

CODE OF PRACTICE ON STUDENT DISCIPLINE¹

¹ Version approved by the University Court on 29 September 2010

TABLE OF CONTENTS

1. PURPOSE OF THIS CODE	3
2. ACADEMIC MISCONDUCT	3
2.1 Cheating	3
2.2 Research Misconduct	3
3. OTHER FORMS OF MISCONDUCT	4
4. MISCONDUCT AND THE CRIMINAL LAW	5
4.1 Misconduct which is also a criminal offence	5
4.2. University policy on criminal misconduct.....	5
5. PROCEDURE IN CASES OF ALLEGED MISCONDUCT	6
5.1 Reporting allegations of misconduct	6
5.2 Disciplinary responsibilities	6
5.3. Disciplinary Committees	6
5.4. Preliminary investigation by Investigating Officer.....	7
5.5 Disciplinary Hearings	7
5.5.1 Procedure prior to the hearing	7
5.5.2 Representation	8
5.5.3 Conduct at the hearing	8
5.6 Determination of the case in the absence of the student	9
6. OTHER DISCIPLINARY AUTHORITIES.....	11
7. PROCEDURES FOR DEALING WITH ACADEMIC MISCONDUCT	13
7.1. Procedures for dealing with Plagiarism – General	13
7.2. Alleged plagiarism by students registered in undergraduate programme year 0-2.....	13
7.3 Plagiarism by students registered in undergraduate programme year 3 and above excluding postgraduate level, but including students registered for the Professional Graduate Diploma in Education.	16
7.4 Alleged plagiarism by students registered at postgraduate level	17
7.5 Records in respect of plagiarism.....	20
7.6 Procedures for dealing with other forms of cheating	20
8. PENALTIES FOR ACADEMIC MISCONDUCT.....	21
8.1 Cheating in undergraduate programme years 0-2	21
8.2 Cheating in undergraduate programme years 3-5 and the PGDE	22
8.3 Cheating in Taught Postgraduate Programmes: Taught Element.....	22
8.5 Research Degrees	23
9. RIGHTS OF APPEAL.....	23
9.1. Right of appeal against disposal by an Investigating Officer.....	23
9.2 Right of appeal against disposal by a Disciplinary Committee.....	24
9.3 Right of appeal against disposal by the Director of Policy, Planning & Governance	24
10. EFFECT OF DECISIONS.....	25
11. INELIGIBLE PERSONS.....	25
12. EXPULSION, SUSPENSION OR EXCLUSION FROM THE UNIVERSITY IN CASES OF URGENCY	25
13 MEANING OF EXPULSION, SUSPENSION OR EXCLUSION.....	26
14. STANDARD OF PROOF.....	27
15. INDEPENDENT REVIEW	27

CODE OF PRACTICE ON STUDENT DISCIPLINE

1. PURPOSE OF THIS CODE

The University is a community dedicated to the advancement and dissemination of knowledge through research, teaching and learning. Those objectives can be achieved only if the members of the University community can live and work beside each other in conditions of safety and security and with respect for the rights of others. This code is intended to support these objectives by prescribing sanctions against misconduct by students which interferes with the proper functioning of the University, its activities, or with the legitimate interests of those who work or study in the University. This code should be read and applied in the light of the above.

2. ACADEMIC MISCONDUCT

2.1 Cheating²

2.1.1 Cheating in any assessment, whether formative or summative, can result in disciplinary action being taken under this Code. For these purposes "Cheating" includes:

(a) Possession in an examination of material or electronic device which has not been authorised in writing by the relevant Course Co-ordinator. Students whose first language is not English may, however, refer to a dictionary where this is approved by the Head of the School³ responsible for the examination;

(b) Copying from another student in an examination;

(c) Removing an examination book from an examination room;

(d) Impersonating another candidate in relation to any assessment;

(e) Permitting another person to impersonate oneself in relation to any assessment;

(f) Paying or otherwise rewarding another person for writing or preparing work to be submitted for assessment;

(g) Colluding with another person in the preparation or submission of work which is to be assessed. This does not apply to collaborative work authorised by the relevant course coordinator.

(h) Plagiarism. Plagiarism is the use, without adequate acknowledgment, of the intellectual work of another person in work submitted for assessment. A student cannot be found to have committed plagiarism where it can be shown that the student has taken all reasonable care to avoid representing the work of others as his or her own.

2.2 Research Misconduct

2.2.1 Allegations of research misconduct made against students will be investigated under this Code.

2.2.2 'Research misconduct' is defined by the University as:

The fabrication, falsification, plagiarism or deception in proposing, carrying out or reporting results of research, or deliberate, dangerous or negligent deviations from accepted practices

² The role of the internal and external examiners shall be restricted to the presentation of evidence; they shall have no role in deciding whether a student is guilty of cheating.

³ Throughout the Code there are instances where the Head of School is stipulated as responsible for dealing with alleged cases of academic misconduct. Heads of School may however elect to delegate authority to another member of academic staff to undertake the task of investigating cases and meeting with students. The final decision in regard to whether academic misconduct may or may not have taken place must rest with the Head of School.

in carrying out research. It includes failure to follow established protocols if this failure results in unreasonable risk or harm to humans, other vertebrates, or the environment, and facilitating of misconduct in research by collusion in, or concealment of, such actions by others. It also includes financial impropriety in accounting for research funds, intentional unauthorised use, disclosure or removal of, or damage to, research-related property of the University or of another, including apparatus, materials, writings, data, hardware or software or any other substances or devices used in or produced by the conduct of research.

2.2.3 It does not include honest error or honest differences in the design, execution, interpretation or judgement in evaluating research methods or results, or misconduct unrelated to the research process. Similarly it does not include poor research unless this encompasses the intention to deceive.

3. OTHER FORMS OF MISCONDUCT

3.1 A person who, without good cause, does any of the following is guilty of misconduct under this Code:

3.1.1 Seriously disrupts, or seriously interferes with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere;

3.1.2 Obstructs, or seriously interferes with, the functions, duties or activities of any student, member of staff or other employee of the University or any authorised visitor to the University;

3.1.3 (a) Behaves in a violent, indecent, disorderly, threatening or offensive manner whilst on University premises or engaged in any University activity;

(b) Uses threatening, abusive or offensive language whilst on University premises or engaged in any University activity;

3.1.4 Engages in deception or other forms of dishonesty in relation to the University or its staff or in connection with holding any office in the University or in relation to being a student of the University;

3.1.5 Behaves in a way likely to cause injury to any person or impair safety on University premises or while engaged in any University activity;

3.1.6 Harasses any student, member of staff or other employee of the University or any authorised visitor to the University. For these purposes “harassment” means behaviour or language which is regarded by the person to whom it is directed as harassment and which would be regarded as harassment by any reasonable person. Where a student alleges harassment by another student, there must be a direct connection to the University relation to the allegation.

3.1.7 Discriminates against any student, member of staff or other employee of the University or any authorised visitor to the University on any ground such as colour, race, nationality, national origins, disability, sexual orientation, religion or belief, family circumstances, political beliefs, gender, gender reassignment, trade union membership, age or any other unfair distinction.

3.1.8 Intentionally or recklessly damages University property or the property of other members of the University community, or of any authorised visitor to the University.

3.1.9 Steals University property, or the property of other members of the University or of any authorised visitor to the University.

3.1.10 Misuses or makes unauthorised use of University premises or items of property, including computer misuse, infringement of copyright when copying or downloading published information and the misuse of safety equipment.

3.1.11 Deliberately does, or fails to do, anything which thereby causes the University to be in breach of a statutory obligation.

3.1.12 Fails, upon request, to disclose name, address and programme of study to an officer or employee of the University in circumstances where it is reasonable to require that such information be given.

3.1.13 Fails to comply with a previously-imposed penalty under this Code.

4. MISCONDUCT AND THE CRIMINAL LAW

4.1 Misconduct which is also a criminal offence

4.1.1 A person who, without good cause, engages in conduct which is a criminal offence according to the law of Scotland, is guilty of misconduct under this Code provided that the conduct in question:

- (a) takes place on University premises, or
- (b) is committed by a student engaged on a University activity, or
- (c) affects or concerns other members of the University community, or
- (d) is an offence of dishonesty, where the student holds an office of responsibility in the University.

