

## **Academic Misconduct Committee panel hearings: UNUK procedure**

1.

This procedure should be read in conjunction with section 6 of the [Regulations on Academic Misconduct](#). Staff and students should ensure that they read the procedure relating to the appropriate campus (UK, China, Malaysia).

Any reference to the Secretary should be taken to mean the panel Secretary on each campus who manages the procedure on behalf of the Academic Misconduct Committee.

Any reference to the School representative should be taken to mean the Head of School or Department's representative in the case.

### **2. The Academic Misconduct Committee**

a. The Academic Misconduct Committee will hear academic misconduct cases where:

- the student is a research student in their second or subsequent year of study and/or the misconduct does not relate to a taught module and/or
- the student has a previous case of academic misconduct recorded against them and/or
- the Head of School or Department wishes to apply a penalty other than those available to him or her under these Regulations and/or
- the student has asked for their case to be considered by a Committee panel.

b. Cases will be heard by a panel on behalf of the Academic Misconduct Committee. A panel of the Academic Misconduct Committee acts with the full delegated authority of Senate. It has the power to:

- require members of the staff of the University to make written submissions, attend, give evidence and answer questions
- apply a penalty if it is satisfied, on the balance of probabilities, that academic misconduct has taken place.

c. The panel will comprise three members, two of whom will be academic staff members of the Academic Misconduct Committee. One of the academic staff members will act as Chair. The third member will be a student delegate or, where no student delegate is available, a third academic staff member of the Academic Misconduct Committee. The student whose case is being heard may insist that the panel does or does not include a student delegate and should inform the Secretary of this where appropriate.

d. Any member of the panel who knows of any possible conflict of interest or who has been personally involved in the individual student's case at any prior stage will not be eligible to be a member of the panel for that case.

e. The panel will be serviced by a Secretary who is not a member, but will be present throughout the proceedings. Liaison with the panel members will be through the Secretary; the School representative and the student should not contact panel members directly.

### **3. Hearing notification, documentation, attendance**

a. The Secretary will notify the School or Department representative and the student of the date of the next available hearing not less than five days in advance. In the case of a student taking examinations at the time proceedings are instituted, such notice will take effect from the day of the last paper of their suite of examinations.

b. The hearing documentation will be circulated in advance of the hearing and will include the Head of School's report and supporting evidence and confirmation of the time and location of the hearing.

The student will be invited to submit a written statement for inclusion in the documentation. Written evidence submitted to the Secretary after the hearing documentation has been circulated may be distributed with the agreement of the Chair. Where new evidence, which has not been included in the hearing documentation, is submitted by any party during the hearing itself, the Chair will have discretion as to whether or not that evidence may be presented.

c. Panel members, the student and the School or Department representative will all have access to the same documentary and verbal evidence. An exceptional arrangement may be made at the discretion of the Chair, if a student wishes to request that additional evidence be made available to the panel only (eg properly certified medical evidence that the student felt unable to share with the School or Department).

d. The panel may request that further information is made available and may call witnesses if appropriate.

e. The School or Department representative(s) are required to attend to present their case and may call witnesses to provide evidence or explanation.

f. If any member of staff has indicated their intention to be present, or has been required to attend, but is absent from the hearing, the Chair will have discretion as to whether the hearing should proceed in their absence, or should be deferred.

g. The student may choose to attend the hearing to put their case in person. The student may call witnesses to provide evidence or explanation.

h. The student is entitled to bring a supporter to the hearing. The supporter must be either; an Education Adviser from the SU (or equivalent at UNNC/UMNC), a fellow student, a member of staff, or a Union representative (eg BMA, RCN). The supporter may take notes on the student's behalf, make representations on the student's behalf and ask questions, but may not answer questions on the student's behalf. The student may be asked to choose a different supporter if, for example, it is perceived that the chosen supporter may cause a conflict of interest or if their presence may prejudice the meeting.

i. If the student chooses not to attend, they may elect to have an SU Education Adviser attend on their behalf. Only SU Education Advisers may attend in lieu of the student. Otherwise the hearing will take place in the student's absence and the Chair will have a duty to ensure that the members of the panel are fully aware of all the facts including the points made in the student's statement.

j. If the student has indicated their intention to attend but is prevented from doing so for good reason and contacts the Secretary before the meeting to that effect, the Chair will agree to defer consideration of the case and to agree alternative arrangements for the hearing. The Chair will have discretion as to what constitutes 'good reason'.

k. If the student has indicated their intention to attend, but fails to attend, the Panel will consider the case in the student's absence.

l. The names and roles of those attending, whether as supporter or witness, must be notified to the Secretary at least three days in advance of the hearing.

