

**BRIEFING NOTE ON AMENDMENTS TO THE ACADEMIC REGULATIONS
for implementation in
Session 2018-19**

Where appropriate, amended/inserted text is underlined and deleted text is ~~struck through~~. The appropriate minute reference number, recording approval of the amendment, is indicated in brackets [AC = Academic Council].

1. INTRODUCTION

Page numbers in the *Table of Contents* and paragraph references have been updated as appropriate.

A1: COURSES

Academic Regulation A1: Courses, Schedule 1.1: Awards of the University, has been revised to clarify that an aegrotat award might be conferred in lieu of a Bachelor's Degree and a Bachelor's Degree with Honours, unless specifically precluded by a professional, statutory and/or regulatory body. Provision for aegrotat awards already existed in *Academic Regulation A4*, paragraphs 6.1(v), 6.4(iii) and 10.3(iii). (AC/18/2/4.1.3)

In addition, the following new awards have been incorporated into *Schedule 1.1: Awards of the University* (AC/18/3/3.5.1 and Chair's Action):

- Master of Dietetics (MDiet)
- Master of Diagnostic Radiography (MDRad)
- Master of Occupational Therapy (MOccTh)
- Master of Physiotherapy (MPhys)

Higher Apprenticeship in:

- Certificate of Higher Education (Higher Apprenticeship in CertHE)
- Diploma of Higher Education (Higher Apprenticeship in DipHE)

Graduate Apprenticeship in:

- Bachelor of Arts (Graduate Apprenticeship in BA)
- Bachelor of Arts with Honours (Graduate Apprenticeship in BA (Hons))
- Bachelor of Engineering (Graduate Apprenticeship in BEng)
- Bachelor of Engineering with Honours (Graduate Apprenticeship in BEng (Hons))
- Bachelor of Science (Graduate Apprenticeship in BSc)
- Bachelor of Science with Honours (Graduate Apprenticeship in BSc (Hons))

A2: ADMISSION

Regulation A2, paragraphs 5.1 – 5.6 have been amended (AC/18/3/4.1.4):

- to incorporate two categories of recognition of prior learning (RPL), one relating to admission and entry, and one to on-course RPL;
- specific timescales relating to the claiming of on-course RPL; and

- removal of the specific requirement for External Examiners to have access to candidates' RPL portfolio claims.

5. Recognition of Prior Learning (RPL)

5.1 The University recognises two types of prior learning - certificated (RPCL) and experiential (RPEL) - which may facilitate the following:

- (i) entry to the first stage of a course for which the applicant does not possess the necessary entry qualifications;
- ~~(i) exemption from specific modules/elements of a course, e.g. the work placement;~~
- (ii) advanced entry to a course;
- (iii) exemption from specific modules/elements of a course, e.g. the work placement.

5.2 Any such claim shall normally be submitted at the time of application to the course. In relation to paragraph 5.1(iii), an enrolled student may submit an RPL claim following commencement of a module. Any such claim must normally be submitted no later than ten working days following the start of the module. The student shall be advised of the outcome of the RPL claim normally no later than ten working days following the submission of the claim.

5.3 (i) The Course/Programme Management Team, operating with delegated authority from Academic Council, must decide whether the candidate has achieved the learning outcomes associated with elements of their chosen course as a result of their prior learning. It is the learning arising from the candidate's experience which should be accredited and not the experience itself. ~~One exception to this rule is where candidates are seeking exemption from the work placement element of a course, in which case their prior work experience would be taken into consideration.~~ Discussion at a meeting of a Course/Programme Management Team on any particular student case shall be reserved business.

(ii) The simultaneous double counting of credit for the same module towards awards of the University shall not be permitted. Therefore, once credit has been counted towards one award of the University, it cannot be used towards another award of the University. In such circumstances where exemptions cannot be granted, alternative modules ~~should~~ may be selected on the advice of the Course/Programme Management Team.

5.4 The requirements of the relevant professional body should be carefully considered by Course/Programme Management Teams. In particular, there may be restrictions on a candidate's entitlement to exemptions from modules on professionally-recognised courses.

Maximum credit per RPL claim that may be approved by the Course/ Programme Management Team

- 5.5 Credit per RPL Claim applies to both Recognition of Prior Certificated Learning (RPCL) and Recognition of Prior Experiential Learning (RPEL). Any claim shall be subject to the approval of the Course/Programme Management Teams.

Intended Final Award's SCQF Credit Value	Maximum RPCL/RPEL Claim	SCQF Credits that must be achieved at the University
60	30	30
120	60	60
180	90	90
240	135, with only 15 credits permitted in the award-bearing stage	105
360	255, with only 15 credits permitted in the award-bearing stage	105
480	375, with only 15 credits permitted in the award-bearing stage	105

For both undergraduate and postgraduate awards, exceptions to the minimum period of enrolment must be approved in advance by Academic Council or the Academic Development Committee on its behalf. Following such approval details must be clearly stated in the Course Specification.

Provision for RPL for Professional Doctorates shall be specified within the Course Specification.

