles for the Regulations

Where research misconduct is referred to below this means as defined at (1) above.

- 2.1 Research misconduct is unacceptable for any member of the University community.
- 2.2 Students accused of research misconduct shall be deemed innocent until proven guilty.
- 2.3 Students accused of research misconduct shall normally have the right to be made aware of the accusation and challenge that accusation. In some cases, an initial screening may need to be carried out (“Initial Screening Procedure”) to rule out frivolous, vexatious or malicious allegations *prior* to instigating formal procedures involving the accused student directly and/or prior to informing the accused student of the allegation (see 4.1).
- 2.4 The burden of proof shall rest with the person(s) making the allegation(s) and shall be based on clear, strong and cogent evidence.
- 2.5 The final decision as to whether or not, and if so, to what extent, a student is guilty of research misconduct on a research degree must be made by the Panel at a formal Hearing.
- 2.6 The penalty that should be applied to a student found guilty of research misconduct on a research degree will be recommended by the Panel at a formal Hearing, and then ratified by PRAB.
- 2.7 Where sufficient new evidence becomes available following completion of procedures, it should be possible for the matter to be re-opened.
- 2.8 All cases of proven research misconduct should be reported to the Vice-Chancellor.

3 Considerations

- 3.1 The fact that research misconduct can occur in research degrees means that one necessary step to eradicate it is to provide students with clear guidelines as to what is and is not acceptable practice. Parameters might differ for different disciplines but so long as parameters are given, there is no need for uniformity across discipline areas.

However, it is considered that by the time a candidate has reached the level of study of research leading towards a degree at research masters or doctorate level he/she should understand the seriousness of misconduct. Therefore, it is necessary to take severe action against any student who breaches these regulations.

- 3.2 At the commencement of their studies research students should be advised of the University's expectations and procedures for dealing with suspected misconduct and the penalties which may be imposed if they are found.

- 3.3 All documents of guidance such as Codes of Practice, Student Handbooks, and all relevant Induction or training materials provided to students should make reference to the dangers and penalties of misconduct and these references should be reinforced orally by supervisors, Postgraduate Tutors [PGTs], and staff who give academic support to research students.

- 3.4 There are a number of points in a programme of research study where misconduct might be suspected and alleged. Likewise, a number of different persons might make allegations:

- 3.4.1 supervisory team, during the course of the research;
- 3.4.2 other staff, during the course of the research;
- 3.4.3 other students, at any point;
- 3.4.4 examiners, during preliminary assessment of the thesis;
- 3.4.5 examiners, during the viva voce examination;
- 3.4.6 after award of the degree has been conferred, by any person;
- 3.4.7 persons external to the University, at any point.

- 3.5 In judging the intent to deliberately engage in misconduct, sufficient proof would be required that the actions were performed deliberately and not due to an occasional lapse of due diligence. However, *consistent insufficient diligence* may lead to the *perception* that misconduct has occurred and may be treated as cogent evidence that deliberate misconduct has occurred.

4 Procedures for Dealing with Suspected Cases of Academic Misconduct in Research Degrees

Any office holder named as performing a role under the procedures below can be deputised for in situations where a conflict of interest may hold. In such cases, either the Chair or Deputy-Chair of the Postgraduate Research Assessment Board [PRAB] should authorise an appropriate deputy or, if any of the PRAB officers is involved directly in the matter at hand, the Director of Research and Innovation Services [RIS].

Given the complexity of research programmes, in allegations involving more than one student, individual hearings should normally be convened prior to any action involving multiple students.

4.1 An **Initial Screening Procedure** should be used in **all cases** except where misconduct is alleged by a student's *supervisors* or by *examiners*. This is to establish that allegations are well founded and to eliminate frivolous, vexatious or malicious allegations. Initial Screening Procedure will normally be undertaken by the Deputy-Chair and Secretary of PRAB.

4.1.1 Persons making allegations against a student who are not a supervisor or examiner are referred to hereafter as the **Complainant**.

4.1.2 Initial Screening Procedure should always precede the convening of a Stage Two Hearing where an allegation is made by a Complainant after a thesis has been submitted, examined, or awarded or where an allegation by a Complainant is received during the course of research but prior to submission of a thesis, particularly where an allegation is made by another student at the University. Initial Screening Procedure may also be used to precede a Stage One meeting.

4.1.3 Allegations made by Complainants **MUST** use form **UTRD RmAlleg**. The Initial Screening Procedure should commence as soon as form UTRD RmAlleg is received by PRAB. Allegations made on form UTRD RmAlleg cannot be made anonymously.

