

Student Academic Misconduct Policy and Disciplinary Procedure

27 February 2024

Version 1.0

Policy Details	
Policy Title:	Student Academic Misconduct Policy and Disciplinary Procedure
Version:	1.0
Approved By:	Governing Body
Date Approved:	27 February 2024
Effective Date:	27 February 2024
Review Date:	27 February 2027
Policy Owner:	Vice President for Academic Affairs Teaching & Learning

Revision History			
Previous Version No.	Summary of Amendments	Approval date	Reviewed Version No.
0.1 – 0.5	First draft – various amendments to policy arising from discussions and feedback by Executive Management Team, Academic Quality and Regulation Committee, Academic Council and staff representative bodies.		0.1 – 0.5
0.5	Reviewed by the Policy Review Group: Recommended to extend for 3 years and submit to the Governing Body for approval	20 Feb 2024	0.5
0.5	Approved by Governing Body	27 Feb 2024	1.0

Consultation Details	
Name:	Academic Quality Integration Lead
Date:	October 2022 to November 2023
Details of Consultation:	Draft policy was brought to Executive Management Team for approval. Draft policy was shared with SETU Student Union Presidents and Education Officers for comment/feedback.

	<p>Draft policy was brought to Academic Quality and Regulation Committee for discussion.</p> <p>Draft policy was brought to Academic Council for discussion and approval.</p> <p>Draft policy was shared with staff representative bodies for comment/feedback.</p>
--	---

Publication Details	
Where	Date
SETU Website	Version 1.0 (27 February 2024)

Feedback or issues arising on implementation of this policy should be communicated to the policy author.	
Policy Author:	Vice President for Academic Affairs Teaching & Learning

Policy Management Framework Compliance Review as requested by EMT all draft policies should be reviewed by the Policy Review Group ¹ in advance of review by EMT. Please confirm that the policy was reviewed by the policy review group.	
Date Policy Reviewed:	n/a

¹ Contact susan.green@setu.ie or sarah.morrissey@setu.ie

Table of Contents

- 1.0 Introduction to the Student Academic Misconduct Policy and Disciplinary Procedure 7
 - 1.1 Introduction and Purpose7
 - 1.2 Disciplinary Process Framework and Principles7
 - 1.3 Scope8
 - 1.4 Interaction with other Policies9
 - 1.5 Sharing of Information10
 - 1.6 Oversight11
 - 1.7 Role of the Complaints Resolution Officer (CRO)12
 - 1.8 Review of Policy13

- 2. Academic Misconduct Policy 14
 - 2.1 Glossary of Key Terms of the Complaint Procedure15

- 3. Making a Complaint..... 16
- 4. Informal Resolution Process..... 17
 - 4.1 Informal Meeting18
 - 4.2 Outcome of the informal meeting.....18

- 5. Formal Disciplinary Process: Stage 1..... 19
 - 5.1 Initial Assessment.....19
 - 5.2 CRO Receipt and Fact Gathering Investigation20
 - 5.3 Formal Outcome (Stage 1)21

- 6. Formal Disciplinary Process: Stage 2..... 23
 - 6.1 Permitted steps in advance of the Disciplinary Committee addressing allegations.....23
 - 6.2 Investigation Report.....24

- 7. Stage 2 Disciplinary Procedure 25
 - 7.1 Arranging a Disciplinary Committee meeting.....25
 - 7.2 Representation at a Disciplinary Committee meeting.....25
 - 7.3 Witnesses at the Disciplinary Committee meeting26
 - 7.4 Non-attendance by a Respondent at Disciplinary Committee meeting26
 - 7.5 Procedure at the Disciplinary Committee meeting.....26
 - 7.6 Outcomes of the Stage 2 Disciplinary Procedure27
 - 7.7 Determination that no breach of the Academic Misconduct Policy occurred27
 - 7.8 A finding of a breach of the Academic Misconduct Policy27
 - 7.9 Communication of the Disciplinary Committee Sanction28

7.10	Appeal against the determination of the Disciplinary Committee	28
7.11	Appeal.....	28
7.12	Imposition of sanction and follow-up	30
Appendix 1: Examples of conduct/behaviour which may be regarded as Academic Misconduct.....		
		31
Appendix 2: Examples of conduct/behaviour which may be regarded as Serious Academic Misconduct.....		
		33
Appendix 3: CRO Stage 1 Formal Outcomes.....		
		34
Appendix 4: Membership of the Disciplinary Committee		
		35
Appendix 5: Stage 2 Sanctions.....		
		36
Appendix 6: Membership of the Appeals Committee		
		37
Appendix 7: High Level Workflow Diagram of Student Academic Misconduct Policy and Disciplinary Procedure.....		
		38

Note for All Users of this Policy Document:

A Glossary of Key Terms of the Complaint Procedure may be found on pages 15 and 16 of this document. This Glossary sets out the meaning of key terms as they pertain to the Student Academic Misconduct Policy and Disciplinary Procedure for SETU.

Student Academic Misconduct Policy and Disciplinary Procedure

1.0 INTRODUCTION TO THE STUDENT ACADEMIC MISCONDUCT POLICY AND DISCIPLINARY PROCEDURE

1.1 Introduction and Purpose

The Student Academic Misconduct Policy and Disciplinary Procedure (the “Academic Misconduct Policy”) provides the means by which allegations of Academic Misconduct by any student of the South East Technological University (SETU) may be made, investigated and addressed.

The Academic Misconduct Policy applies to all students of SETU, including those who were students of the previous institutions (Waterford Institute of Technology (WIT) and Institute of Technology Carlow (ITC)) and who have become students of SETU upon its establishment (“Student”). In this regard, any findings/sanctions related to a breach of disciplinary procedures regarding Academic Misconduct recorded against a Student as a student of either of the other two institutions under their respective disciplinary procedures may be considered by SETU if there is a subsequent breach of the SETU Academic Misconduct Policy in making any determinations regarding the subsequent breach.

SETU would like to specifically acknowledge Chapter 12 (Academic conduct and practice) of the University of Exeter’s ‘Teaching Quality Assurance Manual’ for the 2021/2022 academic year. Extracts and passages (with adaptation where necessary) from a number of sections within this chapter have been used in producing parts of the Student Academic Misconduct Policy and Disciplinary Procedure for SETU and are attributed in this document where relevant². The chapter itself is available at: <https://as.exeter.ac.uk/academic-policy-standards/tqa-manual/aph/managingacademicmisconduct/>.

1.2 Disciplinary Process Framework and Principles

All Students are responsible for ensuring that they comply with the Student Charter and not breach the Academic Misconduct Policy. Not knowing or forgetting about the Student Charter and/or the consequences of any breach of the Academic Misconduct Policy is not a justification for failing to comply with same.

A Student is expected to:

² In particular, parts of pages 9, 14, 15 and 16 and in producing Appendix 1 and 2 of this Academic Misconduct Policy as noted.

- (a) Comply with the instructions issued by any person or body authorised to act on behalf of SETU in the proper discharge of their duties;
- (b) Comply with all academic regulations and instructions issued by SETU or any other associated institution (to include any third-party placement/institution);
- (c) Comply with all SETU Regulations, Policies and Procedures including this Academic Misconduct Policy as may be amended from time to time.

Students must not participate in behaviour or conduct which may be regarded as a breach of the Academic Misconduct Policy.

Students are responsible for ensuring that they reference correctly, in accordance with the conventions of the discipline in which the Assessment was set. Lack of awareness of the referencing conventions will not be deemed an excuse for Academic Misconduct.

1.3 Scope

To offer an environment where everyone can thrive and do their best, SETU asks and expects that the SETU Community (regardless of their role) be treated with dignity, fairness, and respect. SETU expects all members of its community to respect the principles of academic freedom and pursuit of scholarship. This Academic Misconduct Policy, which provides the means by which allegations of Academic Misconduct by any Student may be made, investigated and addressed, seeks to underpin SETU's commitment to sustaining, protecting, and growing the SETU Community. The Academic Misconduct Policy applies to all Students.

All Students undertake to observe the SETU Regulations, Policies and Procedures. If a Student is believed to have breached the Academic Misconduct Policy, this can result in an investigation by the relevant Internal Examiner and/or a complaint under this Academic Misconduct Policy ("Complaint") to the Complaints Resolution Officer ("CRO").

The Student Academic Misconduct Policy and Disciplinary Procedure for SETU enables SETU to consider whether a Student has breached the Academic Misconduct Policy and, if it is found that the Academic Misconduct Policy has been breached, impose proportionate sanctions, outcomes, actions or measures. The Disciplinary Procedure (which represents the various procedures and processes set out within this Academic Misconduct Policy) enables SETU to respond appropriately to alleged breaches of the Academic Misconduct Policy, to protect SETU and the University Community generally.