5.6 Obligations

- (i) Responsibility for operating the RPL scheme rests with the appropriate School.
- (ii) The candidate is responsible for making the claim to have their prior learning ~~accredited~~ recognised in accordance with paragraph 5.2.
- (iii) Where candidates qualify for entry with advanced standing, they may gain exemption from the whole or part of a stage of study. Where candidates are exempt from specific modules as a result of their prior learning, this should be indicated on each student's record and reported at the appropriate Assessment Board. Candidates' portfolios of evidence should be retained on the student file. ~~made available for consideration by the External Examiners.~~

A3 - SECTION 1: ACADEMIC APPEALS (AWARDS AND PROGRESSION) PROCEDURE

Regulation A3 – Section 2 has been revised to reflect that the timescale for the submission of Academic Appeals (Award and Progression) following the publication of results from the Assessment Board has been reduced from 20 working days to 10 working days. As well as being more consistent with other institutions, the revised timescale will ensure more expeditious consideration of cases. (AC/18/3/4.1.4)

In addition, all communications relating to Academic Appeals will now be issued by email only, with hard copy only provided at a student's explicit request. (AC/18/3/4.1.4)

The *Regulation* has also been amended to permit the Assistant Chief Academic Officer and Deputy Academic Registrar to send a case directly to the *Student Appeals Committee*, without referral to the Principal. This provides further streamlining without compromising the process and it also ensures consistency with *Regulation A3-Section 2: Student Misconduct Procedure*. (AC/18/3/4.1.4)

A3 - SECTION 2: STUDENT MISCONDUCT PROCEDURE

Regulation A3 - Section 2 has been subject to a number of revisions (AC/18/3/4.1.4) including:

- a requirement for communications relating to Student Misconducts, including decision/outcome letters, to be issued by email only, with hard copy only provided at the student's explicit request;
- increased clarity around timescales for each stage of consideration of a misconduct appeal;
- expansion of the grounds for referring a case back to the School for re-consideration whilst still retaining the opportunity to refer a case to the *Student Appeals Committee*;
- expansion of paragraph 5.2 *Suspension pending an Investigation* to include reference to 'external investigations' to accommodate situations where, for example, a student is being investigated by an external agency and the decision of that external party might impact on an internal investigation;
- explicit detailing of the potential to suspend an investigation pending the outcome of any trial and/or police/external investigation;
- incorporation of the QAA definition of contract cheating into paragraph 6.1.1, as a recognisable form of academic misconduct;
- reordering and tidying up of the categories of non-academic misconduct, including:
 - bringing conduct relating to acts on individuals to the forefront of the list thereby giving greater prominence to gender-based violence (GBV) related conduct;
 - including explicit reference to the carrying and use of offensive weapons and materials;
 - adding reference to professional fitness to practise standards or requirements;
- replacement of the term 'penalty' with the more commonly used term 'sanction';
- addition of three new sanctions, i.e. Absolute Discharge, Conditional Discharge and Mandatory Education/Training;
- addition of reference to the potential to seek an exceptional waiver to the automatic sanction of termination following two proven instances of the same form of misconduct.

See the [Appendix](#) for the revised text. Due to the substantial volume of changes made to this section the revisions are not ~~underscored/scored through~~. Instead, the new text is appended. The current Regulation is accessible at: www.rgu.ac.uk/academicregulations.

A4: ASSESSMENT AND RECOMMENDATIONS OF ASSESSMENT BOARDS

Regulation A4, paragraphs 12 and 13, has been amended to include:

- reference to the potential use of viva voce examinations when considering an academic appeal;
- an explicit statement that a successful appeal will not result in the appellant's grade/mark being amended by an Assessment Board unless a material procedural or computational error had been established; and
- the addition of a cross reference to *Regulation A4* in paragraph 9.2.2 of *Regulation A3, Section 1*. (AC/18/3/4.1.4)

12. Viva Voce Examination

In addition to the assessments specified in the Course Specification, an Assessment Board shall have the authority to require a student to ~~attend~~ undertake a viva voce examination. The viva voce examination may be used to determine ~~difficult or borderline~~ exceptional cases ~~or, as an alternative or additional evidence assessment where valid reasons for poor performance have been established, or in response to a successful Academic Appeal (refer also to Regulation A3, Section 1: Academic Appeals (Awards and Progression) Procedure)~~; it shall be used only to raise and not to lower the rating of a student's assessment. The viva voce examination may be used also as a means of sampling across the range.

13. Appeals against a Decision of an Assessment Board

- 13.1 Appeals against a decision of the Assessment Board shall be made in accordance with the provisions of *Regulation A3: Student Conduct and Appeals, Section 1: Academic Appeal (Awards and Progression) Procedure*, though the academic judgement of an Assessment Board cannot be formally questioned or overturned.
- 13.2 An appeal against the recommendation for an award can only be made on the grounds for appeal as contained in Regulation A3, Section 1: Academic Appeals (Awards and Progression) Procedure, paragraph 6.5. ~~that information relevant to a particular assessment was not available to the Assessment Board when it reached its decision or on evidence of procedural irregularity.~~
- 13.3 A successful appeal can only result in a change to a confirmed mark/grade where evidence of a material procedural or computational error has been identified in relation to the confirmed grade. Also refer Regulation A4, paragraph 12.

Regulation A3 – Section 1: Student Appeals (Awards and Progression) Procedure

- 9.2.2 Normally within 20 working days of the Assistant Chief Academic Officer and Deputy Academic Registrar receiving the student's *Student Appeal Form: Academic Appeal – Stage 2*, the internal members of the Assessment Board shall

convene to re-consider the case in accordance with the provisions of Regulation A4: Assessment and Recommendations of Assessment Boards. The subsequent decision shall be subject to the immediate written approval of the external examiner(s) concerned, which may be obtained by email or other electronic means.