4.1.4 The Deputy-Chair and Secretary of PRAB, availing themselves of appropriate support expertise as needed, should perform the Initial Screening Procedure. The information provided on UTRD RmAlleg should form the basis for screening and will determine whether the Complainant's allegation(s) is/are frivolous, vexatious or malicious, and/or whether the allegation(s) is/are made in the possession of sufficient evidence to satisfy the burden of proof.

4.1.5 A condition of allegation(s) being made on form UTRD RmAlleg is that if, following the Initial Screening Procedure, it is determined that a formal hearing is justified, then:

- a) the accused student will be immediately informed of the nature of the allegation(s);
- b) the Complainant must provide sufficient evidence and respond in a timely fashion to requests for information so as to allow a Hearing to proceed within the timeframes outlined below;
- c) the Complainant cannot determine the scope which a formal investigation might take, including the persons from whom information and responses may be requested nor the manner in which the Hearing is conducted;
- d) the identity of the Complainant will be protected as far as is reasonable, but it must be accepted as a condition of acting upon an allegation that conducting an investigation thoroughly may permit others to *infer* the identity of the Complainant from the information and/or context of the questions required from them, and that confidentiality cannot be guaranteed once an investigation proceeds beyond the Initial Screening Procedure.

4.1.6 If it is agreed that allegations are well founded following the Initial Screening Procedure, an investigation by Stage Two Hearing should proceed as at (5) below.

4.1.7 Complainants whose allegations are determined to be frivolous, vexatious or malicious should be reported to the appropriate authority whether internal or external.

Stage One Procedure

Stage One procedures should only be used for first instances of alleged misconduct **prior to submission of a thesis**. For alleged misconduct *following* submission of a thesis, a Stage Two procedure should always be used.

- 4.2 If a case is suspected by a **supervisor(s)** or interim **assessor(s)** during the course of the research:
- 4.2.1 The matter should be reported to the Secretary of PRAB and the relevant School Tutor for Postgraduate Students [PGT].
- 4.2.2 The student should be called to a Stage One meeting with at least one of the member of the supervisory team and the PGT and another member of PRAB from the relevant School. The Associate Dean (Research & Innovation) [ADR] from the relevant School should appoint an independent Chair for the meeting. Both the PGT and the PRAB member should declare their involvement in the meeting when a decision is reported to PRAB and the penalty ratified at PRAB.
- 4.2.3 The student should be given at least five working days written notice of the date of the meeting and be provided with full details of the allegation, a copy of these Regulations, the right to bring a friend to the meeting if they wish, and advised of the support services available from the Students' Union and Student Services Department.
- 4.2.4 At this meeting, the Chair of the meeting shall explain the allegation with evidence if available, the precise nature of the problems and the possible outcomes of the discussion. The subsequent conversation must then establish whether or not the student agrees that there has been misconduct. In ascertaining this, the student must be explicitly asked if they have any explanation of why this has happened.
- 4.2.5 If it becomes apparent that there is no firm basis for the allegation of misconduct, or the student provides an adequate explanation, then the meeting should end and the matter closed with no further action.
- 4.2.6 If the student agrees that there are grounds for alleging misconduct, and the Chair does not consider the matter to be serious enough or warrant proceeding to Stage Two, the Chair must:
- a) Offer the student advice and guidance on how to identify the errors of conduct, guide the student on how to rectify

those errors, and warn the student of the consequences for any future failure to do so;

- b) Advise the student that any recurrence or subsequent offence of alleged misconduct would be treated more seriously by recourse to a Stage Two procedure, with penalty of withdrawal or failure if proven. A signed record should be made that the student has been so informed and details entered onto the student's record on SITS.

4.2.7 If the student does not agree that there are grounds for alleging misconduct and the members of staff consider the allegations to be well founded; or the student agrees to the allegation of misconduct and the Chair warrants the matter should proceed to a Stage Two Procedure, the Chair must:

- a) Advise the student that the matter will be proceeding to Stage Two Procedure in writing within five working days following the meeting;
- b) Advise the student of the potential consequences with the possible penalty of withdrawal or failure if proven. A signed record should be made that the student has been so informed and details entered on the student's record on SITS.

4.2.8 A record of the Stage One meeting should be held on the student's file; the student, supervisor(s) and PGT should sign a copy of the record; details should be entered on the student's record on SITS.