4.2. University policy on criminal misconduct

4.2.1 The University may report to the police any allegation of criminal misconduct if it believes that this will best serve the interests of the University community or the wider public interest.

4.2.2 The University will report to the police any allegation of criminal misconduct:

- (a) where failure to do so may expose the University to criminal proceedings; or
- (b) if it is of a serious nature.

4.2.3 The University encourages any student who has been the victim of a criminal offence to report this to the University and to the police.

4.2.4 (a) Where alleged misconduct under this code constitutes a criminal offence, the University may take action under this code whether or not the matter has been referred to the police and whether or not criminal proceedings have been initiated.

(b) The University may, at its discretion, await the outcome of any criminal proceedings before deciding whether to initiate any internal action in respect of alleged criminal misconduct.

(c) The University may, at its discretion, suspend any internal disciplinary action in respect of alleged criminal misconduct to await the outcome of any criminal proceedings.

(d) Where a student is convicted of an offence, that conviction may be relied upon as evidence in any University disciplinary proceedings provided that the circumstances leading to that conviction are directly relevant to those proceedings.

5. PROCEDURE IN CASES OF ALLEGED MISCONDUCT

5.1 Reporting allegations of misconduct

Non-academic misconduct

5.1.1 Anyone may draw to the attention of the Secretary to the University any circumstances which he or she considers may constitute misconduct by a student of the University.

Academic misconduct

5.1.2 Allegations of academic misconduct should be reported to the Academic Registrar.

5.2 Disciplinary responsibilities

5.2.1 Subject to section 6 (disciplinary procedures conducted by Halls Management and other University Officers) and section 7 (procedures for dealing with academic misconduct) it is for either an Investigating Officer or a Disciplinary Committee appointed by the Senate to decide whether the conduct complained of, if admitted or proved, constitutes misconduct and if so, what penalty should be imposed.

5.2.2 In the first instance any formal complaint received which appears to involve a matter of student discipline will be referred to an Investigating Officer appointed by the Senate to investigate cases of alleged misconduct.

5.2.3 The Investigating Officer shall be a Vice-Principal⁴. Where a Vice-Principal is the Head of a College and is called upon to act as an Investigating Officer in a case of academic misconduct it shall not be the Head of the College responsible for the School from which the allegation of misconduct has arisen.

5.2.4 In cases of alleged research misconduct, the Investigating Officer will normally be the Vice-Principal with responsibility for research.

5.3 Disciplinary Committees

5.3.1 Disciplinary Committees are appointed from the Disciplinary Committee Panel.

5.3.2 The Disciplinary Committee Panel comprises twelve staff and seven student members of the Senate appointed by the Senate each year to deal with breaches of discipline.

5.3.3 The Convener of a Disciplinary Committee, who will be selected by the Secretary to the University, need not be a member of the Panel.

5.3.4 A Disciplinary Committee shall consist of

- (a) a senior member of the Senate in the Chair, and
- (b) four other members of the Senate: two staff and two student members, selected by the Secretary to the University from the Disciplinary Committee Panel.

5.3.5 A student whose conduct is under scrutiny may insist that no student be included in the Committee. In this event, the Committee shall comprise a senior member of the Senate in the Chair, and four other staff members of the Senate selected by the Secretary to the University from the Disciplinary Committee Panel.

⁴ The Vice-Principal may elect to delegate authority to a senior member of academic staff drawn from the Disciplinary Committee Panel to fulfil the role of Investigating Officer.

5.3.6 A student whose conduct is under scrutiny may object to the inclusion in the Committee of any particular person or persons on cause shown. The student should be sent the Panel membership and asked to make known any objections, in writing, to the Clerk not less than seven days prior to the disciplinary hearing. Where the student objects to any individual of the Panel serving on the Committee it shall be for the Convener of the Committee to determine whether the objection should be upheld. If the objection is to the Convener of the Committee that objection to the Convener shall be determined by another Vice-Principal.

5.4. Preliminary investigation by Investigating Officer

5.4.1 The Investigating Officer shall conduct such preliminary investigation as seems appropriate to the case, including the consideration of such representations as may be submitted by interested parties.

5.4.2 After preliminary investigation the Investigating Officer may:

- (a) dismiss the allegation of misconduct, or
- (b) in the case of misconduct other than academic misconduct, conduct a hearing on the alleged misconduct and determine the case in accordance with paragraphs 5.5 – 5.7 below;
- (c) in the case of academic misconduct, conduct a hearing on the alleged misconduct in accordance with paragraphs 5.5 – 5.7 below, and impose a penalty in accordance with section 8 below.

5.4.3 Where the Investigating Officer has decided to deal with the case in accordance with paragraph 5.4.2(b) or (c), the student may request that the case be heard by a Disciplinary Committee. Where the case is heard under paragraph 6 below, that option will not be available to the student.

5.4.4 If, after preliminary investigation, the Investigating Officer forms the view that any penalty available to him or her in the event of a finding of misconduct would be inadequate, the case must be referred to a Disciplinary Committee.

5.4.5. The Investigating Officer may hear the case or refer it to a Disciplinary Committee only if there appear to be good reasons for believing that misconduct may have occurred.

5.4.6. If, having heard the case, the Investigating Officer forms the view that the penalty available to him or her in the event of a finding of misconduct is inadequate⁵, the case must be referred to a Disciplinary Committee, but *only* for consideration of the penalty.

5.5 Disciplinary Hearings

Subject to Section 7 below (procedure in cases of academic misconduct) the following procedures shall be followed in all cases of misconduct.

5.5.1 Procedure prior to the hearing

5.5.1.1 Subject to paragraph 5.5.1.1.1 below, the student who is the subject of disciplinary proceedings (“the student”) shall be informed in writing of any allegations made against him or her and of the date and venue of the proposed hearing, normally with notice of at least seven days during term-time and fourteen days out of term.

5.5.1.1.1 Where, in the case of a minor breach of discipline, the matter is dealt with by Halls Management of a University Hall of Residence under section 6 of the Code of Practice, the period of notice is set out in paragraph 5.5.1.1 above may, at the sole discretion of Hall Management, be reduced to a period not less than three days.

⁵ This would happen in a case where new evidence came to light at the Hearing, which could not have been known during the preliminary investigation.

5.5.1.2 The student shall be invited to respond in writing to these allegations, but shall not be required to do so.

5.5.1.3 The student shall be provided with a copy of the Code of Practice on Student Discipline and with any other relevant University Codes of Practice.

5.5.1.4 A hearing may be adjourned to a later date if the interests of justice would be served thereby.

5.5.1.5 The student shall receive copies of all written submissions which are to be considered at the hearing, normally at least seven days before the hearing during term-time and fourteen days out of term.

5.5.2 Representation

5.5.2.1 The student, and, where the proceedings are based on an alleged offence against another person, that person (“the complainer”), may be accompanied or represented at any hearing of the case by one person of his or her choice. The Investigating Officer, or the Convener of the Disciplinary Committee (“the Convener”), has the discretion to permit other persons to accompany the student or the complainer at the hearing.

5.5.2.2 The University will not provide legal or other representation for complainers or for students subject to disciplinary proceedings under this Code.

5.5.3 Conduct at the hearing

5.5.3.1 The Investigating Officer will outline the procedures to be followed, after which the witness(es) will be asked to leave until called to give evidence.

5.5.3.2 The Investigating Officer will then outline the nature of the allegation(s) against the student and invite the student to state whether he or she admits or denies the allegations.

5.5.3.3 The Investigating Officer will invite the Head of the School or the person making the allegation of misconduct to make a statement.

5.5.3.4 The School or persons making the allegation of misconduct may at this stage present supporting evidence to the Investigating Officer. Evidence may include oral testimony of witnesses or previously submitted written evidence.