The Disciplinary Procedure is an internal process and therefore does not have nor should it be expected to have the same degree of formality as proceedings in a court of law. It is generally not necessary (or appropriate) for a Student or SETU to be legally represented at any meetings under this policy save in exceptional circumstances and with prior notice. Students who access and use legal representation do so at their own cost regardless of the outcome of same.

SETU is cognisant that the Disciplinary Procedure itself can be very stressful for all those involved. All Students and, where appropriate, witnesses will receive information at every step on how to access available supports during the process. The appropriate support will, naturally, depend on the circumstances of the case and may not, in all circumstances, be delivered by SETU support services.

To ensure fair procedure and natural justice is upheld in the process, anonymous Complaints are not possible. The CRO, however, may act where evidence becomes available that a wrongdoing may have occurred.

Whilst there is no deadline for the submission of a Complaint, a delay in making a Complaint may limit the ability of SETU to address matters which form the basis of a Complaint.

SETU will investigate and consider Complaints in a timely manner, providing reasonable deadlines at each stage of the process. However, delays may occur where the case is complex or individuals relevant to the investigation are not available to attend meetings or where the Disciplinary Procedure has been suspended for good reason. All relevant parties will be provided with written updates and reasons where there is a delay.

In general, the University will not consider mitigation in determining whether cases of Academic Misconduct took place. Students who are unable to complete an Assessment through illness or other personal circumstances, should apply for mitigation through the appropriate channels at the time that the circumstances and/or illness occurs, and such circumstances cannot be considered as an excuse for Academic Misconduct. Adverse circumstances may provide context to the actions of the student, which may be considered by the relevant decision-maker at their discretion when determining any penalty or sanction to be imposed³.

Witnesses are expected to engage with the process.

A Complainant may not appeal a determination or decision made by the CRO, Disciplinary Committee or Appeals Committee. However, the Complainant is entitled to write to the CRO at the conclusion of the Disciplinary Process to provide feedback or observations on the process as it pertained to the Complainant's original Complaint. The CRO will consider such feedback or observations and, on a periodic basis, will report to Academic Council, the Executive Management Team and Governing Body on all feedback or observations received in a consolidated and anonymised form. This will be with a view to further developing the Academic Misconduct Policy and any associated procedures or processes.

1.4 Interaction with other Policies

The Academic Misconduct Policy is considered as the overarching Policy on matters which may pertain to a potential breach of the Academic Misconduct Policy for all

³ Adapted from Chapter 12 (Academic conduct and practice) of the University of Exeter's 'Teaching Quality Assurance Manual' for the 2021/2022 academic year – see section 12.2.14 of original source. Available at: <https://as.exeter.ac.uk/academic-policy-standards/tqa-manual/aph/managingacademicmisconduct/>.

students at all levels. Where matters pertaining to Academic Misconduct or Serious Academic Misconduct can be addressed under multiple policies, the Academic Misconduct Policy will have primacy unless otherwise specified in a different policy; only one policy may be applied. For example, SETU examination rules will typically be used, in the first instance at least, to address allegations of potential breaches of SETU examination rules or procedures that occur during an examination.

Where a matter relating to research integrity involving a Student or a matter relating to a potential breach of the Academic Misconduct Policy by a postgraduate research Student arises, which gives rise to an allegation of Academic Misconduct or Serious Academic Misconduct under this Academic Misconduct Policy, the CRO will consult with the Research Integrity Officer on the matter. If appropriate, the Disciplinary Committee may appoint the Research Integrity Officer as an Investigating Officer (see section 6.2 below) in addition to the CRO (or other appointed Investigating Officer) where a matter being investigated relates to research integrity in whole or in part or relates to a postgraduate research Student. Matters regarding research integrity that may relate to a staff member of SETU are not covered by this Academic Misconduct Policy.

On occasion, where the Academic Misconduct Policy is not appropriate, a Complaint may be more appropriately investigated under another SETU Policy or Procedure. It will be at the discretion of the CRO or Disciplinary Committee (who may consult with relevant SETU Officers) to determine which procedure is most appropriate to investigate the Complaint. SETU reserves the right to refer the Complaint under another SETU Policy or Procedure at any time during the Disciplinary Process. A finding of a breach of the Academic Misconduct Policy will be treated as evidence that the breach occurred for the purpose of any other Policy under consideration.

1.5 Sharing of Information

All information received under this Academic Misconduct Policy shall be handled sensitively and in accordance with SETU's suite of Data Protection Policies and associated procedures. SETU shall take all reasonable steps to share all evidence considered in reaching a decision (save for exceptional circumstances), the decision itself, the reasons for the decision and any sanctions, outcomes, actions or measures with the Student whose conduct is the subject of a Complaint (the "Respondent").

Every effort will be made to maintain strict confidentiality and discretion in the processing and investigation of a Complaint. All parties should be aware of their obligations under SETU's suite of Data Protection Policies and associated procedures. Where it is necessary to meet with persons, the importance of confidentiality will be emphasised to the relevant parties. In this regard, all parties will be required to respect the privacy of everyone involved by refraining from discussing the matter with others unless it is deemed as necessary under this Academic Misconduct Policy.

SETU will share the initiation of an investigation, the determination and any sanctions, outcomes, actions or measures taken in respect of a Complaint with the relevant Head of Department/Head of School/Faculty. SETU may also share this information with internal bodies, regulatory bodies and professional bodies where appropriate.

It may also be necessary to share information related to a Complaint with relevant staff in SETU. Any parties (internal or external) with whom information is shared will be advised that the information is confidential and that it is not for onward transmission or general dissemination and will comply with GDPR.

The Complaint, documentation/evidence considered by the decision maker, sanctions, outcomes, actions, measures and findings, if any, will be provided at various stages to the Respondent during the Disciplinary Procedure.

During the Disciplinary Process, a Complainant will be informed as to the progress of their Complaint by the CRO if this is requested by the Complainant. No further information will be provided to the Complainant while the process is ongoing.

Following conclusion of the Disciplinary Procedure, the Complainant will be advised that the Complaint has been dealt with under the Disciplinary Procedure. Complainants may then request, via the CRO, summary information to assist them in understanding the outcomes arrived at by decision makers. The information provided will respect the confidentiality of the Disciplinary Process and of the parties involved, and will consist only of necessary and relevant information.

No further information will be provided to the Complainant unless the sanctions, outcomes or actions concerned, or measures agreed, personally affect the Complainant. The decision maker may, in those instances, advise the Complainant of relevant information to their Complaint; such information will be deemed reasonably necessary to share in order to safeguard the interests of the Complainant and/or to allow the Complainant to carry out their duties. This would include, by way of example, informing the relevant Internal Examiner that no breach of the Academic Misconduct Policy was found to have occurred or that a breach of the Academic Misconduct Policy was found to have occurred and the details of a sanction or formal outcome where they are required to take measures to ensure that the sanction or formal outcome is implemented.

Regardless of the outcome of the Disciplinary Procedure, parties should not inappropriately identify or inappropriately provide details to third parties that might identify any individual involved in the investigation or subsequent decision-making process.

1.6 Oversight

On a periodic basis (and at least annual basis), the CRO will provide an anonymised report of the types of Complaints raised (to include those not ultimately progressed through the Academic Misconduct Policy), investigation roles, the types of adverse findings of misconduct, outcomes arrived at, and sanctions administered to Academic Council, the Executive Management Team and the Governing Body. This report will also contain relevant information provided by Chairs of Disciplinary and Appeals Committees as they relate to such matters. This information will be used by Academic Council and the Executive Management Team in refining and developing policy and initiatives in this area to seek to prevent Academic Misconduct occurring and to ensure

consistency and fairness of approach across the University. In addition, the Vice President for Academic Affairs may, from time to time, review the work of the CRO in addition to the report.

To ensure that the Office of the Vice President for Academic Affairs has oversight of all cases of Academic Misconduct that have given rise to adverse findings, the CRO will provide relevant information to the Office of the Vice President for Academic Affairs when requested on such matters.

1.7 Role of the Complaints Resolution Officer (CRO)

The Complaints Resolution Officer (CRO) is an SETU Officer appointed by the Vice President for Academic Affairs with responsibility for receiving Complaints and considering whether the behaviour complained of is in respect of:

- (a) a Student, and
- (b) may be in breach of the Academic Misconduct Policy.