4.2.9 In the event that a student fails to attend the Stage One meeting without reasonable explanation or fails to communicate with the University in any way, the Stage One meeting will proceed in their absence and may, at the discretion of the supervisor and/or PGT, justify proceeding directly to Stage Two, depending on the seriousness of the alleged misconduct.

4.2.10 If a first instance of alleged misconduct is **proven**, any further instances of alleged misconduct must be handled using the Stage Two Procedure. If a first instance of alleged misconduct is not proven, then subsequent allegations should initially proceed according to Stage One.

Stage Two Procedure

Stage Two procedures should always be used in any instance of alleged misconduct **following submission of a thesis**; for **subsequent** allegations following a **proven Stage One** Procedure **prior to submission** of a thesis; or for very serious allegations of misconduct not capable of being dealt with under the Stage One Procedure.

4.3 If a *second* or *subsequent* case is suspected by a **supervisor(s)** during the course of the research; or is suspected by **examiner(s) in the Preliminary Report(s)** following submission of the thesis:

4.3.1 The matter should be reported to the Chair of the PRAB and to the Dean and/or ADR in the relevant School.

4.3.2 A Stage Two Hearing should be held as at 5 below.

4.4 If a case is suspected by an **examiner(s) during the viva voce examination**:

4.4.1 The examiners shall continue with the viva voce examination and shall make recommendations to be ratified in the event that the allegation is not proven by a subsequent Hearing, but the matter shall be reported to the Chair of the PRAB as soon as possible and the Dean and/or ADR in the relevant School notified.

4.4.2 A Stage Two Hearing should be held as at (5) below.

4.5 If a case is suspected **after the examiners' recommendations have been ratified**:

4.5.1 The matter shall be reported to the Chair of the PRAB and the Dean and/or ADR in the relevant School.

4.5.2 The University will make every attempt to follow the procedures as at (5) below.

4.5.3 In the event of the unavailability of the former student, the PRAB will make strenuous efforts to investigate the case and will retain the powers to proceed with a Hearing. Absentia hearings are permitted.

5 Procedures for Holding a Stage Two Hearing

- 5.1.1 The student should be given full details of the nature of the alleged misconduct in writing including copies of all relevant documentary material or other evidence of the alleged misconduct, unless the nature of the documentation does not allow this. The correspondence must explain the process for viewing the material in situ prior to the Stage Two Hearing.
- 5.1.2 The student should be given the date, time and venue of the Stage Two Hearing.
- 5.1.3 The student should be advised of the range of services available from The Link based in the Students' Union and/or Student Services Department.
- 5.1.4 The student should be advised of their right to be accompanied at the Stage Two Hearing by a friend, who is entitled to speak or act on their behalf and who may be a representative from the Students' Union.
- 5.1.5 The student should be given a copy of these Regulations.
- 5.1.6 The student must be informed about the constitution of the Stage Two Hearing.
- 5.1.7 The student must be informed that they will receive correspondence advising them of the outcome of the Stage Two Hearing normally within five working days of the Hearing.
- 5.1.8 If more than one student is involved, and the Chair of the Stage Two Hearing wishes to interview all students involved together, the students must be informed of the Chair's request and informed that they must respond prior to the commencement of the Hearing, confirming their consent (or not). If the students do not consent to be interviewed together, they will be interviewed separately.
- 5.1.9 The student must be advised that they will be given the opportunity during the Stage Two Hearing to advise of any mitigating circumstances.

5.2 Stage Two Hearing

5.2.1 The Panel will comprise:

- the Chair of PRAB, who will act as Hearing Chair;
- a member of PRAB from the School through which the research degree was registered and who is not a member of the supervisory team of the accused student;
- another member of PRAB from a different School who has not previously been involved with the case;

In cases of conflict of interest, the Chair's place will be taken by the Deputy-Chair of PRAB. The other members of PRAB should also be independent of any previous involvement with supervision, assessment, or examination of the accused student. The Chair may request a member of Legal and Governance Services staff or nominee to attend the meeting as an adviser. The Director of Research and Innovation Services [RIS] may act in any capacity as a nominee in case of conflicts of interest except where the Director of RIS has previous involvement (supervision, assessment, or examination) with the accused student.

5.2.2 The Secretary of PRAB will act as Secretary to the Hearing and formally record the events of the Hearing. The minutes of the Stage Two Hearing must include details of any mitigating circumstances brought up at the Hearing by the student and the outcomes of any decisions relating to these.

