

# Regulations on Student Discipline

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AU-RSC-21-4834-A

Applicable to students in all Stages/Years of programmes

2022-23

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## Regulation Summary

These regulations set out the University's processes relating to disciplinary action that can be implemented in cases where students infringe on the Charter and Statutes, Ordinances, and Regulations of the University, including:

- Definitions of important disciplinary terms, including penalties, appeals, and key roles in the University's disciplinary processes.
- A list of example breaches of discipline, including behavior, committing fraud, and criminal offences.
- Processes for the precautionary exclusion of students, whilst full disciplinary procedures take place.
- Processes for different types of offences, including non-academic breaches of discipline and breaches of examination regulations, and academic offences.
- The powers of the University Disciplinary Board, the process for referring cases to the Board, and the penalties at the Board's disposal.
- The process for appeal, and referring cases to the Office of the Independent Adjudicator for Higher Education.

**Note:** In the rare case of disciplinary cases spanning academic years, the case will follow the procedures set out in the regulations from the academic year in which the investigation begins.

## Related Regulations, Policies, and Guidance

The University's [Disciplinary Board Procedures](#) set out the regulations and processes of the Board in further detail. The [Tariff of Penalties for Academic Offences](#) define the powers and penalties available in academic offences cases. The [Aston Student Code of Conduct](#) sets out what the University deems as unacceptable student behavior, and the possible penalties and sanctions available.

Precautionary Exclusion Risk Assessment Forms are available on the University's Disciplinary webpage.

## Version Control

Ref No	Version	Responsible Officer	Approved by	Approval Date	Effective Date
AU-RSC-18-1862	A	Adam Hewitt	ULTC	Jun 2019	Sep 2019
AU-RSC-19-2816	A	Adam Hewitt	ULTC	Jun 2020	Sep 2020
AU-RSC-20-3967	A	Adam Hewitt	ULTC	Jun 2021	Sep 2021
AU-RSC-21-4834	A	Adam Hewitt	ULTC	Jul 2022	Sep 2022
New for 2022/23: Cases spanning academic year note, addition of illicit recording of students or staff as a disciplinary offence, removal of Head of Campus Safety as an Authorised Officer, referral of cases to the Secretary of the Disciplinary Board.					

## PART A KEY DEFINITIONS

A1.1 Students of the University are subject to the [Charter and Statutes](#) of the University and to [Ordinances](#), [Regulations](#) and other rules made under them. Infringements of such rules may render the student liable to disciplinary action in addition to any other penalty set down in the legislation. Nothing in these Regulations shall prevent the making of local rules of conduct and behaviour relating to particular facilities or areas of the University, and made by the person(s) responsible for those facilities or areas, provided that such rules are consistent with the Charter, Statutes, Ordinances and Regulations.

All students, their representatives, and University staff involved in Disciplinary processes are expected to act reasonably and fairly towards one another, and to treat all disciplinary processes with respect.

A1.2 **Appeals:** penalties, other than exclusion or expulsion, shall not be enforced against a student until the 10 day period of appeal has passed.

A1.3 **Assessments:** any assessment which contributes to a module mark or other module requirement including invigilated assessments and class tests, coursework, submissions by research students including the qualifying report and thesis/portfolio. Misconduct in any assessment which does not contribute to a mark for a module falls within the jurisdiction of the Executive Dean of the College concerned.

### A1.4 **Board of Examiners**

- The Programme Board of Examiners of the University for a particular programme as approved by the Senate on the recommendation of the relevant College Learning and Teaching Committee.
- It is intended as far as possible to separate the roles of the [Board of Examiners](#) and the [Disciplinary Board](#), the former making academic judgements and the latter deciding a penalty in cases of assessment malpractice. The separation of functions is essential to ensure a student a fair hearing.
- Normally, the Board of Examiners will meet before the Disciplinary Board. In this case, when a case of alleged assessment malpractice is pending, the Board of Examiners will assess the student's performance in the module or part of the module concerned:
  - a as if no offence had been committed and recommend;
  - b alternative decisions according to whether or not the Disciplinary Board sets aside the result of the assessment, module or part of the module.
- The Board of Examiners normally will not publish the results of the student in any part of the module(s) affected by alleged malpractice until the case has been resolved. Results for modules unaffected by the alleged malpractice may be published at the discretion of the Board. It may authorise its Chair to take any necessary action, following the decision of the Disciplinary Board, Deputy Vice-Chancellor, or their nominee.