The CRO has the delegated power to:

- (i) conduct a fact gathering investigation in respect of a Complaint;
- (ii) where appropriate, refer the Complaint to the Internal Examiner in order to facilitate an informal resolution between the Complainant and the Respondent;
- (iii) where appropriate, refer the Complaint to the Disciplinary Committee;
- (iv) facilitate an Investigation into the Complaint as directed by the Disciplinary Committee or assist in any Investigation undertaken by a third party on behalf of the Disciplinary Committee;
- (v) facilitate a Formal Outcome under Stage 1 of the Formal Disciplinary Process in respect of a Complaint where appropriate.

This Academic Misconduct Policy and Disciplinary Procedure sets out in more detail what the CRO does or can do at different points and stages in the Disciplinary Process.

A key principle regarding the role of the CRO is for the CRO to appropriately and respectfully engage with the relevant parties involved in the Complaint, including, but not limited to, the Complainant, the Respondent and witnesses, during the Disciplinary Process and to seek to ensure that Disciplinary Procedures are properly followed. It is expected that all relevant parties involved in the Complaint will also appropriately and respectfully engage with the CRO throughout the Disciplinary Process, and follow the Disciplinary Procedures properly.

The CRO will take all reasonably practicable measures to ensure that the various parties involved in the Complaint understand the Disciplinary Process and the steps involved in the Disciplinary Procedure, as well as the implications of decisions taken. However, it remains the responsibility of all parties to ensure that they are fully informed of this Academic Misconduct Policy and Disciplinary Procedure and it is incumbent upon them to seek appropriate clarifications themselves from relevant personnel (e.g. the Students Union) and ask questions on any aspects that they do not understand.

1.8 Review of Policy

This policy will be reviewed in advance of the review date i.e. 27 February 2027, and/or as soon as possible following new or updated legislation, national or sectoral policy.

2. ACADEMIC MISCONDUCT POLICY

Students are expected to act reasonably and to take responsibility for their behaviour and conduct in academic matters. To that end SETU expects all Students to uphold the tenets of the Student Charter and on entering the SETU Community ensure that they, and where possible, their fellow Students act in a manner that is appropriate and represent SETU at the highest possible standard.

Students are expected to inform themselves with regard to acceptable academic behaviour and conduct throughout their studies and are expected to avail of education and training opportunities made available to them in this regard.

Students are expected to abide by all SETU Regulations, Policies and Procedures and the law. SETU expects that each Student will conduct themselves appropriately. Behaviour complained of or brought to the attention of SETU which breaches the Academic Misconduct Policy and is regarded as an Academic Offence may give rise to a complaint under this Disciplinary Process.

An Academic Offence is any action (or in certain circumstances a failure to act) which, if undetected, gives or aims to give a Student an unfair advantage over other students, or any behaviour which deceives or may deceive those setting, administering, or marking an Assessment⁴. This includes, but is not limited to, cheating. A non-exhaustive list of examples that may be considered as an Academic Offence is set out in Appendix 1 and Appendix 2 (see below).

SETU has two categories of Academic Offence; Academic Misconduct and Serious Academic Misconduct. All of the non-exhaustive list of examples noted in Appendix 1 may be, at a minimum, indications of Academic Misconduct. Appendix 2 outlines a non-exhaustive list of examples that may be considered as Serious Academic Misconduct. A decision as to which category is applicable in any particular case is a matter of academic judgement which will be based on the available facts and information and the circumstances of the case.

Poor Academic Practice is not considered to be an Academic Offence under this Policy. The Policy defines Poor Academic Practice⁵ as a lack of understanding of academic protocols or a misunderstanding of expected academic conventions of the discipline, where the Student has made a genuine attempt. However, it would not be appropriate to consider a situation as Poor Academic Practice where either of the following conditions applies (thus giving rise to an Academic Offence instead):

- (a) There is any indication that the Student intended to gain an unfair advantage or had the intention to deceive the Internal Examiner.
- (b) The Student had already been found to have committed an Academic Offence in a similar Assessment and could therefore be reasonably expected to have familiarised themselves with the academic practice of the discipline.

⁴ As per Footnote 3 above – see section 12.3.1 of original source.

⁵ As per Footnote 3 above – see section 12.5 of original source.

Poor Academic Practice should be handled at Programme or Departmental level and may involve an informal meeting with the Student and Internal Examiner at a minimum to provide advice to the Student regarding their approach to the Assessment from a learning perspective.

A Complaint under this Disciplinary Process may be heard under the Informal Resolution or Formal Disciplinary processes depending on the seriousness of the case and any other relevant circumstances.

While a matter is being pursued against a Student under this Policy, it may not be possible to process the results of an Assessment. In this situation, a result of Deferred will be recorded until the Disciplinary Procedure has been completed.

2.1 Glossary of Key Terms of the Complaint Procedure

‘Academic Misconduct’ is personally gaining, attempting to gain, or helping other Students gain or attempt to gain, an unfair academic advantage in any formal SETU Assessment. It may also be regarded as any activity likely to undermine the integrity essential to scholarship and research. Such unfair academic advantage may include the possession of unauthorised materials or electronic devices during an Assessment even where a Student is unaware that such materials or devices are unauthorised, have no intention of using them, or are unaware that they have them in their possession⁶.

‘Academic Offence⁷’ is any action (or in certain circumstances a failure to act) which, if undetected, gives or aims to give a Student an unfair advantage over other students, or any behaviour which deceives or may deceive those setting, administering, or marking an Assessment⁸. This includes, but is not limited to, cheating.

‘Appeals Committee’ means a committee established by SETU to hear appeals made by Respondents against findings made against them and/or sanctions imposed on them by SETU through the Disciplinary Procedure;

‘Assessment’ means a form of Assessment which a Student is required to complete as part of their studies;

‘Complaint’ means the description of the behaviour which is believed to contravene the Academic Misconduct Policy reported by the Complainant in writing to the CRO via [insert web site] or in a manner that satisfies the CRO that a Complaint has been raised;

‘Complainant’ means a person who raises a formal Complaint under this Disciplinary Procedure;

⁶ Adapted from University of Cambridge ‘Definition of Academic Misconduct’. Available at: <https://www.plagiarism.admin.cam.ac.uk/definition>.

⁷ As noted in section 2 above, there are two categories of Academic Offence – Academic Misconduct and Serious Academic Misconduct.

⁸ As per Footnote 3 above – see section 12.3.1 of original source.

'Disciplinary Committee' means a committee established by SETU to hear a formal Complaint made against a Respondent through the Disciplinary Procedure and to arrive at findings (and, if necessary, determine a sanction(s)) arising from the Complaint;

'Internal Examiner' means an SETU-appointed Internal Examiner(s) for an SETU Assessment who is normally a lecturer who delivered the module;

'Investigating Officer' means the CRO or another person who is assigned responsibility for conducting an investigation into a potential breach of the Academic Misconduct Policy;

'Investigation Report' means the report created by the Investigating Officer following an investigation;

'Respondent' means a Student whose conduct is the subject of a Complaint;

'Serious Academic Misconduct' means behaviour which may suggest evidence of extensive plagiarism or cheating; or clear evidence of serious behaviour which is designed to deceive those setting, administering, or marking the Assessment; and/or behaviour designed to obtain unfair advantage on the part of the Student⁹ which may include instances of repeated Academic Misconduct;

'Student' is any person who has accepted an offer to study and is pursuing a course of study at SETU and includes any Visiting Student [or a person who had such status at the time of the circumstances about which the Complaint is being raised].

Visiting Student means any Student who may also be bound by the terms and conditions of their contract (of employment and/or the policies and procedures of their host institution) and are considered as Students under SETU Regulations, Policies and Procedure to include this Policy¹⁰ .

3. MAKING A COMPLAINT

SETU may be informed of a potential breach of the Academic Misconduct Policy by the making of a Complaint through the completion and submission of a Complaint Form together with any evidence the Complainant wishes to provide to the CRO [Insert link to form here]. The Complainant may be a person who has been impacted by the reported behaviour, witnessed it, or become aware of the alleged behaviour through other means. No person making a Complaint will suffer any victimisation for making the Complaint.

A potential breach of the Academic Misconduct Policy may also be identified by an Internal Examiner in the course of their assessment of a student's work. In this case, a

⁹ As per Footnote 3 above – see section 12.7.1.

¹⁰ A student from another institution who is only visiting the University (for example, as part of a visiting sports team or while attending an open day on the campus) is considered as a visitor and not as a Visiting Student.

formal Complaint may or may not arise. This will depend on whether the matter is resolved through the Informal Resolution Process (no formal Complaint made by Internal Examiner) or whether the matter proceeds through the Formal Disciplinary Process (formal Complaint made by Internal Examiner).