5.5.3.5 The Investigating Officer will invite the student to make a statement in response.

5.5.3.6 The student and/or the student’s representative may at this stage present supporting evidence to the Investigating Officer. Evidence may include oral evidence of witnesses or written submissions.

5.5.3.7 The Investigating Officer will take the opportunity to seek clarification on any points raised, both with the student and any witness(es).

5.5.3.8 Any oral evidence will be taken in the presence of the student or, in his or her absence, and with his or her approval, in the presence of his or her representative.

5.5.3.9 The student and/or his or her representative will be invited to address questions through the Investigating Officer to any witness(es) on their statement(s) and on their written submissions.

5.5.3.10 The student and/or his or her representative will be invited to give a concluding statement.

5.5.3.11 When all statements have been made, all witnesses heard and all questioning completed, all persons present other than the Investigating Officer must leave the room. The Clerk may, however, remain with the Investigating Officer, provided that neither the student nor the complainer (if there is one) objects.

5.5.3.12 The Investigating Officer will consider the evidence and reach a decision, which will be communicated to the student in writing **normally** within five⁶ working days of the Investigating Officer reaching a decision.

5.5.4 Conduct at Disciplinary Committee

5.5.4.1 The Convener will outline the procedures to be followed, after which the witness(es) will be asked to leave until called to give evidence.

5.5.3.2 The Convener will then outline the nature of the allegation(s) against the student and invite the student to state whether he or she admits or denies the allegations.

5.5.4.3 The Convener will invite the Disciplinary Investigating Officer to make a statement regarding the decision he/she reached following the disciplinary hearing.

5.5.4.4 The Committee will take the opportunity to seek clarification on any points raised with the Disciplinary Investigating Officer.

5.5.4.5 The Convener will invite the student to make a statement.

5.5.4.6 The student and/or the student's representative may at this stage present supporting evidence to the Disciplinary Committee. Evidence may include oral evidence of witnesses or written submissions.

5.5.4.7 The Committee will take the opportunity to seek clarification on any points raised, both with the student and any witness(es).

5.5.4.8 Any oral evidence will be taken in the presence of the student or, in his or her absence, and with his or her approval, in the presence of his or her representative.

5.5.4.9 The student and/or his or her representative will be invited to address questions through the Convener to the Disciplinary Investigating Officer or witness(es) on their statement(s) and on their written submissions.

5.5.4.10 The student and/or his or her representative will be invited to give a concluding statement.

5.5.4.11 When all statements have been made, all witnesses heard and all questioning completed, all persons present other than the members of the Disciplinary Committee must leave the room. The Clerk may, however, remain with the Disciplinary Committee, provided that neither the student objects.

5.5.4.12 The Disciplinary Committee will consider the evidence and reach a decision, which will be communicated to the student in writing **normally** within five^[1] working days of the Disciplinary Committee reaching a decision.

5.6 Determination of the case in the absence of the student

⁶ In some cases further clarification may be sought e.g. from the School making the allegation, leading to a delay in notifying the student of the outcome of the hearing.

5.6.1 Where a student cannot attend an initial interview or hearing he/she, as an alternative, can either select another person to represent him or her, or submit further representations in writing, but shall not be required to do so. Where a student elects to select another person to represent him or her, written notification of this must be submitted to the Registry.

5.6.2 Where a student cannot attend an initial interview, hearing or Disciplinary Committee and requests that the interview, hearing or Disciplinary Committee be deferred to allow him/her to attend in person, the student cannot subsequently use the impact which the deferral of the interview, hearing or Disciplinary Committee may have on his/her academic performance as grounds for an appeal or complaint.

5.6.3 In the event that an initial interview, hearing or Disciplinary Committee is deferred at the request of the student the interview, hearing or Disciplinary Committee must be rescheduled to take place on a date normally within 6 weeks of the date originally notified to the student. If the student is unable to attend the rescheduled interview, hearing or Disciplinary Committee, the interview, hearing or Disciplinary Committee the case will be considered and a decision reached in the absence of the student. Under the terms of paragraph 5.6.1 the student can either select another person to represent him or her, or submit further representations in writing.

5.6.4 If the Investigating Officer or the Disciplinary Committee believes that a student has wilfully refused to attend a formal hearing, the case may be considered and a decision reached in the absence of the student.

5.7 Penalties

5.7.1 Penalties which may be imposed by an Investigating Officer

Subject to section 8 below (penalties in case of academic misconduct) if misconduct is admitted or, following a hearing, proved, an Investigating Officer may impose any of the following penalties:

- (a) a written or oral reprimand
- (b) a fine of not more than £250
- (c) exclusion for a period not exceeding 14 days
- (d) restitution or compensation not exceeding £250
- (e) expulsion from residence in University Halls of Residence
- (f) a combination of these penalties.

For the purpose of this rule 'exclusion' has the meaning attached to it under paragraph 12.5 below.

5.7.2 Penalties which may be imposed by a Disciplinary Committee

Subject to section 8 below (penalties in the case of academic misconduct) if misconduct is admitted or, following a hearing, proved, a Disciplinary Committee may impose any of the following penalties:

- (a) a written or oral reprimand
- (b) a fine of not more than £1000
- (c) exclusion for a period not exceeding 28 days
- (d) suspension of matriculated student status for a period not exceeding one half-session
- (e) restitution or compensation not exceeding £1000
- (f) expulsion from residence in University Halls of Residence
- (g) a combination of any of the above penalties, or
- (h) expulsion from the University

6. OTHER DISCIPLINARY AUTHORITIES

6.1 Certain categories of alleged minor breaches of discipline may be reported to and determined by:

- (a) the Community Liaison Officer or an appropriate staff member from the team of Residence Life Support Staff (Halls Management & Student Representative) if the behaviour complained of occurred in a University Hall of Residence or involves University Hall of Residence property or staff, or otherwise involves a University Hall of Residence and is alleged to have been committed by one of its residents or by a non-resident matriculated student; or
- (b) the Head of the relevant Service, if the behaviour complained of occurred in the Library, relates to Library books or involves the Library in any other way, or if the behaviour complained of occurred in the Computing Centre or relates to Computing Centre resources or equipment or involves the Computing Centre in any other way; or
- (c) the Director of Student Affairs, if the behaviour complained of occurred in facilities managed by the Director or involves the Sport & Recreation Services in any other way.

Staff members referred to in (a) to (c) above are referred to, hereafter in Section 6, as the 'appropriate Disciplinary Authority'.

6.2 The powers exercised under this section of the Code are to be exercised only in the case of minor breaches of discipline, having regard, in particular, to the penalties which may be imposed. Otherwise, the matter should be referred to an Investigating Officer or to a Discipline Committee in accordance with the procedure set out in section 5.1.1 above.

6.3 Alleged breaches of discipline relating to University Halls of Residence.

6.3.1 Alleged breaches of discipline relating to University Halls of Residence considered under 6.1(a) above will be classified as Class 1, Class 2 or Class 3 reflecting the seriousness of the allegation. Examples of the types of behaviour falling into each class are included in Annex 1 to the Code. In considering the classification of misconduct, the designated Disciplinary Authority will take account of the accumulation of past offences as well as their seriousness and may consider classification as Class 2 or Class 3.

6.3.2 Allegations categorised as Class 1 will be considered and determined by an appropriate staff member from the team of Residence Life Support Staff. In disposing of a matter categorised as Class 1 the staff member responsible may impose a penalty as set out in paragraph 6.5. Allegations categorised as Class 2 will be considered and determined by the Community Liaison Officer. In disposing of a matter categorised as Class 1 the Community Liaison Officer may impose a penalty as set out in paragraph 5.7.1. If the alleged misconduct is deemed to be of a serious nature, it will be referred to the Director of Student Affairs for investigation by a Disciplinary Committee.

6.4 In considering any case under this section of the Code, the appropriate Disciplinary Authority must follow the procedures set out under section 5.4 – 5.6 above for the investigation and determination of a case by a University Investigating Officer.