In addition, *Regulation A4*, paragraph 9.14, relating to an additional, further assessment opportunity has been deleted as it was seldom used and the rationale for permitting an undergraduate student an additional assessment opportunity was unclear, particularly as this opportunity was not available to postgraduate students. (AC/18/3/4.1.4)

A6: RESEARCH DEGREES

Regulation A6, paragraph 5.5: *Authorised Interruption of Studies*, has been amended to remove any suggestion that applying for an authorised interruption of registration is optional. If a student wishes or needs to have an authorised interruption of registration, they must apply for the interruption. (AC/18/3/5.2.2)

- 5.5.1 If a research student is prevented, by ill-health or other valid cause, from making progress with the research, the student ~~may~~ shall apply for an authorised interruption of registration ...

Regulation A6, paragraph 5.7: *Termination of Registration and/or Enrolment*, has been amended to reflect the revised structures within the University. The revised text returns the responsibility for requesting a termination of a student's registration to the supervisory team. The opportunity was also taken to remove the pre-emptive opportunity for a research student to submit an *Extenuating Circumstances Claim Form* prior to consideration of the case by the *Research Degrees Committee*, given any extenuating circumstances and supporting evidence might be considered as part of research degree appeal. (AC/18/3/5.2.2)

- 5.7.1 Where the ~~Graduate School and/or~~ supervisory team and/or the Graduate School has concerns with the progress of a research student and/or is unable to communicate with the research student for a period exceeding two months (or for such other period as required by UK Visas and Immigration service), the supervisory team shall complete a *Termination of Registration/Enrolment (RDTerm)* form, providing supporting evidence as appropriate, and submit this to the Head of the Graduate School. ~~Head of the Graduate School shall write to the research student to give 28 days to submit an *Extenuating Circumstances Claim Form*, together with verifiable/relevant evidence.~~
- 5.7.2 The Research Degrees Committee shall consider the *Termination of Registration/Enrolment (RDTerm)* form, supporting evidence provided by the supervisory team and/or Graduate School ~~or supervisory team and, if submitted by the research student, the *Extenuating Circumstances Claim Form*~~. If approved by the Research Degrees Committee, the termination will be effective from the date of the Committee meeting.

In addition, *Regulation A6, paragraph 9.1.8, Internal Convenership of Oral Defence*, has been amended to reintroduce the requirement for the internal convener to be from outwith the research student's School.

- 9.1.8 The Research Degrees Committee shall ensure, through the appointment of an Internal Convener normally from outwith the School concerned ...

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Appendix: Extract From Regulation A3 – Section 2: Student Misconduct Procedure

5. ENROLMENT, SUSPENSION AND TERMINATION

5.1 Enrolment status pending an Appeal

5.1.1 Where a student has had their studies discontinued and an appeal is pending, the student's enrolment shall be continued and, assuming all pre-requisites for the modules concerned have been met, the student shall be permitted to attend classes and to undertake assessments pending the resolution of the appeal. Any such enrolment shall in no way imply that the student's appeal will be successful.

5.1.2 No student will be evicted from the University's student accommodation whilst an appeal is pending.

5.2 Suspension of a student and/or process pending an Investigation

5.2.1 *Suspension:* A student who is the subject of an allegation of misconduct and/or against whom a criminal charge is pending and/or who is the subject of police investigation and/or other external investigation, may be suspended by the Principal, or nominee, pending the outcome of a *Misconduct Hearing* or *Student Appeals Committee*, or the trial, or the outcome of the police/external investigation, as appropriate. Suspension may involve:

- a total prohibition on attendance at, or access to, the University and/or its resources and facilities, and on any participation in University or Student Union activities; or
- a selective restriction on attendance at, or access to, the University and/or its resources and facilities, and on any participation in University or Student Union activities; it may also be subject to qualification, such as permission to attend for the purpose of an examination.

In taking such a decision to suspend a student's studies, the Principal or nominee shall be mindful of the requirement to report a change in a student's enrolment status to the UK Visas and Immigration service where the student is subject to UK immigration legislation.

Where misconduct proceedings have already been initiated but the allegation of misconduct is subsequently found to be the subject of a criminal charge, police investigation and/or other external investigation then the misconduct proceedings may be suspended by the Head of School pending the outcome of the trial or police/external investigation.

5.2.2 *Enrolment status and suspension:* Further to the provisions of [paragraph 5.2.1](#) of this Regulation, a student who has been suspended pending the outcome of a *Misconduct Hearing* or *Student Appeals Committee* may have his/her enrolment continued at the discretion of the Principal or nominee.

5.2.3 *Emergency suspension:* In cases of great urgency, the Principal or nominee shall be empowered to suspend a student with immediate effect.

5.2.4 *Entitlement to make representation:* A student shall be entitled to make representations in person to the Principal or the nominee. Where it is not possible for the student to attend in person, he/she shall be entitled to make written representations.

5.2.5 *Review of suspension decision:* Where a student has been suspended, such suspension should be subject to review by the Principal or nominee in the light of any developments and of any representations made by the student or anyone else on his/her behalf.

5.3 Termination of Sponsorship and Consequential Termination of Enrolment

5.3.1 The University, as an education provider, acts as a sponsor to migrants wishing to study a course/programme or a research degree at the University. As a licensed sponsor the University must comply with certain duties and legal requirements, including a duty to report to the UK Visas and Immigration service if, amongst other things:

- (i) a sponsored student does not arrive for their course either following a refusal of entry clearance or leave to remain, or where leave is granted but the student fails to enrol;
- (ii) a sponsored enrolled student is absent without permission and contrary to attendance requirements;
- (iii) a sponsored enrolled student leaves their course earlier than expected;
- (iv) a sponsored enrolled student changes the course they are studying; or
- (v) the University discontinues a sponsored enrolled student's studies.