For concerns relating to Non-Academic Misconduct, in examinations or otherwise, a complaint may be made under the Student Expected Behaviour Policy and Disciplinary Procedure for SETU [Insert link to same here].

Where a Complaint involves more than one Respondent/Student it will be at the discretion of the CRO or, where appropriate, the Disciplinary Committee to decide whether the Complaint should be separated into separate investigations for some or all of the Respondents. Where a hearing involving more than one Respondent takes place, the personal mitigation of each Respondent shall not be shared with the other Respondents for consideration. Any Appeal of a determination under this Process, where there are multiple Respondents, will usually be considered separately but with the same Appeals Committee.

Where a Complaint is raised under this Disciplinary Procedure, a Respondent must not contact or attempt to contact the Complainant, Internal Examiner or any potential witness to the alleged misconduct in relation to the Complaint either directly or through a third party. Respondents are entitled to and should continue with their studies except for in those situations where they are advised otherwise (for example, under section 6.1 below).

4. INFORMAL RESOLUTION PROCESS

The Informal Resolution Process seeks to address potential breaches of the Academic Misconduct Policy through engagement between the Internal Examiner and the Student. Under this process, a formal Complaint is not made. Where an Internal Examiner believes that they have identified Academic Misconduct, they should firstly review the evidence in the context of the Academic Misconduct Policy. If the evidence suggests potential Academic Misconduct, they should follow the Informal Resolution Process. Where the evidence suggests potential Serious Academic Misconduct, the Internal Examiner should not follow the Informal Resolution Process and should instead make a formal Complaint to the CRO under the Stage 1 Formal Disciplinary Process. This will include any evidence of Serious Academic Misconduct that the Internal Examiner regards as relevant to the allegation.

Before commencing the Informal Resolution Process, the Internal Examiner may check with the Student's Head of Department to determine if there is a record of a previous adverse finding against the Student for a case of Academic Misconduct or Serious Academic Misconduct. If there is, the Internal Examiner will instead make a formal Complaint to the CRO under the Stage 1 Formal Disciplinary Process. This will include any evidence of Academic Misconduct that the Internal Examiner regards as relevant to the allegation.

4.1 Informal Meeting

The Internal Examiner will contact the Student and seek to arrange a meeting with them (which can be face-to-face or virtual). The Internal Examiner will advise the Student that a potential breach of the Academic Misconduct Policy has been identified which may fall to be considered under the Disciplinary Procedure. In advance of any proposed meeting, details of the alleged breach will be provided to the Student (to include evidence of the alleged breach).

The purpose of the informal meeting is to discuss the alleged Academic Misconduct and take steps, where possible, to agree an informal resolution of the issues raised.

As the meeting is on an informal basis, the Student may bring support in the form of a colleague, friend, Students Union Officer and/or parent or guardian. If the Internal Examiner wishes, they may ask a colleague to attend the meeting as well.

At the meeting, the Internal Examiner will discuss the evidence of alleged Academic Misconduct and outline to the Student why they believe that this is Academic Misconduct. The Student has a right to review the evidence, to respond to this and to present any evidence that they believe is relevant to the matter.

4.2 Outcome of the informal meeting

The intention of the informal meeting is to seek an informal resolution to the allegation of Academic Misconduct that is acceptable to SETU and the Student, without the need for a possible formal outcome (under the Formal Disciplinary Process: Stage 1) or possible formal sanction (under the Formal Disciplinary Process: Stage 2). If it is agreed that no Academic Misconduct took place, then no further action is taken. However, the Internal Examiner may give informal advice to the Student regarding future Assessments.

If it is agreed that Academic Misconduct took place, the actions available to the Internal Examiner shall include but not be limited to some or all of the following actions:

- advice to the Student;
- a verbal warning to the Student;
- the resubmission of the Assessment by the Student;
- a specific marks deduction for the Assessment;
- a fail mark for the Assessment (which may be a zero mark where appropriate);
- a combination of some or all of the above actions.

The outcome of the meeting, including any actions arising, must be acceptable to both the Student and the Internal Examiner. If the outcome of the meeting, including any actions arising, are acceptable to both, the Internal Examiner and Student will both sign a document prepared by the Internal Examiner or others present at the informal meeting, setting out a short summary of the matter and the agreed action as evidence of this ("Summary"). Any action agreed to by the Student in this manner is not a formal sanction and will not be recorded on the Student's record as a formal sanction. The Internal Examiner will ensure that the agreed action is then implemented.

A copy of the Summary shall be sent to the Student's Head of Department.

The Head of Department will retain a copy of the Summary until the conclusion of studies with SETU. If there are no further allegations of Academic Misconduct or Serious Academic Misconduct against the Student at the conclusion of this period, they will destroy the Summary and any record of same.

If an agreed outcome cannot be reached at the informal resolution meeting, the Internal Examiner will refer the matter to the CRO in the form of a formal Complaint (using the Complaint Form) under the Formal Disciplinary Process: Stage 1. This will include any evidence (including relevant documents) of Academic Misconduct that the Internal Examiner regards as relevant to the allegation.

5. FORMAL DISCIPLINARY PROCESS: STAGE 1

5.1 Initial Assessment

The CRO is responsible for receiving all Complaint forms. In certain limited circumstances (such as in the case of the incapacity of the Complainant), the CRO may accept a verbal complaint. Where this arises, the CRO will record the Complaint in writing and ask the Complainant to approve this before proceeding.

The Complaint will be considered by the CRO in the first instance who will acknowledge receipt and determine if, on foot of the information to hand, the following criteria are met:

- (a) Does the Complaint concern a Student; and
- (b) Is there an allegation which on the face of it is in respect of behaviour which may be in breach of the Academic Misconduct Policy?

Where, in the opinion of the CRO, following review of the Complaint both (a) and (b) are not met, the CRO will write without undue delay to the Complainant setting out the views of the CRO and noting that the Complaint does not fall to be considered under the Policy. The CRO will note that under this Disciplinary Procedure the matter is closed and the Complaint will not be taken any further. If the Complainant wishes to resubmit the prior Complaint, by submitting additional information or evidence with the Complaint and identifying that the prior Complaint is being resubmitted on this basis, it will be considered in light of the new information/evidence. In the event that a Complaint is not investigated, it does not preclude a Complainant from submitting a similar Complaint in the future regarding a different Student or alleging new or different conduct regarding a Student who was the subject of a non-investigated Complaint.

Where (a) and (b) are satisfied, the CRO has discretion to consider if the Complaint should be referred to the Internal Examiner under the Informal Resolution Process

(above) or whether the Complaint should proceed by way of Formal Disciplinary Process Stage 1 or Formal Disciplinary Process Stage 2.

If the CRO believes the Complaint may be more appropriate under another SETU Policy or Procedure, the CRO can (if they wish) review the Complaint along with any additional information provided with a relevant officer of SETU and/or can refer the Complaint for consideration under another SETU Policy or Procedure. At any stage under this Disciplinary Procedure, a Complaint may be referred for consideration under another SETU Policy or Procedure instead of this Disciplinary Procedure. The Complainant will be advised of this by the CRO.

Allegations of potential breaches of SETU examination rules or procedures as may be amended from time to time ("SETU examination rules") that occur during an examination will be addressed by an appropriate Manager (the "Manager") who has responsibility for conducting examinations under SETU examination rules. Under SETU examination rules, the Vice President for Academic Affairs delegates authority to the Manager to resolve these matters and to take appropriate action as necessary. The Manager may, at their discretion, refer a matter to the CRO through the completion of a Complaint Form. This may include, but is not limited to, if an examination breach is deemed by the Manager to be of a serious nature or is found to be a recurrent breach by the Student. The Manager will advise the CRO of anonymised details of matters resolved under SETU examination rules for reporting purposes (see section 1.6 on 'Oversight' above). If a Student wishes to appeal actions taken under SETU examination rules, this appeal will be made to the Appeals Committee. Details of the conduct of such an appeal and the procedures involved are set out in SETU examination rules.

5.2 CRO Receipt and Fact Gathering Investigation

Where a Complaint is made via the Complaint form, the CRO shall write to the Respondent confirming that a Complaint has been received, the nature of the alleged behaviour, the relevant Academic Misconduct alleged and the decision of the CRO to proceed with a fact gathering investigation. Where necessary the CRO shall provide a brief summary of the Complaint, the name of the Complainant (save in exceptional circumstances), and describe the fact gathering investigation process and the possible outcomes of the Disciplinary Procedure (including referral under another SETU Policy or Procedure). The Complaint form will be provided to the Respondent in unredacted format unless the Complaint form makes a Complaint against more than one Respondent. In such circumstances, the names/SETU Student Numbers of other Respondents only will be redacted on the Complaint form provided to each individual Respondent. In exceptional circumstances, it may be necessary to redact the name of the Complainant on the Complaint form provided to the Respondent. The Complainant will also be provided with a copy of the correspondence to the Respondent.