6.5 If misconduct of a minor nature is admitted or, following a hearing, proved, the penalty which may be imposed by one of the above shall be:

- (a) a written or oral reprimand
- (b) a fine of not more than £100
- (c) restitution or compensation not exceeding £100
- (d) suspension of Library, Computing Centre or Sport and Recreation Services rights, as appropriate, for a period not exceeding seven days

(e) confiscation of equipment or items causing damage to property or unreasonable disturbance to people.

6.6 Where the matter relates to a University Hall of Residence and if the student does not accept the decision, or the penalty imposed, he or she may request: for allegations considered under Class 1 procedures, that the matter is referred for consideration under Class 2 procedures; for allegations considered under Class 2 procedures, that the matter is referred for consideration under Class 3 procedures. In either case, the referred hearing will be the full and final hearing of the case.

6.7 In all other cases considered under Section 6, if the student does not accept the decision, or the penalty imposed, under this section, he or she may request the appropriate Disciplinary Authority to refer the matter to the Director of Policy Planning & Governance. This is the only route by which decisions taken under Section 6, which do not relate to University Halls of Residence, can be reviewed.

6.8 Any such request must be made in writing, not more than seven days after the date of the decision in question.

6.9 In the investigation and disposal of a matter referred to the Director of Policy Planning & Governance under paragraph 6.5 above, the Director of Policy Planning & Governance (who, in such cases, would be deemed to be the Investigating Officer) must follow the procedures set out in section 5.4 – 5.6 above.

6.10 In disposing of a matter referred to the Director of Policy Planning & Governance under paragraph 6.7 above, the Director of Policy Planning & Governance may not impose any other penalty, or any greater penalty than is set out in paragraph 6.5.

7. PROCEDURES FOR DEALING WITH ACADEMIC MISCONDUCT

Paragraphs 7.1 to 7.5 relate to procedures for dealing with cases of plagiarism; paragraph 7.6 relates to procedures for dealing with other forms of cheating (e.g. collusion. See section 2 for definitions)

7.1. Procedures for dealing with Plagiarism – General

7.1.1 Plagiarism is defined in paragraph 2.1.1 (h) above.

7.1.2 Any allegation of plagiarism must be made, in writing, to the Head of the School responsible for the course in respect of which the alleged plagiarism has occurred.

7.1.3 Where an allegation of plagiarism has been made the Head of the School shall:

(a) in the case of alleged plagiarism by a student registered in undergraduate programme year 0-2, follow the procedures set out at paragraphs 7.2.1 – 7.2.22 below;

(b) in the case of alleged plagiarism by a student registered in undergraduate programme year 3 or above, follow the procedures set out at paragraphs 7.3.1 – 7.3.7 below.

(c) in the case of alleged plagiarism by a student registered at postgraduate level⁷, follow the procedures set out at paragraphs 7.4.1 – 7.4.22 below.

7.1.4 Heads of School may elect to delegate authority to another specified member of academic staff to investigate allegations of plagiarism and to meet with students, as described in paragraphs 7.2.3, 7.2.7 and 7.3.1 below. However, in regard to alleged plagiarism by students registered in undergraduate programme years 0-2 who have not previously been found to have committed plagiarism, the final decision as to whether plagiarism has or has not occurred must rest with the Head of the School (paragraph 7.2.4 refers); and in all other cases, the final decision as to whether plagiarism has not occurred or that there are good reasons for believing that plagiarism may have occurred shall also rest with the Head of the School (paragraphs 7.2.9 and 7.3.2 refer).

7.1.5 Where an allegation of plagiarism is made against a student registered as “off-campus” and distance means that students and designated staff cannot readily travel to meetings, the student concerned should be contacted and given the opportunity to respond to the School’s concerns in writing or by other available means of communication.

7.2. Alleged plagiarism by students registered in undergraduate programme year 0-2

7.2.1 Where an allegation of plagiarism is made against a student registered in undergraduate programme year 0-2 the Head of the School shall immediately notify the Academic Registrar of the allegation in writing.

7.2.2 On receipt of this notice, the Academic Registrar will ascertain whether the student concerned has been the subject of any previous finding of plagiarism, or has received a formal written warning in respect of plagiarism in accordance with paragraph 7.2.6 below and shall notify the Head of the School accordingly.

A. Procedure where the student has not previously been found to have committed plagiarism

7.2.3 Where the student has not previously been found guilty of plagiarism, and has not previously received a formal written warning in respect of plagiarism, the Head of the School shall investigate and dispose of the allegation in accordance with the following procedures:

⁷ Students registered for the Professional Graduate Diploma in Education (PGDE) will be dealt with under section 7.1.3(b)

(a) The Head of the School must meet with the student concerned as soon as possible.

(b) The student must be informed by the Head of the School in writing of the reasons for the meeting, **clearly stating the allegation**, and that he or she may be accompanied by one person if they wish. At the same time the student must be provided with copies of all evidence supporting the allegation of plagiarism.

(c) The Head of the School must arrange for another member of staff, normally a member of academic staff, who is not already involved in the matter to be present at the meeting. A further member of staff must also be present for the purpose of taking a record of the meeting.

(d) The student should be sent a copy of that record as soon as possible after the meeting.

7.2.4 The Head of the School, having considered all of the evidence submitted, including any statement or explanation by the student, may:

(a) Decide that plagiarism has not occurred, or

(b) Decide that plagiarism has occurred.

7.2.5 If the Head of the School decides that plagiarism has not been committed, he or she shall, as soon as possible:

(a) inform the student in writing that no further proceedings will be taken;

(b) inform the student that the mark awarded for the assessment in question will reflect the amount of independent work of the student and appropriately referenced work of the student;

(c) provide to the student, in writing, the University definition of plagiarism and guidance on its avoidance, including how to reference material correctly.

7.2.6 If the Head of the School decides that plagiarism has been committed, a formal written statement to that effect shall be communicated to the Academic Registrar who shall issue a formal written warning to the student that any future allegation of plagiarism will be dealt with under the Code of Practice on Student Discipline. The finding of plagiarism shall be recorded in the Registry.

7.2.7 The Head of the School shall inform the student, in writing, that the mark awarded for the assessment component in question shall be zero. The Head of the School shall also provide to the student, in writing, the University definition of plagiarism and guidance on its avoidance, including how to reference material correctly.

7.2.8 A student may appeal to the relevant Senate Academic Appeals Committee against a decision by a Head of School under paragraph 7.2.6 that plagiarism has taken place in line with the University's policy and guidance on academic appeals. If the appeal under this paragraph is upheld the student shall be entitled to have the allegation of plagiarism against him/her re-investigated by the School.

B. Procedure where the student has previously been found to have committed plagiarism

7.2.9 Where the student has previously been found guilty of plagiarism, or has previously received a formal written warning in respect of plagiarism, the Head of the School shall proceed according to the following rules:

(a) The Head of the School must meet with the student concerned as soon as possible.

(b) The student must be informed by the Head of the School in writing of the reasons for the meeting, **clearly stating the allegation**, and that he or she may be accompanied by one person if he or she wishes. At the same time the student must be provided with copies of all evidence supporting the allegation of plagiarism.

(c) The Head of the School must arrange for another member of staff, normally a member of academic staff, who is not already involved in the matter to be present at the meeting. A further member of staff must also be present for the purpose of taking a record of the meeting.

(d) The student should be sent a copy of that record as soon as possible after the meeting.

7.2.10 The Head of the School, having considered all of the evidence submitted, including any statement or explanation by the student, may:

- (a) decide that plagiarism has not occurred; or
- (b) decide that there are good reasons for believing that plagiarism may have occurred.

7.2.11 In the case of paragraph 7.2.10 (a) above, the Head of the School shall as soon as possible inform the student in writing that no further proceedings will be taken.

7.2.12 In the case of paragraph 7.2.10 (b) above, the Head of the School shall refer the matter in writing to the Academic Registrar in accordance with the procedures set out under section 5 above.

7.2.13 The student must be informed in writing that the matter is being referred to the Academic Registrar and will be investigated under this Code.

7.2.14 Full details of the allegation should be sent to the Academic Registrar with a covering letter and a copy of the record of the meeting of the Head of the School with the student.