5.3.2 As a licensed sponsor, the University has record-keeping duties. The University cannot enrol a sponsored student or continue to sponsor a migrant student unless it collects and retains certain documents required as evidence to support its decision to sponsor a student.

5.3.3 A sponsored enrolled student must provide valid documentation to the University as necessary and on request. Failure to do so within 48 hours of the request will be deemed as gross misconduct. In such circumstances, the Director of Academic Administration will make a recommendation to the Deputy Principal and Chief Academic Officer, or nominee, supported by appropriate documentary evidence compiled in accordance with University's procedure for terminating sponsorship and consequential termination of enrolment as contained in [Schedule 3.2.2](#) to this *Procedure*, that:

- (i) the University terminates its sponsorship of the migrant student with immediate effect due to the breach of applicable legislation; and
- (ii) the University terminates the enrolment of the migrant student with immediate effect due to the breach of the University's stated instructions and regulations; and
- (iii) the University reports this decision to the UK Visas and Immigration service.

5.3.4 Such a decision by the Deputy Principal and Chief Academic Officer, or nominee, will be a final determination by the University on this matter.

6. Categories of Misconduct

6.1 Academic Misconduct (including Research Misconduct*)

6.1.1 *Academic misconduct* is defined by the University as any attempt by a student(s) to effect an unfair advantage in any assessment, and may include (though is not limited to):

- (i) **Plagiarism.** The University defines this as the practice of presenting the thoughts, writings or other output of another or others as original, without acknowledgement of their source(s) at the point of their use in the student's work. All materials including text, data, diagrams or other illustrations used to support a piece of work, whether from a printed publication or from electronic media, should be appropriately identified and referenced and should not normally be copied directly unless as an acknowledged quotation. Text, opinions or ideas translated into the words of the individual student should in all cases acknowledge the original source.
- (ii) **Contract cheating.** The University defines this as the practice of submitting work which has been generated using one or more of a range of services provided by a third party. The 'contract' may include payment or other favours, though this will not always be the case. Services may include (though not limited to) essays or other types of assignments, conducting research, impersonation in exams and other forms of unfair assistance for completing assessed work.
- (iii) **Falsification or fabrication of data.** The University defines this as the misrepresentation of the results of experimental work or the presentation of fictitious results.
- (iv) **Collusion.** The University defines this as two or more students working together, without the prior authorisation of the Course Leader, tutor or supervisor, to produce the same piece of work, and then attempting to present this work as their own.
- (v) **Bribery.** The University defines this as the paying, offering or attempted exchange of an inducement for information or material intended to advantage the recipient in an assessment.
- (vi) **Personation.** The University defines this as a substitute taking the place of a student in an examination, preparing coursework for assessment on behalf of another student, or submitting coursework for assessment that has been prepared by someone other than the student to whom the resulting grade would be attributed.

* As defined in the University's *Research Governance and Integrity Policy* and in *Regulation A6: Research Degrees*, paragraph 1.3.2.

- (vii) **Cheating.** The University defines this (in relation to examinations) as the taking of any unauthorised material into an examination; the unauthorised use of programmable calculators and dictionaries in examinations; communicating or attempting to communicate in any way with another student during an examination; copying or attempting to copy from another student during an examination.

6.1.2 Any student who assists a fellow student, or student(s), to commit misconduct shall be deemed to have committed misconduct and will be dealt with in accordance with the *Student Misconduct Procedure*.

6.2 Non-Academic Misconduct

6.2.1 An allegation of *non-academic misconduct* concerning a student's conduct as an enrolled student of the University may refer to any actions or activities engaged in, or services and facilities enjoyed, as a student of the University, or in the vicinity of any premises owned, leased or managed by the University.

Non-academic misconduct may involve conduct relating to (though not limited to) the following:

- (i) Breaches of stated instructions or regulations issued by the University, associated professional, statutory and/or regulatory bodies, or by authorised members of the University, that prejudice the orderly working of the University and/or contravene the requirements of associated professional, statutory and/or regulatory bodies. This includes conduct which may fall below any relevant professional fitness to practise standards or requirements.
- (ii) Assault of or threatening behaviour towards others.
- (iii) Conduct that may endanger the safety or well-being of others, including carrying and/or use of offensive weapons and materials.
- (iv) Harassment of and/or bullying of and/or discrimination towards others on the grounds of gender, sexuality, disability, age, race or religion.
- (v) Harmful or inappropriate acts that may require referral as defined by the Protecting Vulnerable Groups Scheme*. These are acts that have:
 - (a) harmed a child or protected adult;
 - (b) placed a child or protected adult at risk of harm;
 - (c) engaged in inappropriate conduct involving pornography;
 - (d) engaged in inappropriate conduct of a sexual nature involving a child or protected adult;
 - (e) given inappropriate medical treatment to a child or protected adult.

* <https://www.disclosurescotland.co.uk/disclosureinformation/pvgscheme.htm>

- (vi) Conduct that brings or could bring, the reputation of the University, or associated professional, statutory and/or regulatory bodies, into disrepute.
- (vii) Serious and/or persistent breaches of the University's *Conditions of Lease*.
- (viii) Damage to the property of the University, student(s) or member(s) of staff of the University.
- (ix) Misappropriation or misuse of University funds or assets.
- (x) Unauthorised occupation of University land or premises.
- (xi) Behaviour which interferes with the legitimate freedom of speech, ideas, actions or enquiry of a student(s) or member(s) of staff or which disrupts or interferes with University processes or procedures.
- (xii) Attempts to subvert University processes or procedures by means of false claims or fraudulent documents.
- (xiii) Actions in contravention of applicable legislation.
- (xiv) Unauthorised appropriation and/or dissemination of offensive materials and publications, whether in printed or electronic format.