The CRO shall inform the Complainant and Respondent of all avenues of support available to them.

The CRO may, where appropriate, conduct a fact gathering investigation which may involve a meeting with the Complainant and any other parties relevant to the Complaint.

In addition, the CRO may request written statements and/or documentation relevant to the Complaint.

The Complainant (and any third party on their behalf) should not engage in investigating the Complaint themselves after the Complaint is made. This is the role of the CRO (and/or appointed Investigating Officer, where appropriate) and may result in the Complaint not being progressed through the Disciplinary Procedure.

The CRO may also meet the Respondent to receive an oral account of the circumstances leading to the Complaint, to receive evidence relating to the Complaint and the names of any witnesses.

The CRO shall maintain a note of any meetings and, where necessary, a note taker will assist the CRO. Where appropriate, the Complainant or Respondent may request a third party attend as a support. Such attendees must be advised in advance to the CRO.

Following its fact gathering investigation, in consultation with other appropriate stakeholders where the CRO considers it necessary, the CRO may make one of the following decisions:

- (a) Determine that on the balance of probabilities the behaviour has not breached this Policy and there is no case to answer for the Respondent under the Disciplinary Procedure and close the file;
- (b) Determine that the Complaint falls to be considered under the Informal Resolution Process (above) and refer the Complaint to the Internal Examiner, informing both the Complainant and Respondent of this decision;
- (c) Determine that on the balance of probability the behaviour complained of may mean that a breach of the Academic Misconduct Policy has taken place and that a Stage 1 Formal Outcome is appropriate;
- (d) Refer the Complaint directly to the Disciplinary Committee at any stage of the fact gathering investigation where in the opinion of the CRO the behaviour complained of or the circumstances of the case are of such nature that immediate referral under the Formal Disciplinary Process: Stage 2 (below) is the appropriate forum;
- (e) Refer the matter for decision under another SETU Policy or Procedure.

At any stage in the process, the Complainant can withdraw their Complaint. A withdrawal must be made in writing to the CRO, and the matter will then be considered closed.

5.3 Formal Outcome (Stage 1)

If the CRO determines, on foot of their fact gathering investigation, there has been on the balance of probability a breach of the Academic Misconduct Policy and that the behaviour complained of is such that a Stage 1 Formal Outcome is appropriate, the CRO will provide the decision and the reasons for arriving at same with confirmation of the Stage 1 Formal Outcome imposed in writing (“CRO Stage 1 Formal Outcome”) in a Formal Outcome Letter.

The CRO may determine one or more of the CRO Stage 1 Formal Outcomes which are set out in Appendix 3.

The Respondent will have five working days from receipt of the Formal Outcome Letter to confirm whether to accept this CRO Stage 1 Formal Outcome or have the case referred to the Disciplinary Committee.

Where the Respondent accepts the CRO Stage 1 Formal Outcome, they must return a signed copy of the Formal Outcome Letter to the CRO as set out in the Formal Outcome Letter. This will be maintained on the Respondents record for the duration of the Respondent's studies.

The CRO shall refer a Complaint to the Disciplinary Committee under the Formal Disciplinary Process: Stage 2 where:

- (a) The Respondent does not agree to the CRO Stage 1 Formal Outcome;
- (b) The Respondent does not comply with the CRO Stage 1 Formal Outcome; or
- (c) The CRO is unable to determine an appropriate Formal Outcome under this Stage 1 having further considered the behaviour of the Respondent.

6. FORMAL DISCIPLINARY PROCESS: STAGE 2

Stage 2 of the Formal Disciplinary Process is required where the CRO refers a Complaint in writing to the Disciplinary Committee. The Membership of the Disciplinary Committee is set out in Appendix 4.

Where the Complaint is referred to the Disciplinary Committee because either:

- (a) The Respondent does not agree to the CRO Stage 1 Formal Outcome; or
- (b) Where the Respondent does not comply with the CRO Stage 1 Formal Outcome;

the Disciplinary Committee will not be obliged to engage in a further investigation of the Complaint where a fact gathering investigation has been completed by the CRO.

6.1 Permitted steps in advance of the Disciplinary Committee addressing allegations

It is incumbent on the University to act on Complaints as soon as possible. However, there may be situations where this is not feasible and steps may need to be taken in advance of the Disciplinary Committee addressing allegations, depending on the circumstances. Where necessary, the Vice President for Academic Affairs may take immediate steps that are appropriate and proportionate on foot of the Complaint to prevent any perceived or actual (a) endangerment of health and safety of any individual (including the Respondent) within the locus of the University or in the course of an SETU activity; or (b) interference, or attempt to interfere with any activities of SETU or member of the SETU Community in the pursuit of their studies or performance of their duties. Such steps (up to and including temporary suspension) shall be taken by the Vice President for Academic Affairs pending conclusion of the Stage 2 Process.

Any steps taken by the Vice President for Academic Affairs under this section should not be viewed as a sanction, will only remain in place as long as is necessary in the circumstances and will be reviewed periodically by the Vice President for Academic Affairs. The Respondent and Complainant will be informed in writing of the relevant action by the Vice President for Academic Affairs. The Respondent has a right to appeal any such step taken by the Vice President for Academic Affairs to the President in writing, but only where the step taken is for a period longer than two weeks. If the appeal is upheld, the step taken shall be cancelled and confirmed in writing to the Respondent, the Complainant and the Vice President for Academic Affairs.

If the Vice President for Academic Affairs deems that temporary suspension of a Respondent is the appropriate step under the Policy, consideration will be given to the effect that this may have on the Respondent's education and SETU shall, where appropriate and possible, seek to make reasonable alternative accommodations available to the Respondent to avoid academic disadvantage arising pending determination of the Complaint.

6.2 Investigation Report

The Disciplinary Committee may commission a fact finding, or where appropriate, fact gathering Investigation Report from an appointed Investigating Officer under Terms of Reference. Typically, the Investigating Officer will be the CRO unless the Disciplinary Committee decide otherwise (for example, if an investigation requires specialist and/or additional expertise, or if the CRO declares a conflict of interest), in which case the Disciplinary Committee shall appoint the Investigating Officer(s).

Following conclusion of the investigation, under this Section 6.2, the Investigating Officer shall provide the Chair of the Disciplinary Committee with their report. The Investigation Report provided will depend on the circumstances of the Complaint and the evidence compiled, but will typically address the following areas (as well as any other areas that are relevant):

- (a) Name of Respondent and SETU Student Number
- (b) Name of Investigating Officer(s)
- (c) Terms of Reference set by the Disciplinary Committee
- (d) Statement of the alleged breach of the Academic Misconduct Policy
- (e) Summary of Complaint made
- (f) Summary of the evidence compiled by the Investigating Officer which supports the Complaint
- (g) Summary of the evidence compiled by the Investigating Officer which refutes the Complaint
- (h) Documentation relevant to the Complaint (where appropriate)
- (i) Commentary/evidence and supporting documentation provided by the Respondent on the Investigation Report (see below)

In advance of providing the Investigation Report to the Chair of the Disciplinary Committee, the Investigating Officer will provide a copy of the Investigation Report to the Respondent. This is to provide the Respondent with an opportunity to comment on any aspect of the Investigation Report and its contents. These comments will be included in the Investigation Report that is provided to the Chair of the Disciplinary Committee. The Investigating Officer will advise the Respondent as to when they must submit their comments by when providing the copy of the Investigation Report to the Respondent, allowing at least five working days. If no response is received within the timeframe set by the Investigating Officer, they will provide the Investigation Report to the Chair of the Disciplinary Committee and note this fact as part of the Investigation Report.

In preparing the Investigation Report and providing commentary on same, all parties must be mindful of anything that is included or written related to other persons or entities to ensure that this is not in breach of any law. The Chair of the Disciplinary Committee will have discretion to consult with relevant experts (internal or external) on the contents of the Investigation Report if they have any concerns in this regard and may, if they deem it appropriate, redact parts of the Investigation Report before this is shared with members of the Disciplinary Committee in advance of the Disciplinary Committee meeting.