7.2.15 The Head of the School shall ensure that a copy of the assessment and of any alleged source material is sent to the Academic Registrar. The Head of the School shall ensure that the nature and extent of the alleged plagiarism are clearly identified. As a minimum the documentation sent to the Academic Registrar must include

- the original copy of the piece of work with the alleged plagiarised sections clearly identified together with the source of the plagiarised material also clearly marked to identify the corresponding section(s) and, if available, the TurnitinUK report
- copies of relevant Student Handbook(s), Course Handbook(s) and any other written material routinely provided to students drawing their attention to the University's definition of plagiarism
- details of information and support provided to students on how to avoid plagiarism.

B. Procedure where the student has allegedly committed plagiarism in more than one piece of assessment

7.2.16 Where the student has allegedly committed plagiarism in more than one piece of assessment, the Head of the School shall proceed according to the following rules:

(a) The Head of the School must meet with the student concerned as soon as possible.

(b) The student must be informed by the Head of the School in writing of the reasons for the meeting, **clearly stating the allegation**, and that he or she may be accompanied by one person if he or she wishes. At the same time the student(s) must be provided with copies of all evidence supporting the allegation of plagiarism.

(c) The Head of the School must arrange for another member of staff, normally a member of academic staff, who is not already involved in the matter to be present at the meeting. A further member of staff must also be present for the purpose of taking a record of the meeting.

(d) The student should be sent a copy of that record as soon as possible after the meeting.

7.2.17 The Head of the School, having considered all of the evidence submitted, including any statement or explanation by the student, may:

- (a) Decide that plagiarism has not occurred; or
- (b) Decide that there are good reasons for believing that plagiarism may have occurred.

7.2.18 In the case of paragraph 7.2.17 (a) above, the Head of the School shall as soon as possible inform the student in writing that no further proceedings will be taken.

7.2.19 In the case of paragraph 7.2.17 (b) above, the Head of the School shall refer the matter in writing to the Academic Registrar in accordance with the procedures set out under section 5 above.

7.2.20 The student must be informed in writing that the matter is being referred to the Academic Registrar and will be investigated under this Code.

7.2.21 Full details of the allegation should be sent to the Academic Registrar with a covering letter and a copy of the record of the Head of the School's meeting with the student.

7.2.22 The Head of the School shall ensure that a copy of the assessment and of any alleged source material is sent to the Academic Registrar. The Head of the School shall ensure that the nature and extent of the alleged plagiarism are clearly identified. As a minimum the documentation sent to the Academic Registrar must include

- the original copy of the piece(s) of work with the alleged plagiarised sections clearly identified together with the source of the plagiarised material also clearly marked to identify the corresponding section(s) and, if available, the Turnitin report
- copies of relevant Student Handbook(s), Course Handbook(s) and any other written material routinely provided to students drawing their attention to the University's definition of plagiarism
- details of information and support provided to students on how to avoid plagiarism.

7.3 Plagiarism by students registered in undergraduate programme year 3 and above excluding postgraduate level, but including students registered for the Professional Graduate Diploma in Education.

7.3.1 Where an allegation of plagiarism is made against a student registered in undergraduate programme year 3 or above the Head of the School shall investigate and dispose of the matter in accordance with the following procedures:

- (a) The Head of the School must meet with the student concerned as soon as possible.
- (b) The student must be informed by the Head of the School in writing of the reasons for the meeting, **clearly stating the allegation**, and that he or she may be accompanied by one person if he or she wishes. At the same time the student(s) must be provided with copies of all evidence supporting the allegation of plagiarism.
- (c) The Head of the School must arrange for another member of staff, normally a member of academic staff, who is not already involved in the matter to be present at the meeting. A further member of staff must also be present for the purpose of taking a record of the meeting.
- (d) The student should be sent a copy of that record as soon as possible after the meeting.

7.3.2 The Head of the School, having considered all of the evidence submitted, including any statement or explanation by the student, may:

- (a) Decide that plagiarism has not occurred; or
- (b) Decide that there are good reasons for believing that plagiarism may have occurred.

7.3.3 In the case of paragraph 7.3.2 (a) above, the Head of the School shall as soon as possible inform the student in writing that no further proceedings will be taken.

7.3.4 In the case of paragraph 7.3.2 (b) above, the Head of the School shall refer the matter in writing to the Academic Registrar in accordance with the procedures set out under section 5 above.

7.3.5 The student must be informed in writing that the matter is being referred to the Academic Registrar and will be investigated under this Code.

7.3.6 Full details of the allegation should be sent to the Academic Registrar with a covering letter and a copy of the record of the Head of the School's meeting with the student.

7.3.7 The Head of the School shall ensure that a copy of the assessment and of any alleged source material is sent to the Academic Registrar. The Head of the School shall ensure that the nature and extent of the alleged plagiarism are clearly identified. As a minimum the documentation sent to the Academic Registrar must include

the original copy of the piece(s) of work with the alleged plagiarised sections clearly identified together with the source of the plagiarised material also clearly marked to identify the corresponding section(s) and, if available, the Turnitin report

- copies of relevant Student Handbook(s), Course Handbook(s) and any other written material routinely provided to students drawing their attention to the University's definition of plagiarism
- details of information and support provided to students on how to avoid plagiarism.

7.4 Alleged plagiarism by students registered at postgraduate level

7.4.1 Where an allegation of plagiarism is made against a student registered at postgraduate level relating to a piece of work submitted as part of the assessment for the taught component of the programme the Head of School shall immediately notify the Academic Registrar of the allegation in writing. Where the allegation relates to the Dissertation or any element of assessment contributing one-third or more towards the Grade Spectrum the Head of School shall proceed according to the rules set out in 7.4.9.

7.4.2 On receipt of this notice, the Academic Registrar will ascertain whether the student concerned has been the subject of any previous finding of plagiarism, or had received a formal written warning in respect of plagiarism in accordance with paragraph 7.4.6 below and shall notify the Head of the School accordingly.

A. Procedure where the student has not previously been found to have committed plagiarism

7.4.3 Where the student has not previously been found guilty of plagiarism, and has not previously received a formal written warning in respect of plagiarism, the Head of the School shall investigate and dispose of the allegation in accordance with the following procedures:

(a) The Head of the School must meet with the student concerned as soon as possible.

(b) The student must be informed by the Head of the School in writing of the reasons for the meeting, **clearly stating the allegation**, and that he or she may be accompanied by one

person if they wish. At the same time the student must be provided with copies of all evidence supporting the allegation of plagiarism.

(c) The Head of the School must arrange for another member of staff who is not already involved in the matter, normally the Head of the Graduate School, to be present at the meeting. A further member of staff must also be present for the purpose of taking a record of the meeting.

(d) The student should be sent a copy of that record as soon as possible after the meeting.

7.4.4 The Head of the School, having considered all of the evidence submitted, including any statement or explanation by the student, may:

- (a) Decide that plagiarism has not occurred, or
- (b) Decide that plagiarism has occurred.

7.4.5 If the Head of the School decides that plagiarism has not been committed, he or she shall, as soon as possible:

- (a) inform the student in writing that no further proceedings will be taken;
- (b) inform the student that the mark awarded for the assessment in question will reflect the amount of independent work of the student and appropriately referenced work of the student;
- (c) provide to the student, in writing, the University definition of plagiarism and guidance on its avoidance, including how to reference material correctly.

7.4.6 If the Head of the School decides that plagiarism has been committed, a formal written statement to that effect shall be communicated to the Academic Registrar who shall issue a formal written warning to the student that any future allegation of plagiarism will be dealt with under the Code of Practice on Student Discipline. The finding of plagiarism shall be recorded in the Registry.

7.4.7 The Head of the School shall inform the student, in writing, that the mark awarded for the assessment component in question shall be zero. The Head of the School shall also provide to the student, in writing, the University definition of plagiarism and guidance on its avoidance, including how to reference material correctly.

7.4.8 A student may appeal to the relevant Senate Academic Appeals Committee against a decision by a Head of School under paragraph 7.4.6 that plagiarism has taken place in line with the University's policy and guidance on academic appeals. If the appeal under this paragraph is upheld the student shall be entitled to have the allegation of plagiarism against him/her re-investigated by the School.