6.2.2 Any student who assists a fellow student, or student(s), to commit misconduct shall be deemed to have committed misconduct and will be dealt with in accordance with the *Student Misconduct Procedure*.

7. Student Misconduct Procedure – Stage 1: Misconduct Hearing

7.1 Initial Intimation

Where there are reasonable grounds to believe that misconduct has occurred then the Head of School shall be informed in the first instance, except where it relates to:

- (i) the University's student accommodation, in which case the Accommodation Manager shall consider the incident report and undertake an incident assessment to determine whether, with reference to paragraph 6.2.1(ii) of this *Procedure*, the alleged misconduct merits investigation under this *Procedure*. This may involve meeting with the resident(s) concerned; or
- (ii) the termination of sponsorship and consequential termination of enrolment of a student in accordance with [paragraph 5.3](#) of this *Procedure*.

In accordance with [paragraph 5.2](#) of this *Procedure*:

- a recommendation may be made to the Principal to suspend a *student* pending an investigation and/or the outcome of a trial and/or police/external investigation; and/or
- the Head of School may suspend an *investigation* pending the outcome of a trial and/or police/external investigation.

7.2 Misconduct Hearing Arrangements

The Head of School/Accommodation Manager shall:

- (i) arrange a *Misconduct Hearing* with the student at the earliest possible opportunity and normally not later than 10 working days after the allegation has been received by the Head of School/Accommodation Manager;
- (ii) be accompanied to the *Misconduct Hearing* by a note-taker and staff appropriate to the circumstances of the allegation, though typically no more than three members of staff will be present (in addition to the note-taker), and may include the Course Leader, Module Coordinator, Personal Tutor, Head of Graduate School or any other relevant parties;
- (iii) issue such notification of the date, time and venue of the *Misconduct Hearing* and the details of the alleged misconduct to the student by email, and advising of their entitlement to be accompanied by two persons (who should not be materially involved), to call witnesses, and that the Student Union may be contacted for advice and support;
- (iv) advise the student in writing that if he/she fails to attend, without good reason, the *Misconduct Hearing* may proceed in his/her absence, without this constituting grounds for appeal.

7.3 Misconduct Hearing Protocol

- (i) If the student fails to attend, but has provided good reason for non-attendance, then a further *Misconduct Hearing* shall be arranged, the arrangements for which shall also be confirmed in writing to all interested parties, and the student informed the *Misconduct Hearing* will proceed in his/her absence if necessary, without this constituting grounds for appeal.
- (ii) If the student fails to attend without providing a good reason for non-attendance, then the meeting will proceed in his/her absence, without this constituting grounds for appeal.
- (iii) The Head of School/Accommodation Manager supported by, as appropriate, those staff accompanying them in the *Misconduct Hearing*, shall examine the facts and interview the student, and may consult with other staff and students as appropriate. The student shall be given every opportunity to explain the circumstances of the case and to submit any relevant mitigating evidence for consideration.

- (iv) In cases of alleged academic misconduct which relate to issues regarding the authenticity of the work, the Head of School shall have discretion to question the student on various aspects of the work, including the methods used to produce the work, key sources underpinning the work and the student's knowledge of the subject area.
- (v) Where there is insufficient time for an allegation of *academic misconduct* relating to a taught course to be investigated prior to a meeting of an Assessment Board, the Assessment Board's decision on the student's progress shall be deferred.

7.4 Decision and Determination of Sanction

If, as a result of the *Misconduct Hearing*, the Head of School/Accommodation Manager is satisfied that:

- (i) misconduct has not been established, no further action against the student will be taken and the student and the original complainant shall be informed of the outcome in writing by the Head of School/Accommodation Manager within five working days of the *Misconduct Hearing*;
- (ii) misconduct has been established, the Head of School/Accommodation Manager shall decide the appropriate and proportionate sanction(s) in accordance with [paragraph 10](#) of this *Procedure*;
- (iii) if it relates to the University's student accommodation, a copy of the outcome will be reported to the student's Head of School.

7.5 Notification of Outcome

Normally within five working days of the *Misconduct Hearing*, the Head of School/Accommodation Manager shall:

- (i) prepare notes of the meeting, which the student and Head of School/Accommodation Manager shall be required to sign as representing an accurate record of the meeting. Thereafter, the notes shall constitute the formal record of the meeting.
- (ii) provide the student, by email, with a copy of the signed notes of the meeting, notification of the sanction(s) to be imposed and, if appropriate, replacement costs, and advise the student of his/her entitlement to submit an appeal against the decision and/or sanction(s) (though not replacement costs) in accordance with [paragraph 8](#) of this *Procedure* by completing the *Student Appeal Form: Misconduct*. In the event the student fails to respond on the accuracy of the notes of the meeting within a specified timescale, as agreed and recorded in the notes of the meeting, then it shall be assumed that the notes are a true and accurate record. Where there is disagreement between the student and the Head of School/Accommodation Manager regarding the accuracy of the notes of the meeting then the record of such disagreement shall be appended to the notes of the meeting.