7. STAGE 2 DISCIPLINARY PROCEDURE

7.1 Arranging a Disciplinary Committee meeting

Following conclusion of the Investigation Report (if any), the Secretary of the Disciplinary Committee shall organise a meeting of the Disciplinary Committee and will communicate, on behalf of the Chair, the membership of the Disciplinary Committee, the date, time, and location (in person or remote) of the meeting to the Disciplinary Committee members, the Investigating Officer¹¹, and the Respondent.

The Respondent will be provided with a copy of the Complaint, documentation supporting the Complaint and the Investigation Report and will have an opportunity to respond to same within a specified timeframe. The Respondent will also be advised, in the communication, as to the names of the members of the Disciplinary Committee who will be dealing with the Complaint and the names of any witnesses who will attend the meeting, if known, at the time of convening the Disciplinary Committee hearing.

If the Respondent advises the Chair in writing in advance but no later than two working days in advance that they will not be able to attend, the Chair has absolute discretion as to whether to reschedule the meeting for a different date. The Respondent must set out the basis for any sought postponement of the meeting which must be to the satisfaction of the Chair. Otherwise, the meeting should proceed as scheduled (see also section 7.4 below).

7.2 Representation at a Disciplinary Committee meeting

A Respondent is entitled to bring a representative with them to the Disciplinary Committee meeting subject to notification to the Chair in writing (including the name of the representative) no less than two working days in advance of the meeting.

A Respondent representative may speak on behalf of the Respondent if the Respondent wishes. A Respondent is also entitled to bring a support with them to the Disciplinary Committee meeting subject to notification to the Chair in writing no less than two working days in advance of the meeting. The role of a support is primarily that of observer though they may be allowed to interject from time to time at the discretion of the Chair in order to assist and support the Respondent. Failure to notify the Chair in advance of the presence of a representative and/or support may result in the meeting being postponed by the Chair.

If the Respondent's representative is a legal representative, the Respondent must advise the Chair in writing at least four working days in advance of the meeting that they will have a legal representative present and their name.

¹¹ Any reference to an Investigating Officer in the Stage 2 Disciplinary Procedure should be taken as referring to all persons occupying this particular role for the relevant Complaint, including the CRO as appropriate.

The Respondent and/or the Investigating Officer may, where appropriate, make written submissions to the Chair in advance of the scheduled meeting to be shared with the Disciplinary Committee members.

7.3 Witnesses at the Disciplinary Committee meeting

The names of any witnesses attending the meeting must be confirmed to the Chair at least two working days in advance of the meeting. The names of any witnesses will be confirmed to the Respondent and/or Investigating Officer (as appropriate). Witnesses can attend the meeting to provide evidence relevant to the Complaint itself, or may attend to provide relevant medical information or as a character witness.

7.4 Non-attendance by a Respondent at Disciplinary Committee meeting

If a Respondent fails to attend a scheduled Disciplinary Committee meeting, the Disciplinary Committee will meet in their absence and on foot of the information to hand decide whether, on balance, a breach of the Academic Misconduct Policy is found. The Respondent will be notified in writing of this outcome and any sanction (if required).

7.5 Procedure at the Disciplinary Committee meeting

The procedures set out below and within this document overall shall not be deemed null and void if the conduct of any persons present at the meeting renders compliance with the said procedures impossible or impracticable.

If, in advance of the meeting, at any stage of the Informal, Stage 1 or Stage 2 process the Respondent admits to the breach of the Academic Misconduct Policy in writing, the Disciplinary Committee shall meet to determine the appropriate sanction only and may determine that no further evidence relating to the Complaint will be required to be presented at the meeting. The Respondent shall be entitled to bring to the attention of the Chair any mitigating facts which may be relevant to the Complaint and to seek, where appropriate, a hearing in person or provision of submissions for consideration.

The Chair of the Disciplinary Committee shall outline at the outset of the meeting the procedure which will be adopted, the timelines afforded to each individual and confirm the confidentiality of the procedure. The Disciplinary Committee meeting shall provide an opportunity for the members to ask questions of the Investigating Officer and the Respondent on the contents of the Investigation Report and any other relevant documentation or information provided to them. The Respondent (or their representative) and the Investigating Officer shall also have the opportunity to make submission on any matters relevant to the Complaint (including context and any mitigating facts) which may or may not be addressed in the Investigation Report¹²

¹² It is expected, where matters are raised in the Disciplinary Committee meeting that are not already addressed in the Investigation Report, that the parties raising them can provide good reasons for why

and/or where appropriate ask questions of the Investigating Officer, Respondent or any witness.

The Disciplinary Committee, through the Chair, can seek expert advice or guidance (which may be internal or external) on any matters raised in the course of the Disciplinary Procedure or to answer any questions that it has at any stage where the Committee believes that this is necessary.

Once the Chair of the Disciplinary Committee is satisfied that it has received all the relevant information the meeting will be adjourned and the Disciplinary Committee shall reconvene in private to consider the Complaint.

7.6 Outcomes of the Stage 2 Disciplinary Procedure

Following consideration by the Disciplinary Committee of the Complaint, the Disciplinary Committee shall arrive at one of the following decisions:

- (a) Dismiss the Complaint having determined that no breach of the Academic Misconduct Policy occurred;
- (b) Find that there has been a breach of the Academic Misconduct Policy.

7.7 Determination that no breach of the Academic Misconduct Policy occurred

If the Disciplinary Committee determines that no breach of the Academic Misconduct Policy occurred, the Chair will use all reasonable endeavours to advise the Respondent of its determination as soon as is practicable and ordinarily within five working days of the determination (see also section 7.9 below). The CRO will also be notified of the outcome. Any record of the Complaint and its progress under this Policy will be removed from the Respondent's record.

7.8 A finding of a breach of the Academic Misconduct Policy

Following a finding by the Disciplinary Committee of a breach of the Academic Misconduct Policy, the Secretary of the Disciplinary Committee shall be asked to confirm to the Disciplinary Committee any prior breaches, sanctions, formal outcomes (under Formal Disciplinary Process: Stage 1) or findings against the Respondent.

The Disciplinary Committee shall then consider what sanction should be imposed on the Respondent in respect of the Complaint. The Disciplinary Committee shall consider all evidence and submissions made in respect of the Complaint (including any fact gathering investigation or the Investigation Report) as well as any mitigating factors and/or prior sanctions, formal outcomes or findings in arriving at the appropriate sanction. The Disciplinary Committee may impose one or more of the sanctions under Appendix 5 or may, where appropriate, consider the following additional or alternative sanctions:

they were not already addressed in the Investigation Report. The Chair of the Disciplinary Committee will rule on whether such matters may be considered based on the reasons provided.

- (i) Restrict or place conditions on the use of SETU premises, facilities, or services;
- (ii) Temporary or permanent exclusion from SETU with accompanying temporary or permanent removal of academic awards;
- (iii) Any penalty considered by the Disciplinary Committee to be appropriate up to (i) and (ii) above.

All sanctions imposed by the Disciplinary Committee shall be proportionate to the behaviour complained of.

If the sanction determined is the expulsion of the Student from the University, an expulsion order must be approved and signed by the President. This will also be formally reported to the Governing Body.

7.9 Communication of the Disciplinary Committee Sanction

The Chair of the Disciplinary Committee shall use all reasonable endeavours to ensure that the outcome of the Disciplinary Committee meeting will be confirmed to the Respondent and the CRO in writing, including any sanction imposed (if relevant), within ordinarily five working days of the determination. Any delay and the reason for same will be notified in advance to the Respondent.

Where there is a finding of a breach of the Academic Misconduct Policy and a sanction has been imposed, while respecting the confidentiality of the process and the right of the Respondent to Appeal such decision, it may be necessary to communicate with certain staff on decisions made to ensure that the Disciplinary Process is appropriately administered and actioned. Such communication will only contain necessary information for this purpose.

7.10 Appeal against the determination of the Disciplinary Committee

The Respondent shall have the right to Appeal the decision of the Disciplinary Committee within ten working days of receiving the written decision to the Appeals Committee.

7.11 Appeal

An Appeal by the Respondent can be submitted on the following grounds (which must be identified at the outset of any Appeal):

- (a) The procedures were not followed properly, or there was bias or reasonable perception of bias during the procedure;
- (b) The Respondent has new information/mitigating information which was not available at the Disciplinary Committee hearing for valid reasons, and which may materially alter the decision of the Disciplinary Committee;

- (c) The penalty imposed was disproportionate in light of the alleged behaviour and previous sanctions/formal outcomes (if any).

Any Appeals of a generalised nature will not be accepted.