5.2.3 The Chair will confirm that the procedure being followed is the Stage Two Procedure of these Regulations. The process for the Hearing must be outlined, and the student must be informed that a formal record of the Hearing will be taken and correspondence confirming the recommended outcome of the Stage Two Hearing will be forwarded to them within five working days and that the penalty will be confirmed by the PRAB.

5.2.4 Those present at the Stage Two Hearing must be introduced and an explanation given for their attendance.

5.2.5 The precise nature of the alleged misconduct by the student must be stated.

- 5.2.6 The case against the student must be outlined by the presentation of evidence that has been collected.
- 5.2.7 The student and friend must be allowed to respond to the allegation and make any relevant statements.
- 5.2.8 If at any time evidence is brought forward which needs further investigation, the Stage Two Hearing must be adjourned and a time and date agreed for it to be reconvened.
- 5.2.9 A period for general discussion must be allowed, during which both sides can ask questions and provide explanations of points which have been raised.
- 5.2.10 At the conclusion of the Hearing, all the evidence will be considered; the accused student informed of the decision; and this decision reported to PRAB.
- 5.2.11 The PRAB shall ratify the penalty that shall be applied to the student and the action to be taken on this basis. The decision of the Hearing, penalty applied, and action taken shall be reported to the Dean and Associate Dean [R&I] of the relevant School.
- 5.2.12 PRAB's report shall be recorded on the student's file for future reference, and the Vice-Chancellor notified.
- 5.2.13 All actions taken regarding a student who has been accused of misconduct should be reported to the relevant parties, such as supervisors and examiners.
- 5.2.14 In the event that a student fails to attend the Stage Two Hearing without reasonable explanation or fails to communicate with the School in any way, the Stage Two Hearing will proceed in his/her absence and the student will be informed by correspondence normally within five working days of the outcome of the Stage Two Hearing.

6 Penalties and Actions

- 6.1 If a student is found to be guilty of research misconduct, then penalties shall be imposed in accordance with the following and actions taken as noted:

Stage One

<u>Penalty:</u>	Formal warning issued Formal record put on student file and details added to SITS
<u>Action taken:</u>	Supervisors and PGT to counsel student and advise on avoidance of future occurrences

Stage Two

If misconduct proven **prior** to submission of thesis:

<u>Penalty:</u>	Withdrawal of Registration Appeal may be made using a misconduct review stage (see Section 7)
<u>Action taken:</u>	Student record and withdrawal marked with details of decision

If misconduct proven **after** submission of thesis:

<u>Penalty:</u>	Fail Appeal may be made using a misconduct review stage (see Section 7).
<u>Action taken:</u>	Student records marked clearly with details of decision If decision is taken <i>following award of degree</i> then thesis deposit removed from Library and all external parties notified. Thesis retained by GRS and marked accordingly.

7 Review Stage

The student shall have the right to a formal Review by a University Academic Misconduct Review Panel Hearing of a **decision** made by a Stage Two Hearing that misconduct has occurred. A student **cannot request a review of a penalty** recommended by a Stage Two Hearing.

In extenuating circumstances, a student may make written representation within 15 working days of the Stage Two Hearing, requesting the University Academic Misconduct Review Panel to consider the decision of the Stage Two Hearing of whether misconduct has taken place.

7.1 **Application Process**

7.1.1 Written applications in the first instance must be made to the Chair of the Review Panel, Deputy Vice-Chancellor (Partnerships & Standards) via the Ombuds Officer in the Ombuds Office. Only in extenuating circumstances will late applications be considered and in any event no later than three months from the date of the Stage Two Hearing. Non agreed late applications will normally be rejected as 'out of time'. If a student submits a late submission they must enclose, with their application, a written explanation for their late submission. The decision of whether to accept a late application will be at the discretion of the Chair of the Review Panel.

7.1.2 The Chair or nominee of the Review Panel, once they have received the minutes and evidence from the Chair of the Stage Two Hearing, will decide whether there is justification as cited below.

Applications can only be made on the following grounds:

- That the decision reached by the Stage Two Hearing as to whether misconduct has occurred was wholly inconsistent and/or unsupported by evidence;

and/or

- That there was a material and/or procedural irregularity by the Stage Two Hearing which has prejudiced the student's case;

and/or

- Additional evidence has come to light since the decision of the Stage Two Hearing, which could not have been expected to have been produced at the time of the consideration of the case.

Students may not challenge academic judgement.

- 7.1.3 Alternatively, the following procedure applies if it appears to the Ombuds Officer that the student's application is incomplete, misconceived or out of time.