#### **4. Conduct of the hearing**

a. The Chair has discretion to vary these arrangements as s/he thinks fit as long as any changes to proceedings do not put the student at a disadvantage.

- b. The Secretary will meet the student (if attending) and the School representative(s) outside the meeting before the hearing and will offer to explain the procedure, check that the student and staff member have copies of the documents circulated to the panel and, if not, provide a set.
- c. The Secretary will escort the student (if attending), and/or the supporter, and the School representative(s) into the meeting.
- d. The Chair will introduce by name and explain the function of the members of the panel, the staff, and any others present.
- e. The Chair will explain that the purpose of the Academic Misconduct panel is:
  - i. to hear the facts and the various points of view of staff and of the student, by giving each a full opportunity to explain them
  - ii. to establish the full details of the circumstances which are relevant to the instance of academic misconduct
  - iii. to decide whether or not academic misconduct has taken place
  - iv. and to decide, in cases where the panel is satisfied that academic misconduct has taken place, on the appropriate action or penalty.
- f. The Chair will read the School's decision, as previously communicated to the student.
- g. The student will be asked whether they understand the definition of academic misconduct.
- h. The student will be asked whether they understand the nature of this specific instance of academic misconduct.
- i. The Chair will ask the School representative to present the School's case, inviting any appropriate examiner, member of staff or witness to comment on the details of the case, and presenting such evidence as they think fit. If the student has a previous instance of poor academic practice or academic misconduct on their record this should not be disclosed to the panel unless to correct, as a matter of fact, a false representation made by the student in this regard. The School should make the Secretary aware of previous instances, and the Secretary will ensure the panel is given details after a verdict has been reached, but before a penalty or an action is decided upon, where applicable.
- j. The Chair will ask the student, or their supporter, if they wish to make a statement to the Panel, or if they would prefer to answer questions from members of the Panel. Where the student is not present and is not being represented, the Chair will go through the key point of the student's statement. The student may call and question such witnesses and such present evidence as they think fit. If the student has a previous instance of poor academic practice or academic misconduct on their record this should not be disclosed to the panel, if, however, the student feels this information is important to their case, he or she may choose to disclose this.
- k. The Chair will give both the student and the members of staff an opportunity to ask questions of each other, and the members of the Panel to ask questions of the staff, student and any witnesses. The Chair may ask for questions to be directed through the Chair.
- l. If a member of staff with special expertise has been invited to attend, the Chair will invite them to speak, and will offer both student and staff, and members of the Panel, an opportunity to ask questions.
- m. The Chair will ensure that the members of the Panel have completed their questioning.
- n. The Chair will ask the School representative and the student (or their supporter) if they wish to make any closing statement, and if they are satisfied that they have had a full opportunity to convey the facts and their point of view to the Panel.

## **5. Deliberations of the Panel**

- a. The Chair will ask everyone except the panel members and Secretary to leave the meeting and will ask them to wait pending the panel's decision.
- b. The Panel will discuss the case and consider whether it is satisfied that academic misconduct has taken place.
- c. If for any reason during its discussion the panel requires clarification of any aspect of the case, by further questioning either of the student or the staff, they must all be invited back into the meeting while the questioning takes place. They will then all leave the meeting again.
- d. The panel will decide whether or not it is satisfied that, on the balance of probabilities, academic misconduct has taken place.
- e. If the panel is satisfied that academic misconduct has taken place it will determine the action or penalty to be applied. The Secretary will provide the panel with details of any previous instance of academic misconduct on the student's record for consideration when deciding on the appropriate action or penalty.

## **6. Outcome of the hearing**

- a. The decision, including any penalty to be imposed, will be conveyed to the student and to the School or Department in writing, within two working days.
- b. If the panel is satisfied that academic misconduct has taken place, the Board of Examiners of the School or Department will act according to the decision of the panel.
- c. A report on the outcome of the hearing will be made to Quality & Standards Committee.
- d. The panel may, if appropriate, provide a written report to Quality & Standards Committee raising such matters as shortcomings in School procedures or requesting advice on dealing with technical matters in hearings.