To progress an appeal, the Respondent will have to submit an Appeal to the Secretary of the Appeals Committee [Insert link] within ten working days of the receipt of the determination. The Respondent must identify the grounds for Appeal and, where necessary, the information/evidence the Respondent seeks to rely upon in the Appeal.

The membership of the Appeals Committee is set out in Appendix 6.

The Appeals Committee will be entitled to determine the Appeal in private or may, where necessary, seek further materials and/or meeting with the Respondent and any other relevant party to the Complaint. If the Respondent attends a meeting with the Appeals Committee, they may bring a support and representative with them on the same basis as the Disciplinary Committee procedure (above).

Where an Appeal is on (b) above, the Appeals Committee in coming to a decision may at its discretion refer such additional information to the Disciplinary Committee for further consideration of the Complaint. The Disciplinary Committee may, following consideration of such additional information, review and amend its determination accordingly and advise the Appeals Committee of such revision.

The Appeals Committee may, following its review of the Appeal:

- (a) Accept the Appeal and overturn the original Disciplinary Committee decision (in whole or in part)
- (b) Reject the Appeal and uphold the original Disciplinary Committee decision (in whole or in part)
- (c) Set an alternative sanction to that imposed by the Disciplinary Committee.

The Chair of the Appeals Committee shall use all reasonable endeavours to ensure that the outcome of the Appeals Committee meeting will be confirmed to the Respondent and the CRO in writing ordinarily within five working days of the determination. Any delay and the reason for same will be notified in advance to the Respondent.

While respecting the confidentiality of the process, it may be necessary to communicate with certain staff on decisions made by the Appeals Committee to ensure that the Disciplinary Process is appropriately administered and actioned. Such communication will only contain necessary information for this purpose.

The Appeals Committee shall be and is the final arbiter in respect of alleged breaches of the Academic Misconduct Policy. If a Respondent remains unhappy with the determination of the Complaint, the Respondent may make a complaint to the Ombudsman (www.ombudsman.ie).

7.12 Imposition of sanction and follow-up

Where a sanction has been imposed under this Disciplinary Procedure, the Respondent must comply with same. Where appropriate the CRO, Chair of the Disciplinary Committee or Chair of the Appeals Committee will ensure that there is follow-up with relevant members of staff to ascertain that the sanction is being complied with.

If the decision maker is of the view that the Respondent has not satisfactorily complied with a sanction, the CRO shall be required to engage with the Respondent to explain the implications of non-compliance. If this is unsuccessful, the CRO can refer the matter to the Chair of the Disciplinary Committee who may make a recommendation to the Vice President for Academic Affairs that the Respondent be temporarily suspended until they have complied with the sanction. Should the Vice President for Academic Affairs accept this recommendation, the temporary suspension, and the terms of this will be confirmed to the Respondent.

APPENDIX 1: EXAMPLES OF CONDUCT/BEHAVIOUR WHICH MAY BE REGARDED AS ACADEMIC MISCONDUCT

Below sets out a broad non exhaustive list of examples¹³ of conduct/behaviour which may be regarded as a breach of the Academic Misconduct Policy and which may be considered as Academic Misconduct. This is an example only of the types of behaviour which may be subject to a Complaint and consideration under this Policy:

- a. Plagiarism, i.e., the act of representing work or ideas as one's own without appropriate acknowledgement or referencing of the source. For instance:
 - i. Direct copying of text, or illustrations, from a book, paper, article, fellow student's essay, handout, thesis, web page or other source without proper acknowledgement.
 - ii. Claiming individual ideas derived from a book, paper, article etc. as one's own, and incorporating them into one's work without adequately acknowledging the source of those ideas. This includes, among other things, insufficiently paraphrasing a source, or altering the material taken from the source so it appears to be one's own work or mirroring the structure of the argument of another without proper attribution.
 - iii. Overly depending on the work of others by constructing a significant part of an Assessment by extracting large sections of text from another source.
 - iv. The re-submission or re-use of the student's own work in another assignment whether this was submitted at the University or any other academic institution. This provision is intended to prevent the counting for credit twice for the same piece of work.
 - v. The inappropriate and unauthorised usage of text generation software or text generation websites.
- b. Collusion, i.e., the unauthorised working with another person(s), whether in person or via electronic device, on a piece of work, which is then submitted as part of an Assessment, without acknowledgement of the contribution of the other person or persons.
- c. Coercion, i.e., where a student applies pressure to another student or member of staff to act in a particular way, or attempts to do so, with the intention of gaining an academic advantage. Where this is initially investigated as collusion it will be possible for the outcomes and penalties applied to differ between the parties involved. It is also possible for an outcome to be reached for one party ahead of the final outcome for the student alleged to have coerced another.
- d. Contract Cheating¹⁴, i.e., form of academic misconduct when a person uses an undeclared and/or unauthorised third party, online or directly, to assist them to produce work for academic credit or progression, whether or not payment or other favour is involved.

¹³ As per Footnote 3 above – see section 12.3.1 of original source.

¹⁴ See page 14 of 'Academic Integrity – National Principles and Lexicon of Common Terms', published by Quality and Qualifications Ireland, 2021 (<https://www.qqi.ie/sites/default/files/2021-11/academic-integrity-national-principles-and-lexicon-of-common-terms.pdf>).

- e. The use or possession of unauthorised books, notes, software, electronic devices or other materials in an examination or relevant Assessment (such as an online examination) unless specifically permitted.
- f. Obtaining or sharing an Assessment question/paper or examination question/paper ahead of its authorised release or obtaining or sharing another student's answer to any Assessment or examination question/paper.
- g. Attempting to impersonate or the impersonation of another individual, due to be sitting a particular Assessment.
- h. Fabrication, i.e., the creation of false data or other aspects of research or assessed work, including but not limited to documentation and participant consent forms with the intention of deceiving the examiner.
- i. Falsification, i.e., the inappropriate manipulation (including deletion) and/or selection of data, imagery and/or consents with the intention of deceiving the examiner.
- j. Misrepresentation including, but not limited to, misrepresenting data, or misrepresenting the work of someone else as one's own, in whole or in part; i.e. copying another's bibliography and referencing, implying the research completed is one's own, disguising the authorship of the work through the use of electronic devices to conceal the extent to which the work is not the student's own, or using source material originally in another language and translating this into English without attributing the work to the original author, or using synonyms throughout copied material.
- k. Evidence of an attempt to disguise any of the forms of plagiarism enumerated above (which might involve the use of computerised paraphrasing systems or translation systems, or a translator or third party who acts as more than a proof-reader authorised by the University) will normally be treated more severely than plagiarism alone.

The University may extend or amend these definitions for specific subjects.

APPENDIX 2: EXAMPLES OF CONDUCT/BEHAVIOUR WHICH MAY BE REGARDED AS SERIOUS ACADEMIC MISCONDUCT

In addition to examples set out in Appendix 1, below sets out a broad non exhaustive list of examples¹⁵ of conduct/behaviour which may be regarded as a breach of the Academic Misconduct Policy and which may be considered as Serious Academic Misconduct. This is an example only of the types of behaviour which may be subject to a Complaint and consideration under this Policy:

- a. Taking notes into or using any unauthorised device in an Assessment or examination.
- b. Impersonating another person during an Assessment or examination or arranging for another person to impersonate any individual during an Assessment or examination.
- c. An assignment that includes extensive, or otherwise significant quantity, of unattributed or incorrectly attributed copying.
- d. The inappropriate, unauthorised and extensive usage of text generation software or text generation websites.
- e. Any case where a student has previously been penalised for Serious Academic Misconduct.
- f. The use by a student of essay sites (“essay mills”) or other forms of contract cheating that may or may not involve a commercial transaction, with or without the author’s consent.
- g. Misconduct within a dissertation or thesis of a taught postgraduate programme or research programme – due to the level of study – would normally be placed within this category.
- h. Where the University reasonably suspects that any of the underlying data used by the student has been either falsified or fabricated.

¹⁵ As per Footnote 3 above – see section 12.7.1 of original source.

APPENDIX 3: CRO STAGE 1 FORMAL OUTCOMES

When determining an appropriate formal outcome at Stage 1 level, the CRO will seek to ensure that the Respondent who has had an adverse finding against them in the context of Academic Misconduct learns from the experience but also that the formal outcome itself has consequences for the Respondent that are proportional to the misconduct.

The conduct of the Respondent throughout the process (for example, engaging openly with the process or admitting to Academic Misconduct at an early stage) can be considered in determining an appropriate formal outcome.