- (iii) where the case involves *academic misconduct* relating to a taught course, advise the student that a report will be made to the Assessment Board at its next scheduled meeting, forward this report to the Assessment Board Convener, and ensure it is submitted to the Assessment Board. Where evidence of *academic misconduct* relating to a taught course becomes available subsequent to the recommendation of an Assessment Board, and the sanction imposed includes a reduction in the grade awarded for a student's work, the Board shall be required to revise their recommendation retrospectively to take account of the sanction imposed by the Head of School. The Assessment Board may not reconsider or amend the sanction;
- (iv) where such misconduct may also constitute a criminal offence and the police or other appropriate authority are involved, report this to the Principal (or nominee in his/her absence) who shall decide, in consultation with the relevant Head of School/Accommodation Manager, whether disciplinary proceedings under the *Student Misconduct Procedure* should be deferred pending possible criminal proceedings. However, the student may still be suspended pending the outcome of any proceedings (see [paragraph 5.2.1](#) of this Regulation). Where alleged misconduct leads to criminal proceedings the University shall not be precluded from also taking action under the *Student Misconduct Procedure*.

8. Student Misconduct Procedure: Appeals

8.1 Submission of Appeal

8.1.1 A student shall be entitled to submit an appeal:

- (i) against the decision and/or the sanction(s) (though not replacement costs) if a Head of School/Accommodation Manager has determined misconduct has been established;
- (ii) against the sanction(s) if the student has admitted to the misconduct, (though not replacement costs).

8.2 Grounds for Appeal

8.2.1 Appeals shall be considered only on the following grounds for appeal:

- (i) there has been a significant procedural irregularity or material administrative error resulting in an unfair or unreasonable decision; or
- (ii) the evidence of alleged misconduct is deemed insufficient to substantiate the allegation; or
- (iii) there is substantial evidence that:
 - (a) was not previously known to the Head of School/Accommodation Manager at the time of the *Misconduct Hearing*; or

- (b) demonstrates a sanction is disproportionate; or
- (c) the criteria used to determine a proportionate sanction, as contained in [paragraph 10.1](#), were not appropriately applied.

8.2.2 If a student makes any alteration to the grounds of his/her appeal at any time after its initial lodgement with the School, then the appeal shall be deemed invalid.

8.3 Submission of Appeal

8.3.1 The student shall complete the *Student Appeal Form: Misconduct*, specifying the grounds for appeal which form the basis for the appeal. The appeal shall be competent only where it accords with the provisions of [paragraph 8.2.1 of this Procedure](#).

8.3.2 The student shall submit the *Student Appeal Form: Misconduct* to his/her Head of School, or to the Accommodation Manager, within 10 working days of the student receiving notification of the outcome.

Validity of an Appeal for Consideration

8.3.3 An appeal shall be deemed valid for consideration only if it is received within 10 working days of the student receiving notification of the outcome from the Head of School/Accommodation Manager.

8.3.4 An appeal shall be deemed invalid for consideration if it is not received within 10 working days of the student receiving notification of the outcome from the Head of School/Accommodation Manager, and will be dismissed. The student shall have no further right of appeal. The Head of School/Accommodation Manager shall notify the student accordingly.

8.3.5 Normally within 3 working days of receipt of the *Student Appeal Form: Misconduct*, the Head of School/Accommodation Manager shall copy the *Student Appeal Form: Misconduct*, together with a report of the circumstances surrounding the appeal, to:

- (i) the Assistant Chief Academic Officer and the Academic Quality Officer; or
- (ii) the Director of Estates and Property Services and the Deputy Academic Registrar if the case relates to the University's student accommodation.

8.4 Determination of whether Prima Facie Case exists

8.4.1 Where an appeal is deemed valid for consideration then the Assistant Chief Academic Officer or Director of Estates and Property Services and the Academic Quality Officer or Deputy Academic Registrar shall confer, normally within 5 working days of them receiving the appeal, to establish whether a prima facie case for an appeal exists.

Prima Facie Basis for Appeal

- 8.4.2 A prima facie basis for an appeal shall be deemed to exist only where there is relevant evidence provided by the student which:
- (i) relates to the specified grounds for appeal as described in [paragraph 8.2.1](#); and
 - (ii) demonstrates:
 - (a) there has been a significant procedural irregularity or material administrative error resulting in an unfair or unreasonable decision; or
 - (b) the evidence of alleged misconduct is deemed insufficient to substantiate the allegation; or
 - (c) a sanction is disproportionate; or
 - (d) the criteria used to determine a proportionate sanction, as contained in [paragraph 10.1](#), were not appropriately applied.

Decisions

- 8.4.3 In determining whether a prima facie exists, the Assistant Chief Academic Officer and Academic Quality Officer or Director of Estates and Property Services and the Deputy Academic Registrar, shall have the following decisions shall be available to them:
- (i) **Prima facie case:** where it is deemed a prima facie case exists the case may be:
 - (a) referred directly back to the Head of School/Accommodation Manager for re-consideration, once only, in accordance with the provisions of [paragraph 8.4.2](#) of this Procedure when:
 - substantial relevant evidence is submitted that was not previously known to the Head of School/Accommodation Manager at the time of the *Misconduct Hearing*; and/or
 - it is deemed that there is insufficient evidence of appropriate consideration of a case by the Head of School/Accommodation Manager at the *Misconduct Hearing*; and/or
 - it is deemed that the decision arising from the *Misconduct Hearing* was unreasonable on the basis of the information available to it when reaching its decision.
 - (b) submitted for consideration to the *Student Appeals Committee* in accordance with the provisions of [paragraph 9.3](#) of this Procedure.
 - (ii) **No prima facie case:** where it is deemed that no prima facie case exists, a recommendation shall be submitted to the Principal that the case be dismissed in accordance with the provisions of [paragraph 9.4](#) of this Procedure.