B. Procedure where the student has allegedly committed plagiarism in more than one piece of assessment

7.4.9 Where the student has previously been found guilty of plagiarism, or has previously received a formal written warning in respect of plagiarism, the Head of the School shall proceed according to the following rules:

- (a) The Head of the School must meet with the student concerned as soon as possible.
- (b) The student must be informed by the Head of the School in writing of the reasons for the meeting, **clearly stating the allegation**, and that he or she may be accompanied by one person if he or she wishes. At the same time the student must be provided with copies of all evidence supporting the allegation of plagiarism.
- (c) The Head of the School must arrange for another member of staff who is not already involved in the matter, normally the Head of the Graduate School, to be present at the

meeting. A further member of staff must also be present for the purpose of taking a record of the meeting.

(d) The student should be sent a copy of that record as soon as possible after the meeting.

7.4.10 The Head of the School, having considered all of the evidence submitted, including any statement or explanation by the student, may:

- (a) decide that plagiarism has not occurred; or
- (b) decide that there are good reasons for believing that plagiarism may have occurred.

7.4.11 In the case of paragraph 7.4.10 (a) above, the Head of the School shall as soon as possible inform the student in writing that no further proceedings will be taken.

7.4.12 In the case of paragraph 7.4.10 (b) above, the Head of the School shall refer the matter in writing to the Academic Registrar in accordance with the procedures set out under section 5 above.

7.4.13 The student must be informed in writing that the matter is being referred to the Academic Registrar and will be investigated under this Code.

7.4.14 Full details of the allegation should be sent to the Academic Registrar with a covering letter and a copy of the record of the meeting of the Head of the School with the student.

7.4.15 The Head of the School shall ensure that a copy of the assessment and of any alleged source material is sent to the Academic Registrar. The Head of the School shall ensure that the nature and extent of the alleged plagiarism are clearly identified. As a minimum the documentation sent to the Academic Registrar must include

- the original copy of the piece of work with alleged plagiarised sections clearly identified together with the source of the plagiarised material also clearly marked to identify the corresponding section(s) and, if available, the Turnitin report
- copies of relevant Student Handbook(s), Course Handbook(s) and any other written material routinely provided to students drawing their attention to the University's definition of plagiarism
- details of information and support provided to students on how to avoid plagiarism.

C Procedure where the student has previously been found to have committed plagiarism or the allegation relates to the Dissertation or any element of assessment contributing one-third or more to the Grade Spectrum

7.4.16 Where the student has previously been found guilty of plagiarism, or has previously received a formal written warning in respect of plagiarism, the Head of the School shall proceed according to the following rules:

(a) The Head of the School must meet with the student concerned as soon as possible.

(b) The student must be informed by the Head of the School in writing of the reasons for the meeting, **clearly stating the allegation**, and that he or she may be accompanied by one person if he or she wishes. At the same time the student must be provided with copies of all evidence supporting the allegation of plagiarism.

(c) The Head of the School must arrange for another member of staff who is not already involved in the matter, normally the Head of the Graduate School, to be present at the meeting. A further member of staff must also be present for the purpose of taking a record of the meeting.

(d) The student should be sent a copy of that record as soon as possible after the meeting.

7.4.17 The Head of the School, having considered all of the evidence submitted, including any statement or explanation by the student, may:

- (a) decide that plagiarism has not occurred; or
- (b) decide that there are good reasons for believing that plagiarism may have occurred.

7.4.18 In the case of paragraph 7.4.17 (a) above, the Head of the School shall as soon as possible inform the student in writing that no further proceedings will be taken.

7.4.19 In the case of paragraph 7.4.17 (b) above, the Head of the School shall refer the matter in writing to the Academic Registrar in accordance with the procedures set out under section 5 above.

7.4.20 The student must be informed in writing that the matter is being referred to the Academic Registrar and will be investigated under this Code.

7.4.21 Full details of the allegation should be sent to the Academic Registrar with a covering letter and a copy of the record of the meeting of the Head of the School with the student.

7.4.22 The Head of the School shall ensure that a copy of the assessment and of any alleged source material is sent to the Academic Registrar. The Head of the School shall ensure that the nature and extent of the alleged plagiarism are clearly identified. As a minimum the documentation sent to the Academic Registrar must include

- the original copy of the piece of work with alleged plagiarised sections clearly identified together with the source of the plagiarised material also clearly marked to identify the corresponding section(s) and, if available, the Turnitin report
- copies of relevant Student Handbook(s), Course Handbook(s) and any other written material routinely provided to students drawing their attention to the University's definition of plagiarism
- details of information and support provided to students on how to avoid plagiarism.

7.5 Records in respect of plagiarism

7.5.1 The Academic Registrar shall be responsible for maintaining a record of all findings of plagiarism under this Code, and all formal written warnings issued under paragraphs 7.2.6 and 7.4.6 above.

7.6 Procedures for dealing with other forms of cheating

7.6.1 Cheating is defined in paragraph 2.1.1 above.

7.6.2 Where there is reason to believe that cheating may have taken place, the Head of the School must meet with the student concerned as soon as possible.

7.6.3 The student must be informed by the Head of the School in writing of the reasons for the meeting, **clearly stating the allegation**, and that he or she may be accompanied by one person if he or she wishes.

7.6.4 The Head of the School must arrange for another member of staff⁸ who is not already involved in the matter, normally a member of academic staff, to be present at the meeting. A further member of staff must also be present for the purpose of taking a record of the meeting.

⁸ In the case of postgraduate students, excluding those registered for the PGDE, the member of staff will normally be the appropriate Head of Graduate School.

7.6.5 The student should be sent a copy of that record as soon as possible after the meeting.

7.6.6 The Head of the School, having considered all of the evidence submitted, including any statement or explanation by the student, may:

- (a) Decide that cheating has not occurred; or
- (b) Decide that there are good reasons for believing that cheating may have occurred.

7.6.7 In the case of paragraph 7.6.6 (a) above, the Head of the School shall as soon as possible inform the student in writing that no further proceedings will be taken.

7.6.8 In the case of paragraph 7.6.6 (b) above, the Head of the School shall refer the matter in writing to the Academic Registrar for action to be taken in accordance with the procedures set out under section 5 above.

7.6.9 The student must be informed in writing that the matter is being referred to the Academic Registrar and will be investigated under this Code.

7.6.10 Where an allegation of cheating is referred to the Academic Registrar full details of the allegation should be sent to the Academic Registrar with a covering letter and a copy of the record of the Head of the School's meeting with the student. As a minimum the documentation sent to the Academic Registrar must include

- the original copy of the piece of work and any evidence relating to the allegation, eg unauthorised material taken into the examination hall
- written reports from individuals, Tutors or Invigilators present at the time that the alleged offence took place
- copies of relevant Student Handbook(s), Course Handbook(s) and any other written material routinely provided to students drawing their attention to the rules regarding cheating

7.6.11 In the case of cheating in an examination the Invigilators present at time that the alleged offence took place may be called upon to give oral evidence at the hearing.

7.6.11 Where there is an allegation of collusion, as a minimum the documentation sent to the Academic Registrar must include:

- the original work, with alleged colluded sections clearly identified
- copies of the instructions given to students regarding the piece of work
- copies of relevant Student Handbook(s), Course Handbook(s) and any other written material routinely provided to students drawing their attention to the rules as to the boundaries for collaborative working
- details of information and support provided to students on how to avoid collusion.

8. PENALTIES FOR ACADEMIC MISCONDUCT

Subject to the provisions of sections 7.2.4 ,7.2.6 and 7.2.7, and 7.4.4, 7.4.6 above (plagiarism in undergraduate programme years 0-2 and postgraduate taught elements contributing less than one-third the Grade Spectrum) the following penalties shall be imposed for cheating in prescribed assessments.

8.1 Cheating in undergraduate programme years 0-2

8.1.1 If an allegation of cheating is admitted, or if an Investigating Officer, or the Disciplinary Committee as appropriate, decides that such an allegation has been proved, the student shall be awarded zero marks for the component of assessment (for example, a written examination or in-course assessment) in which he or she is judged to have cheated.