Examples of appropriate CRO Stage 1 Formal Outcomes may include one or more of the following:

- (i) A written warning to the Respondent as to future behaviour which will be placed on the Respondent's records and may be referred to should further breaches be found against the Respondent;
- (ii) A written undertaking as to good behaviour entered into by the Respondent;
- (iii) Re-submission or resitting of the Assessment by the student, with or without a cap on marks achievable;
- (iv) A specified marks deduction for the Assessment;
- (v) A fail mark for the Assessment without the potential for passing by compensation;
- (vi) A zero mark for the Assessment.

APPENDIX 4: MEMBERSHIP OF THE DISCIPLINARY COMMITTEE

A Disciplinary Committee will be formed where Stage 2 of the Formal Disciplinary Process is required. The membership of the Disciplinary Committee will be drawn from members of Academic Council.

A Chair of the Disciplinary Committee will be appointed by the Vice President for Academic Affairs for each specific Complaint where Stage 2 of the Formal Disciplinary Process is required. The Chair will be a member of University staff at management grade.

The Disciplinary Committee, for any Complaint under Stage 2 of the Formal Disciplinary Process, should consist of five members incorporating gender balance, to include (where possible) at least one Student member¹⁶. A majority of members of the Disciplinary Committee must be non-Student members.

The selection of members of the Disciplinary Committee is a matter for the Vice President for Academic Affairs. The membership of the Disciplinary Committee for a specific Complaint will depend on the nature of the Complaint.

No member of the Disciplinary Committee for a specific Complaint will have an actual or perceived conflict of interest.

All members of the Disciplinary Committee will be provided with a copy of this Policy in advance of the meeting.

The Secretary of the Disciplinary Committee, appointed by the Vice President for Academic Affairs, shall be responsible for organising the meeting of the Disciplinary Committee and the provision of the information available as well as scribe for the purpose of the Disciplinary Committee meeting minutes. The Secretary of the Disciplinary Committee shall not otherwise participate in the meeting or decisions.

Decisions of the Disciplinary Committee shall be made on a majority voting basis, with a show of hands of those present at the meeting required. If there is an equality of votes, the Chair of the Disciplinary Committee shall have the casting vote.

¹⁶ If it is not possible to have a Student member, the Disciplinary Committee can still be formed as long as there are five members.

APPENDIX 5: STAGE 2 SANCTIONS

When determining an appropriate sanction at Stage 2 level, the Disciplinary Committee will seek to ensure that the Respondent who has had an adverse finding against them in the context of Academic Misconduct or Serious Academic Misconduct learns from the experience but also that the sanction itself has consequences for the Respondent that are proportional to the misconduct.

The conduct of the Respondent throughout the process (for example, engaging openly with the process or admitting to Academic Misconduct or Serious Academic Misconduct at an early stage) can be considered in determining an appropriate sanction.

Appropriate sanctions¹⁷ (which can be academic and/or administrative and may be combined) may include:

- (i) A written warning to the Respondent as to future behaviour which will be placed on the Respondent's records and may be referred to should further breaches be found against the Respondent;
- (ii) A written undertaking as to good behaviour entered into by the Respondent;
- (iii) Re-submission or resitting of the Assessment by the Student, with or without a cap on marks achievable;
- (iv) A specified marks deduction for the Assessment;
- (v) A fail mark for the Assessment without the potential for passing by compensation;
- (vi) A zero mark for the Assessment;
- (vii) A fine, with the sum of money paid to an appropriate fund to assist students who are in financial difficulty;
- (viii) The exclusion of the Respondent from the use of certain specified facilities or the withdrawal of access rights to parts of the University for a specific period of time;
- (ix) The suspension of the Respondent from the University and University activities for a specific period of time or until such time as other specified actions have been completed by the Respondent (e.g., payment of a fine);
- (x) The expulsion of the Respondent from the University.

If the sanction is the expulsion of the Respondent from the University, an expulsion order must be approved and signed by the President. This will also be formally reported to the Governing Body.

¹⁷ In the case of sanctions listed here or of a similar nature imposed as part of the Formal Disciplinary Process: Stage 2, these will generally only be recorded on the Respondent's record until the Respondent graduates from the relevant programme of study or ceases to be a Student. However, this will not apply to a sanction that involves the expulsion of the Respondent, as this sanction would prevent the Respondent from studying at the University again. A sanction of expulsion will continue to be recorded on the Respondent's student record permanently to ensure that the Respondent is not able to register with the University again in the future.

APPENDIX 6: MEMBERSHIP OF THE APPEALS COMMITTEE

An Appeals Committee will be formed where a Respondent to a Complaint exercises their right to Appeal the decision of the Disciplinary Committee within ten working days of receiving the written decision. The membership of the Appeals Committee will be drawn from members of the University executive management and (where possible) a member of the Student Body.

A Chair of the Appeals Committee will be appointed by the Vice President for Academic Affairs for each specific Appeal. The Chair will be a member of the University executive management.

The Appeals Committee, for any Complaint, should consist of three members incorporating gender balance, to include (where possible) one Student member¹⁸. A majority of members of the Appeals Committee must be non-Student members.

The selection of members of the Appeals Committee is a matter for the Vice President for Academic Affairs. The membership of the Appeals Committee for a specific Complaint will depend on the nature of the Complaint.

No member of the Appeals Committee for a specific Complaint will have an actual or perceived conflict of interest.

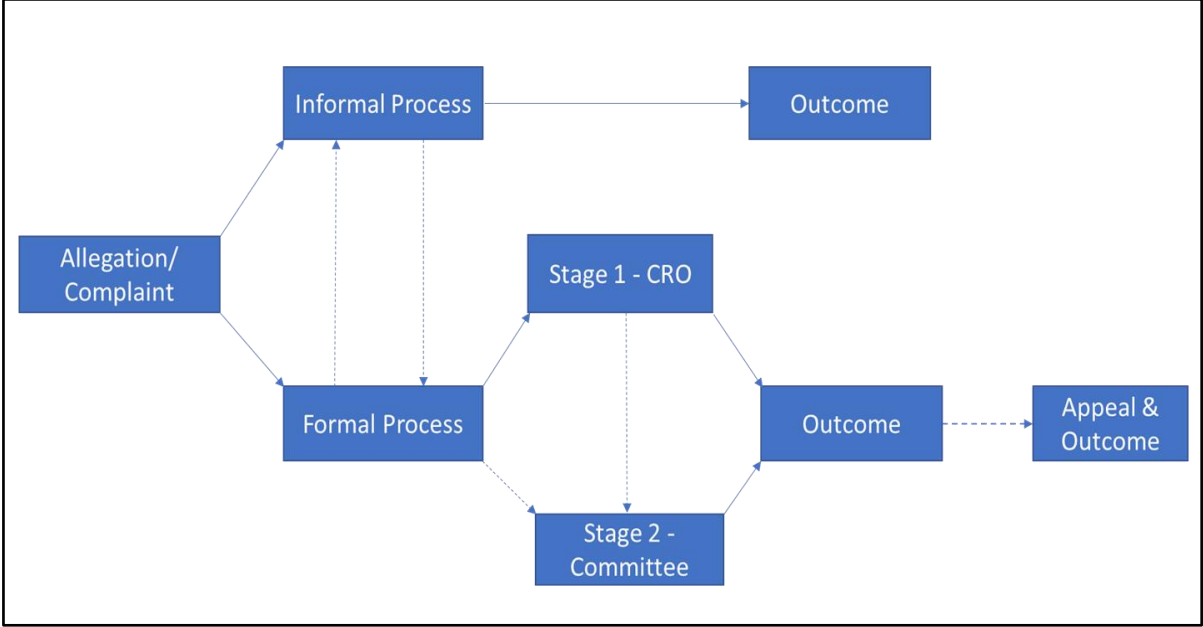
All members of the Appeals Committee will be provided with a copy of this Policy in advance of the meeting.

The Secretary of the Appeals Committee, appointed by the Vice President for Academic Affairs, shall be responsible for organising the meeting of the Appeals Committee and the provision of the information available as well as scribe for the purpose of the Appeals Committee meeting minutes. The Secretary of the Appeals Committee shall not otherwise participate in the meeting or decisions.

Decisions of the Appeals Committee shall be made on a majority voting basis, with a show of hands of those present at the meeting required. If there is an equality of votes, the Chair of the Appeals Committee shall have the casting vote.

¹⁸ If it is not possible to have a Student member, the Appeals Committee can still be formed as long as there are three members.

APPENDIX 7: HIGH LEVEL WORKFLOW DIAGRAM OF STUDENT ACADEMIC MISCONDUCT POLICY AND DISCIPLINARY PROCEDURE



Key:



Typical paths through Procedure



Additional paths through Procedure which may arise due to referrals between processes/stages or appeal