8.5 Prima Facie Case: Re-Consideration by the Head of School/Accommodation Manager

- 8.5.1 The Academic Quality Officer or Deputy Academic Registrar shall communicate this decision to the student, and the Head of School/Accommodation Manager, by email normally within 10 working days of them receiving the student's *Student Appeal Form: Misconduct*.
- 8.5.2 Normally within 10 working days of receiving the referral, the Head of School/Accommodation Manager shall liaise, as appropriate, with the staff involved in the original *Misconduct Hearing* to re-consider the case.
- 8.5.3 Following the Head of School's/Accommodation Manager's re-consideration, the student shall be notified in writing of the decision by the Head of School/Accommodation Manager (and a copy of the outcome passed to the Head of School if appropriate, and other central Professional Support Departments to which the case relates, as appropriate). Normally within 5 working days of being so notified the student shall either:
- (i) accept the decision of the Head of School/Accommodation Manager, and withdraw his/her appeal; or
 - (ii) confirm he/she wishes to proceed with the appeal by submitting a further *Student Appeal Form: Misconduct*.

8.6 Prima Facie Case: Referral to the Student Appeals Committee

- 8.6.1 The *Student Appeals Committee* shall be convened in accordance with [paragraph 10](#) of this Procedure.
- 8.6.2 The Academic Quality Officer or Deputy Academic Registrar shall communicate the decision to the student in writing, together with details of the procedure to be adopted by the *Student Appeals Committee*, normally within 15 working days of the Assistant Chief Academic Officer/Director of Estates and Property Services and the Academic Quality Officer receiving the student's *Student Appeal Form: Misconduct*.

8.7 No Prima Facie Case: Dismissal of the Appeal

- 8.7.1 Where the Principal agrees with the recommendation that no prima facie case exists, the Principal shall dismiss the appeal. There shall be no appeal against such a decision of the Principal.
- 8.7.2 The Academic Quality Officer or Deputy Academic Registrar shall communicate the Principal's decision to the student in writing within 15 working days of receiving the student's *Student Appeal Form: Misconduct*, and to the Head of School concerned or the Accommodation Manager, as appropriate.

9. Student Misconduct Procedure: Student Appeals Committee

9.1 Student Appeals Committee Arrangements

The Department for Governance and Academic Quality shall:

- (i) arrange a meeting of the *Student Appeals Committee* at the earliest opportunity, and in accordance with the requirements of *Organisational Regulation 04: Standing Committees of Academic Council, Schedule 4.6*;
- (ii) confirm in writing to the student the date, time and venue for the *Student Appeals Committee*, normally at least 10 working days prior to the meeting, issuing the correspondence by email, and advising of their entitlement to be accompanied by two persons, and that the Student Union may be contacted for advice and support;
- (iii) advise the student in writing that if he/she fails to attend, without good reason, the *Student Appeals Committee* meeting may proceed in his/her absence, without this constituting grounds for appeal.

9.2 Student Appeals Committee Protocol

- (i) No person involved in the *Misconduct Hearing* shall be a member of the *Student Appeals Committee* which hears the appeal.
- (ii) The *Student Appeals Committee* may hear more than one appeal at the same meeting, and does not require to be convened separately for each case.
- (iii) If the student fails to attend, but has provided good reason for non-attendance, then a further meeting of the *Student Appeals Committee* shall be arranged, the arrangements for which shall also be confirmed in writing to all interested parties, and the student informed the *Student Appeals Committee* meeting will proceed in his/her absence if necessary, without this constituting grounds for appeal.
- (iv) If the student fails to attend without providing a good reason for non-attendance, then the meeting will proceed in his/her absence, without this constituting grounds for appeal.
- (v) The *Student Appeals Committee* shall examine the facts and shall interview the student and members of staff and students as appropriate. The student shall be given every opportunity to explain the circumstances of the case and to submit any relevant mitigating evidence for consideration.
- (vi) Where there is insufficient time for a student's appeal (academic misconduct relating to a taught course) to be considered prior to a meeting of an Assessment Board, the Assessment Board's decision on the student's progress shall be deferred.

9.3 Outcome of Appeal

- (i) Having considered an appeal against the decision, the Committee shall determine either that:
 - (a) the appeal be dismissed, misconduct has been established, the decision of the Head of School/Accommodation Manager be confirmed, and the sanction be confirmed or modified; or
 - (b) the appeal be upheld, misconduct has not been established, the decision of the Head of School/Accommodation Manager be annulled and the sanction be cancelled.
- (ii) Having considered an appeal against the sanction, the Committee shall determine either:
 - (a) the appeal be dismissed and the sanction be confirmed; or
 - (b) the appeal be upheld and a lesser sanction be substituted.

9.4 Notification of Outcome

Normally within 5 working days of the *Student Appeals Committee* meeting, the Convener shall:

- (i) issue a written notification of the outcome to the student, and advise the student the decision of the *Student Appeals Committee* is final in respect of the University's internal *Student Misconduct Procedure*, though the student may refer to the *Scottish Public Services Ombudsman's* independent public services complaints system, as contained in [paragraph 12](#) of this *Procedure*;
- (ii) where the case involves *academic misconduct* relating to a taught course, and where the sanction imposed includes a reduction in the grade awarded for a student's work, advise the student this shall be reported to the appropriate Assessment Board at its next scheduled meeting. The Convener shall forward the outcome to the Head of School/Assessment Board Convener and ensure it is submitted to the Assessment Board. The Assessment Board may not reconsider or amend the confirmed sanction.