The Ombuds Officer will liaise with the Chair or nominee of the Review Panel to agree that the application is misconceived, incomplete or is out of time and that the student has failed to show why it was not reasonably practicable for him/her to submit the application in time. In such cases, the Chair or nominee shall have the power to dismiss the application, in which event the provisions of section 7.6 of this document shall apply as if the full Review Panel had met and had dismissed the application. Alternatively, if the Chair or nominee, after considering the representation from PRAB, believes that the student's case is well founded they may request that PRAB reconvene a Stage Two Hearing in accordance with section 7.7.4 of this document.

The decision of the Chair or nominee of the Review Panel as to whether or not to reconvene the Stage Two Hearing is not subject to further internal appeal and concludes the academic misconduct process within Teesside University.

7.2 **Constitution of the Academic Misconduct Review Panel**

- 7.2.1 The Review Panel will normally consist of the following three members:

- The Chair shall be the Deputy Vice-Chancellor (Partnerships & Standards) or nominee.
- Deputy/Assistant Dean from a School other than which the student is/has been enrolled and who has not previously been involved in the case.
- One representative of the Students' Union (not previously involved in the case).

- 7.2.2 The Review Panel may choose to conduct business if one member is unable to be present for any reason. However, a representative of the Students' Union must always be present for business to be conducted.

- 7.2.3 A secretary will also attend to take formal minutes of the proceedings along with an Officer who will act as Clerk to the

Review Panel and provide advice and guidance on the regulations.

7.2.4 Meetings of the Review Panel will be held as soon as it proves possible to convene a meeting of members.

7.3 Informing the Student

7.3.1 The administrative processes and timescales may depend on where the student is living when required to attend the University regarding a review of an academic misconduct decision. The University will endeavour to make reasonable adjustments, in conjunction with the Students' Union, to ensure that the process is fair to all parties.

7.3.2 The Ombuds Officer will arrange for a University Academic Misconduct Review Panel to be convened and formally notify the student concerned no later than five working days prior to the Review Panel Hearing. The correspondence must include:

7.3.2.1 The date, time and venue of the Review Panel Hearing.

7.3.2.2 Their right to be accompanied by a friend, who is entitled to speak or act on their behalf.

7.3.2.3 A copy of the current Regulations.

7.3.2.4 The constitution of the Review Panel.

7.3.2.5 Notification that the Review Panel Hearing will proceed in their absence should they fail to provide reasonable explanation for their non-attendance.

7.4 Advising the Chair of the Stage Two Hearing

7.4.1 The Ombuds Officer will inform the Chair of the Stage Two Panel Hearing in writing giving a minimum of five working days prior to the Review Panel Hearing. The correspondence will include:

7.4.1.1 The date, time and venue of the Review Panel Hearing.

7.4.1.2 Their right to be accompanied by a friend, who is entitled to speak on their behalf.

7.4.1.3 A copy of the current Regulations.

7.4.1.4 The constitution of the Review Panel.

7.5 Procedure for the University Academic Misconduct Review Panel Hearing

- 7.5.1 It will not normally be possible for the date of the Review Panel Hearing to be changed, and this will only be done in respect of extenuating circumstances, for example medical treatment. Holiday arrangements do not normally constitute a valid reason. Any requests for a change in the date of a Review Panel Hearing must be submitted in writing to the Ombuds Officer, and the decision to change agreed arrangements will be taken by the Chair. Where a decision to re-arrange a Review Panel Hearing has been refused the student will be informed, in writing of the refusal, and the case will be considered in the absence of the student.
- 7.5.2 In considering the application, the Review Panel may call any relevant persons to give evidence. If it is expected that attendance of a member of staff may be required by the Panel, five working days notice of the meeting should normally be given and the member of staff may be accompanied to the meeting by a friend. The Review Panel Chair will provide the member of staff with the appropriate documentation.
- 7.5.3 The presentation of any new documentation, on the day of the Review Panel Hearing, will only be accepted in extenuating circumstances with agreement of the Chair of the Review Panel. This may result in a suspension of proceedings to provide all parties with the opportunity to consider the new documentation.
- 7.5.4 Information given in writing to the Ombuds Officer, prior to the Review Panel Hearing, will be communicated to the Review Panel. Information given orally to the Secretary may not be communicated to the Review Panel.
- 7.5.5 All participants will be expected to behave in an orderly and non-confrontational manner. If the Chair deems it necessary they may adjourn proceedings if, in their opinion, progress of the Review Panel Hearing is being impeded.
- 7.5.6 During the Review Panel Hearing the general order of events shall be:
- 7.5.6.1 The Chair will outline the procedure of the Review Panel Hearing to all parties.