However, the Investigating Officer or the Disciplinary Committee may choose to impose a lesser penalty where it is thought appropriate to do so. If the penalty means that the student fails the course the normal rules for resits for that course shall apply. An assignment in which plagiarism or collusion has been found, cannot be resubmitted (i.e. the student must submit a different assignment if it is permitted under the rules for resits).

8.1.2 Where a student is judged to have cheated in any component of assessment for more than one course, or more than one component within one course, in undergraduate programme years 0 to 2, the student shall be awarded zero marks for the course(s). However, the Investigating Officer or the Disciplinary Committee may choose to impose a lesser penalty where it is thought appropriate to do so.

8.2 Cheating in undergraduate programme years 3-5 and the PGDE

8.2.1 If an allegation of cheating is admitted, or if an Investigating Officer, or the Disciplinary Committee as appropriate, decides that such an allegation has been proved, the student shall be awarded zero marks for the component of assessment (for example, a written examination or in-course assessment) in which he or she is judged to have cheated, and the student can attain no higher than CAS 9 for the overall assessment for the course. However, the Investigating Officer or the Disciplinary Committee may choose to impose a lesser penalty where it is thought appropriate to do so. If the imposition of a penalty under this paragraph would mean that the student fails the course the normal rules for resits for that course shall apply. An assignment in which plagiarism or collusion has been found cannot be resubmitted (i.e. the student must submit a different assignment if it is permitted under the rules for resits). The CAS mark attainable following reassessment will be restricted to a maximum of CAS mark 9. However, the Investigating Officer or Disciplinary Committee may choose to impose a lesser penalty where it is thought appropriate to do so.

8.2.2 Where a student is judged to have cheated in any component of assessment for more than one course, or more than one element within one course, in undergraduate programme years 3 or above, the student shall be awarded zero marks for the course(s) and shall be expelled⁹. However, the Investigating Officer or the Disciplinary Committee may choose to impose a lesser penalty where it is thought appropriate to do so.

8.2.3 If the student had already satisfied the requirements for an award prior to the offence(s) being committed, the student would be allowed to graduate with that award.

8.3 Cheating in Taught Postgraduate Programmes: Taught Element

8.3.1 If an allegation of cheating is admitted, or if an Investigating Officer, or the Disciplinary Committee as appropriate, decides that such an allegation has been proved, the student shall be awarded zero marks for the component of assessment (for example, a written examination or in-course assessment) in which he or she is judged to have cheated, and the student can attain no higher than CAS 9 for the overall assessment for the course. However, the Investigating Officer or the Disciplinary Committee may choose to impose a lesser penalty where it is thought appropriate to do so. If the imposition of a penalty under this paragraph would mean that the student fails the course the normal rules for resits for that course shall apply. An assignment in which plagiarism or collusion has been found cannot be resubmitted (i.e. the student must submit a different assignment if it is permitted under the rules for resits). The CAS mark attainable following reassessment will be restricted to a maximum of CAS mark 9. However, the Investigating Officer or Disciplinary Committee may choose to impose a lesser penalty where it is thought appropriate to do so.

8.3.2 Where a student is judged to have cheated in any component of assessment for more than one course, or more than one component within one course, the student shall be awarded zero marks for the course(s) and shall be expelled. However, the Investigating

⁹ The meaning of expulsion is given in Section 13.1.

Officer or the Disciplinary Committee may choose to impose a lesser penalty where it is thought appropriate to do so.

8.4 Cheating in Taught Postgraduate Programmes: Dissertation or Element of Assessment Contributing one-third or more to the Grade Spectrum

8.4.1 If an allegation of cheating is admitted, or if an Investigating Officer, or the Disciplinary Committee as appropriate, decides that such an allegation has been proved, the student shall be awarded zero marks for the course (or equivalent unit of assessment) in the assessment of which he or she is judged to have cheated. However, the Investigating Officer or the Disciplinary Committee may choose to impose a lesser penalty where it is thought appropriate to do so.

8.4.2 Where the student has been awarded zero marks under section 8.4.1, no resit examination, re-submission of assessed work or other re-assessment shall be permitted, nor can any other course be substituted for that which has been failed under that section. However, the Investigating Officer or the Disciplinary Committee may choose to impose a lesser penalty where it is thought appropriate to do so.

8.4.3 Where a student is judged to have cheated in any component of assessment for more than one course the student shall be awarded zero marks for the course(s) and shall be expelled¹⁰. However, the Investigating Officer or the Disciplinary Committee may choose to impose a lesser penalty where it is thought appropriate to do so.

8.4.4 If the student had already satisfied the requirements for an award prior to the offence(s) being committed, the student would be allowed to graduate with that award.

8.5 Research Degrees

8.5.1 If an allegation of research misconduct in respect of a research degree of the University is admitted, or if an Investigating Officer, or the Disciplinary Committee as appropriate, decides that such an allegation has been proved, the student shall fail the degree in respect of which the cheating is established, and shall not be permitted to submit work for this or any other research degree of the University. The student shall be expelled¹¹.

8.5.2 If the student had already satisfied the requirements for an award prior to the offence(s) being committed, the student would be allowed to graduate with that award (e.g. a Postgraduate Certificate or Postgraduate Diploma in Research Methods, appropriately designated).

9. RIGHTS OF APPEAL

9.1. Right of appeal against disposal by an Investigating Officer

9.1.5 A student has the right of appeal to a Disciplinary Committee against:

- (a) a finding of misconduct by an Investigating Officer and / or
- (b) any penalty imposed by an Investigating Officer

9.1.6 An appeal against a decision of an Investigating Officer must be made in writing to the University Secretary, stating clearly the grounds of appeal, not more than fourteen days after the date of the Investigating Officer's written decision.

¹⁰ The meaning of expulsion is given in Section 13.1.

¹¹ The meaning of expulsion is given in Section 13.1

9.1.7 An appeal against a decision of an Investigating Officer will normally be heard within twenty-eight days of the date on which the appeal is lodged with the University Secretary.

9.1.8 The Disciplinary Committee may:

- (a) set aside the finding of misconduct and quash any penalty imposed;
- (b) in the case of an appeal against the penalty, waive, uphold or reduce the penalty imposed by the Investigating Officer or substitute a penalty which could competently have been imposed by the Investigating Officer, provided that it is not more severe than that which was imposed by the Investigating Officer.

9.2 Right of appeal against disposal by a Disciplinary Committee

9.2.1 A student has the right of appeal to the University Court against:

- (a) a finding of misconduct by a Disciplinary Committee and/or
 - (b) any penalty imposed by a Disciplinary Committee
- (including any such decision taken in an appeal against a decision of an Investigating Officer).

9.2.2 An appeal against a decision of a Disciplinary Committee, must be made in writing to the University Secretary, stating clearly the grounds of appeal, within fourteen days of the date of the Disciplinary Committee's written decision. An appeal to the University Court will only be considered on the following grounds:

- that the Disciplinary Committee, in reaching the decision challenged, did not follow the approved procedures for determining misconduct, as set out in the Code of Practice on Student Discipline;

and/or

- that the decision of the Disciplinary Committee was unreasonable, that is, that the decision reached was one which no reasonable person, properly advised, could have reached

9.2.3 An appeal against a decision of a Disciplinary Committee will normally be heard within twenty-eight days of the date on which the appeal is lodged with the University Secretary.

9.2.4 An appeal against a decision of a Disciplinary Committee will be heard by a Committee of the University Court. The Convener of this Committee will be a Vice-Principal, who will not have had a prior involvement in the appeal, nominated by the University Secretary. There will be three other members: a lay member of the Court; a second academic member of the Court; and either the President of the Students' Association or the Rector or the Rector's Assessor.

9.2.5 The Committee of the University Court may:

- (a) set aside the finding of misconduct and quash any penalty imposed;
- (b) in the case of an appeal against the penalty, waive, uphold or reduce the penalty imposed by the Disciplinary Committee, or substitute a penalty which could competently have been imposed by the Disciplinary Committee, provided that it is not more severe than that which was imposed by the Disciplinary Committee.