10. Sanctions

10.1 Criteria

When determining a proportionate sanction, the following criteria will be used, taking due cognisance of whether the sanction relates to academic or non-academic misconduct as described in [paragraph 6](#) of this Regulation:

- (i) whether the misconduct was deliberate;

- (ii) whether there was intent and, in instances of academic misconduct, to gain an advantage;
- (iii) the scale and severity of the misconduct;
- (iv) whether the student admitted the misconduct;
- (v) the student's previous conduct, including any previous misconduct and, where, relevant, breaches of the *Conditions of Lease*;
- (vi) the proximity in time of multiple established misconducts (for example, whether two established cases of the same form of misconduct, such as plagiarism, occurred in quick succession) and whether the student has had an opportunity to learn;
- (vii) any mitigating circumstances;
- (viii) the course stage, and availability of further assessment opportunities;
- (ix) the extent to which the assessment would have contributed to a final award;
- (x) where relevant, any requirements of associated professional, statutory and/or regulatory bodies;
- (xi) any other factors, including use of information technology and Library Services, security, observance of University regulations or any issues raised by the student not covered by the above.

10.2 Sanctions

10.2.1 One or more of the following sanctions may be applied for a first incidence of misconduct. (Refer also to [Regulation A6: Research Degrees, Schedule 6.3](#) for outcomes relating to research degrees).

The following list is not exhaustive.

Absolute Discharge: Exceptionally, although it is established that an incidence of misconduct has occurred, no blame is attached to the student's actions and no sanction imposed (although a record of the *Misconduct Hearing* and decision is retained in the student's file).

Conditional Discharge: The incidence of misconduct is recorded and retained in the student's file, but no further sanction is imposed as long as no other incidences of misconduct occur during the student's period of enrolment. If a further incidence of misconduct occurs, the sanction imposed will take account of the first and subsequent incidences of misconduct.

Reprimand: Written warning, retained by the Head of School in the School's student file. This sanction would be appropriate only if University staff were satisfied the misconduct was minor and the first known case of misconduct.

Failure and retention of all remaining re-assessment opportunities: Grades for the individual component of assessment affected by the academic misconduct be reduced to Grade F or equivalent, and the student be permitted the remaining re-assessment opportunities as would normally apply to that component of assessment. Grades achieved for re-assessment opportunities would be as defined in [Regulation A4: Assessment and Recommendations of Assessment Boards, paragraph 9.6](#).

Failure and one re-assessment opportunity only: Grades for the individual component of assessment affected by the academic misconduct be reduced to Grade F or equivalent, and the student be permitted only one of any remaining re-assessment opportunities. Grades achieved for re-assessment opportunities would be as defined in [Regulation A4: Assessment and Recommendations of Assessment Boards, paragraph 9.6](#).

Failure and no re-assessment opportunity: Grades for the individual component of assessment affected by the academic misconduct be reduced to Grade F or equivalent*, and the student not be permitted any of the remaining re-assessment opportunities. Such a sanction would require the approval of Academic Council in accordance with [Regulation A4: Assessment and Recommendations of Assessment Boards, paragraph 9.1](#) prior to it being confirmed.

Replacement costs: Charges covering the cost of replacement of a University property damaged as a consequence of the misconduct, without financial limit.

Supervised voluntary service: Supervised voluntary service within the University, up to a maximum of 24 hours, and subject to such supervision by an authorised officer as the Head of School/Accommodation Manager or Head of the Professional Support Department may decide.

Mandatory Education/Training: participation at a relevant internal and/or external education/awareness programme (e.g. mental health, drug, alcohol), or other constructive activity.

Fine: A fine of not more than £250. This may, at the discretion of the Head of School/Accommodation Manager or Head of the Professional Support Department, be fulfilled by undertaking supervised voluntary service at a rate of £8.00 per hour, or may take the form of a suspended fine pending good behaviour.

Suspension for specified period: A recommendation to the Principal (or a nominee to whom such authority has been delegated) for the immediate suspension of enrolment and all corresponding rights of the student, including the use of University facilities, for a specified period.

Termination of Lease: The Accommodation Manager may terminate the lease with immediate effect, giving sufficient notice to the resident as required by legislation.

Termination of Enrolment: A recommendation to the Principal (or a nominee to whom such authority has been delegated) for the student’s immediate termination of enrolment (including all corresponding rights), discontinuation of studies and exclusion from the University’s facilities and properties. This recommendation shall be automatic in the case of a second proven case of misconduct, where both cases have been classified as academic misconduct, or both classified as non-academic misconduct. Where the case relates to the University’s student accommodation, the Accommodation Manager shall liaise with the student’s Head of School prior to making the recommendation. The recommendation may also include a request to permanently deny the student any future rights of application and enrolment to the University. Where this sanction is imposed on a migrant student, the University shall report this decision to the UK Visas and Immigration service.

Termination of Sponsorship and Consequential Termination of Enrolment: A recommendation to the Deputy Principal and Chief Academic Officer, from the Director of Academic Administration, that the University terminates its sponsorship of a migrant student with immediate effect due to the breach of applicable legislation; and the University terminates the enrolment of the migrant student with immediate effect due to the breach of the University’s stated instructions and regulations; and the University reports this decision to the UK Visas and Immigration service.

- 10.2.2 The automatic sanction for a second incidence of misconduct, where both cases have been classified as academic misconduct or both classified as non-academic misconduct, shall be **Termination of Enrolment**. In exceptional circumstances, the Head of School may apply to the Principal for a waiver of the automatic sanction.