- 7.5.6.2 The Chair will ask the student and/or friend to present their case in support of their appeal.
- 7.5.6.3 Members of the Review Panel may ask questions of the student and/or their friend.
- 7.5.6.4 The Chair will ask the student and/or their friend to leave the meeting.
- 7.5.6.5 The Chair will ask the School representative(s) to present their case.
- 7.5.6.6 Members of the Review Panel may ask questions the School representative(s).
- 7.5.6.7 The Chair will ask the School representative(s) to leave the meeting.
- 7.5.6.8 The Panel will consider the evidence in private and reach a decision in accordance with section 7.6 of this document.

7.5.7 The deliberations of the Review Panel and any documents produced before it are confidential to it, but such documents will be circulated to the Chair of the relevant reconvened Stage Two Hearing, if sections 7.6.2, 7.6.3 and 7.6.4 in this document apply.

7.5.8 The Review Panel has the authority to adjourn the Review Panel Hearing if it requires further information or evidence as it deems appropriate to assist in making its decision.

7.6 Academic Misconduct Review Panel Decision

After consideration of the available evidence relating to an application, the Review Panel may:

7.6.1 Reject the application;

or

7.6.2 Refer the application, and all relevant documentation available to the Review Panel, to the Panel of the relevant Stage Two Hearing, inviting reconsideration of the earlier decision in the light of the information now available.

or

7.6.3 Refer the application, and all relevant documentation available to the Review Panel, to the Panel of the relevant Stage Two Hearing, directing the Stage Two Hearing Panel to assess implications and act on any consequences, within the regulations.

or

7.6.4 Refer the application, and all relevant documentation available to the Review Panel, to the Panel of the relevant Stage Two Hearing directing rectification of specified matters, assessment of implications and action on any consequences, within the regulations.

The Review Panel shall keep a record of its proceedings. The decision shall be circulated to the student, the School/collaborative partner and also, when appropriate, to any Academic Board Standing Committee with overall responsibility for assessment matters, so that any issues of principle or general interest may be identified and acted upon. The record shall also be available to the Academic Board in extenuating circumstances.

7.7. Procedure following the Decision of the Academic Misconduct Review Panel Hearing

7.7.1 The student and the Chair of the Stage Two Hearing will be informed by the Ombuds Office, in writing, of the decision of the Review Panel normally within five working days of the Review Panel Hearing.

7.7.2 Where an application is not upheld, the decision of the Review Panel shall be effective immediately.

7.7.3 Where an application is not upheld, the student shall be issued normally within five working days of the Review Panel Hearing, with a 'Letter of Completion' of internal proceedings in the manner prescribed by the Office of the Independent Adjudicator for Higher Education [OIA]. A student who is of the opinion that their case is unresolved may apply to the OIA for reconsideration of their case under the rules of its scheme within three months of the issue of the 'Letter of Completion'. Information of the process may be obtained directly from the OIA at <http://www.oiahe.org.uk>.

7.7.4 When it is decided that a case shall be referred back to PRAB:

7.7.4.1 The Ombuds Officer will advise the student that some delay is inevitable before a final decision is reached.

7.7.4.2 The Ombuds Officer will inform the student how their case will be presented to the reconvened Stage Two Hearing.

7.7.4.3 All papers considered by the Review Panel will be forwarded to the Chair of the reconvened Stage Two Hearing (together with the relevant record of the Review Panel) unless, in extenuating circumstances, the Chair of the Review Panel Hearing directs that it would be appropriate to withhold some of the documentation or agrees with a request by the student to withhold sensitive personal information.

The independent person from the School or University and the Chair of the re-convened Stage Two Hearing must not have had any previous involvement in the case.

7.7.4.4 Where an application is referred back to a reconvened Stage Two Hearing, that Panel's ultimate decision shall be final.

7.7.4.5 The reconvened Stage Two Hearing shall meet as promptly as possible to consider a reference back and make a decision on whether academic misconduct has occurred. The Chair of the reconvened Stage Two Hearing is responsible for communicating the outcome to the student and to the Ombuds Officer in writing, normally within five working days of the Stage Two Hearing, but there is no requirement to advise the student of the reasons leading to the decision reached.

In the event that the reconvened Stage Two Hearing considers it appropriate to revise the penalty originally imposed, the Stage Two Hearing will make such a recommendation to PRAB. The student will be informed of the outcome following the decision of PRAB.