9.3 Right of appeal against disposal by the Director of Policy, Planning & Governance

9.3.1 A student has the right of appeal to a student appeal panel against:

- (a) a finding of misconduct by the Director of Policy, Planning & Governance and / or
- (b) any penalty imposed by the Director of Policy, Planning & Governance.

9.3.2 An appeal against a decision of the Director of Policy, Planning & Governance must be made in writing to the University Secretary, stating clearly the grounds of appeal, within fourteen days of the date of the Director of Policy, Planning & Governance's written decision.

9.3.3 An appeal against a decision of the Director of Policy, Planning & Governance will normally be heard within 14 days of the date on which the appeal is lodged with the University Secretary.

9.3.4 An appeal against a decision of the Director of Policy, Planning & Governance will be heard by a panel comprising of the following: the University Secretary (Convener), a lay member of the University Court, a student representative appointed by the Students' Association, and a member of the Senate. With the exception of the Convener, no member of this panel shall have had any previous involvement with the case.

9.3.5 This panel may:

- (a) set aside the finding of misconduct and quash any penalty imposed;
- (b) in the case of an appeal against the penalty, waive, uphold or reduce the penalty imposed by the Director of Policy, Planning & Governance, or substitute a penalty which could competently have been imposed by the Director of Policy, Planning & Governance, provided that it is not more severe than that which was imposed by the Director of Policy, Planning & Governance.

9.3.6 The panel hearing appeals from a decision of the Director of Policy, Planning & Governance is empowered by both the Senate and the Court to hear and determine the outcome of appeals in accordance with the procedures set out above. The decision of the panel is, therefore, final and not subject to further appeal within the University.

10. EFFECT OF DECISIONS

10.1 A decision of an Investigating Officer, if it is accepted by the student, or a decision of a Disciplinary Committee, even if not accepted by the student, shall be deemed to be a decision of the Senate itself.

11. INELIGIBLE PERSONS

Any member of the Senate who has been in any way involved in the allegation of misconduct at any stage prior to investigation by an Investigating Officer, and/or prior to a hearing by a Disciplinary Committee will be ineligible to act either as Investigating Officer or as a member of a Disciplinary Committee in relation to the complaint concerned.

12. EXPULSION, SUSPENSION OR EXCLUSION FROM THE UNIVERSITY IN CASES OF URGENCY

12.1 The Principal, or in his or her absence a Vice-Principal, shall have the power to take immediate action to expel, suspend or exclude a student temporarily from the University. These powers can be used only in accordance with the procedures set out below.

12.2 The power to expel, suspend or exclude under this provision is to protect the members of the University community or members of the public in general or a particular member or members. This power shall be used only where the Principal, or in his or her absence a Vice-Principal, is of the opinion that it is urgent and necessary to take such action. Expulsion should be used only where suspension or exclusion from specified activities or facilities is considered to be inadequate. Reasons for the decision shall be recorded in writing and made available to the student. The student will also be informed of the initial duration of the suspension or exclusion.

12.3 A student who is the subject of a complaint of misconduct or against whom a criminal charge is pending or who is the subject of police investigation may have his or her matriculation suspended or be excluded, or expelled by the Principal or in his or her absence by a Vice-Principal, pending the disciplinary hearing or the trial.

12.4 No student shall be expelled, suspended or excluded unless he or she has been given an opportunity to make representations in person to the Principal, or in his or her absence, a Vice-Principal. Where for any reason it appears to the Principal or the Vice-Principal that it is not possible for the student to attend in person, he or she shall be entitled to make written representations.

12.5 In cases of great urgency, the Principal, or in his or her absence a Vice-Principal, shall be empowered to suspend a student with immediate effect, provided that the matter is reviewed within five days and the opportunities described in paragraph 12.8 are given.

12.6 A decision to expel, suspend or exclude from academic activities associated with the student's programme of study taken under this section shall be subject to appeal, at the request of the student. Such an appeal must be lodged in writing with the University Secretary, stating clearly the grounds of appeal, within five working days of the date of the decision, and must be heard within fourteen days of that decision. Expulsion, suspension or exclusion shall continue to be effective pending the outcome of any appeal hearing.

12.7 The appeal against the decision to expel, suspend or exclude shall be heard by a Committee of the University Court. The Convener of this Committee will be a Vice-Principal, nominated by the University Secretary. There will be three other members: a lay member of the Court; a second academic member of the Court; and either the President of the Students' Association or the Rector or the Rector's Assessor. No member of the Committee shall have had a prior involvement in the decision.

12.8 The appeal against the decision to expel, suspend or exclude shall not normally involve a hearing or submissions made in person, but the student shall be entitled to submit written representations. The convener of the panel may allow the student to appear before the panel and to make representations in person or through a representative.

12.9 The Principal or other person who took the original decision (or in his or her absence a Vice-Principal) shall review the suspension or exclusion every four weeks, or as is otherwise appropriate in the light of any developments and of any representations made by the student or anyone else on his or her behalf.

13 MEANING OF EXPULSION, SUSPENSION OR EXCLUSION

13.1 Expulsion is the termination of matriculated student status involving a total prohibition on attendance at or access to the University and on any participation in University activities. A student who has been expelled will not normally be eligible for re-admittance to the University.

13.2 Suspension of matriculated student status involves a total prohibition on attendance at or access to the University and on any participation in University activities; but it may be subject to qualification, such as permission to attend for the purpose of an examination. Suspension should be used only where exclusion from specified activities or facilities is considered to be inadequate.

13.3 Exclusion involves selective restriction on attendance at or access to the University or prohibition on exercising the functions or duties of any office or committee membership in the University or Students' Association, or other bodies. It may also extend to restriction on access to other places such as hospital wards or school premises (where access to such

places is integral to the student's programme of study or professional training). The exact details of such exclusion must be specified in writing.

13.4 An order of expulsion, suspension or exclusion may include a requirement that the student should have no contact of any kind with a named person or persons.

14. STANDARD OF PROOF

An allegation of misconduct under this Code cannot be upheld unless there is clear and convincing proof that the student has engaged in conduct set out in section 2 or 3 above, and, in the case of conduct set out in section 3, that there was no good reason for such conduct.

15. INDEPENDENT REVIEW

15.1 In accordance with the Further and Higher Education (Scotland) Act, the Scottish Public Services Ombudsman (SPSO) has responsibility for investigating student appeals and complaints. The SPSO provides a route for those who have exhausted the University's appeals and complaints procedures, to refer their appeal or complaint for independent review, where they are dissatisfied with the handling of the internal appeals or complaints procedure. Once the SPSO has made a judgement, it would be for the University Court to decide whether or not to accept the judgement and on any remedial action to be taken.

15.2 Students whose appeals are not upheld by the University, or who have not submitted their appeal or documentary evidence by the required timescales (paragraphs 9.1.2, 9.2.2 and 9.3.2 refer), will be informed of the procedures for referral of their appeal to the Scottish Public Services Ombudsman for independent review.

Annex 1

The list below includes examples of the types of breaches of discipline falling into each 'class' of behaviour referred to in Section 6. This list is for illustrative purposes only and is not intended to be exhaustive.

Class One :

- Refusal to show ID to Hall staff .
- Throwing items out of windows
- Refusal to leave building during fire alarm
- Minor vandalism
- Noise (fine would be greater during exam times)
- Minor antisocial behaviour
- Parking offences

Class Two:

- Repeated level one offenses
- Tampering with fire alarms
- Setting off fire extinguishers
- Verbal abuse to staff
- Verbal abuse to other students
- Erratic driving on site – police to be called immediately depending on seriousness
- Malicious damage of university property
- Anti social behaviour which is threatening and or offensive

Class Three:

- Discriminatory or threatening abuse of staff
- Discriminatory or threatening abuse of students
- Bullying another student
- Carrying or brandishing a weapon
- Forced entry into a student's room or flat
- Forced entry into staff flat
- Extreme vandalism of university property