- Where the Board of Examiners cannot meet prior to the Disciplinary Board, the decision of the Disciplinary Board shall remain confidential until the Board of Examiners has reached an academic judgement.
  - The student may not proceed to the next part of the programme until the Board of Examiners has been satisfied that the penalties imposed by the Disciplinary Board have been complied with as well as the normal academic requirements.
- A1.5 **Cases involving more than one student:** where charges arise out of the same incident, normally cases will be heard together.
- A1.6 **Executive Dean:** refers to the Executive Dean of the College in which a student is enrolled, or their nominee, or the person so designated by the Senate in the case of a student enrolled on an inter-College programme. Nominees should normally be the relevant College Associate Dean.
- A1.7 **Failure to attend:** if a student does not attend a scheduled hearing and fails to provide an explanation for their absence regarded as satisfactory by the Chair or Officer, the hearing may take place in the student's absence provided the Chair or Officer is satisfied that notice of the hearing was properly served. The appropriate penalties may be imposed in the student's absence. A student's representative and friend will normally not attend in their absence. Where a student is unable to attend for good reason (e.g. distance learning students) the Chair and/or Officer may agree to organise a virtual hearing.
- A1.8 **Failure to respond to a lesser charge:** in the case of an offence committed in [Library Services](#) for which the penalty is a fine (£200 or less); if a student fails to respond (after reasonable attempts have been made) to a written charge from an Authorised Officer (AO), the penalty shall be applied. The student may appeal against the penalty.
- A1.9 **Friend:** students may be accompanied by one friend in addition to their representative. The role of the friend is to provide moral support to the student if desired. A friend is not expected to speak or take any formal part in disciplinary proceedings. One friend may attend any meeting at which the student is present. The name of the friend must be provided not less than three days before the date of any meetings and 10 days before a meeting of the [Disciplinary Board](#) or [Disciplinary Appeals Committee](#).
- A1.10 The University will refer students to the [Disclosure and Barring Service](#) as required by law when it considers that an individual has caused harm or poses a risk of harm to a relevant vulnerable group.
- A1.11 **Mitigation:** evidence offered by a student to explain circumstances related to a disciplinary case which may if relevant lessen the severity of the penalty.
- A1.12 The following are some of the disciplinary **Penalties** in common use:
- **Exclusion** is a penalty which temporarily prevents a student from attending any class or classes and/or from any part of the University or its precincts for a specified period of time. An order of exclusion may include a requirement that the student should have no contact of any kind with a named person or persons. The Authorised Officer (AO) or Disciplinary Board will state whether an excluded student may or may not be permitted to sit University

examinations and/or College tests. An excluded student remains subject to the regulations of the University during the period of exclusion.

- **Expulsion** is a penalty which requires a student to leave the University permanently. It prevents the student from continuing with their programme of study, attending any class or classes and from attending any part of the University or its precincts and using its facilities.
- **Reprimand** is a penalty which is notified in writing to the student and College concerned. A reprimand (formal warning) will be recorded and may be mentioned in references (see [A1.16](#)).

A1.13 **Power of adjournment:** any hearing may be adjourned, continued or postponed. No case may normally be adjourned or postponed for a period of more than 14 days.

A1.14 **Staff:** if a member of staff is involved advice should be sought from Human Resources and Student and Academic Services as it may be necessary to engage other procedures such as the staff disciplinary or grievance procedure.

A1.15 **Statements:** Students attending a [Disciplinary Board](#) will be provided with a written statement of any account they give to the University Discipline Officer as a formal part of the disciplinary process and will be asked either to (i) agree to (ii) challenge the statement.

#### A1.16 **Student Records and References**

The following apply to any disciplinary penalty imposed under these Regulations:

- All admissions and findings of guilt, together with penalties imposed shall be notified to the Deputy Vice-Chancellor, or their nominee, and to the relevant Executive Dean and/or person designated by Senate in the case of a collaborative programme with a partner institution. Admissions and findings of guilt shall be recorded on the student's University and College record. The University will inform outside bodies such as accrediting bodies or partner institutions, where relevant.
- Admissions and findings of guilt with respect to disciplinary offences will normally be mentioned in references where relevant. For University policy on references please see the [University intranet](#).
- The period of document retention for all proceedings are set out in Regulation 1.11 of the University's Disciplinary Board Procedures.

A1.17 **Student representative:** students may be represented. Normally, this role is fulfilled by a member of staff from the Union's Advice & Representation Centre (ARC). A representative has the right to speak to and question witnesses on the students' behalf. One representative may attend any meeting at which the student is present. The name of the representative must be provided not less than three days before the date of any meetings and 10 days before a meeting of the [Disciplinary Board](#) or [Disciplinary Appeals Committee](#).

A1.18 **Support and guidance:** the Authorised Officer, University Discipline Officer or College Academic Offences Officer must advise the student at the earliest opportunity of the availability of support and guidance from the ARC or their Personal Tutor. Students should be advised to make proper use of computer security measures at all times. Whilst it is important that students should retain all

notes and other resources used in drafting assessments until marks have been finally released, they should also be alerted to the danger of such resources being copied without their knowledge, especially computer files stored on hard disks or networks.

- A1.19 **Timescales:** 'days' in these Regulations means working days i.e. not including Saturdays, Sundays or bank holidays or days on which the University is closed. Whilst the University will take all reasonable steps to comply with the timescales set out in these Regulations, it reserves the right to vary them depending on the circumstances of individual cases.
- A1.20 **University precincts:** any location used for University activities. It includes the premises of collaborative/partner colleges and of private venues while hosting Aston events.
- A1.21 **University Presenter:** person appointed to put the University's case at hearings.

## PART B STUDENT DISCIPLINE

### B1 Disciplinary Offences

- B1.1 These Regulations are intended to set and maintain acceptable standards of behaviour within the University community, to encourage individuals to accept their obligations to the community, to protect the rights of members of that community to participate freely in the educational purposes of the University and to help maintain the University's good name and standing.
- B1.2 The rules of discipline apply to all students registered with the University or registered for a qualification of the University, irrespective of their mode or place of study.
- B1.3 These Regulations may also be adopted in the case of a former student who has been reported in respect of an offence which might merit the exercise of Senate's powers described in [Ordinance 2.6.2.3](#) to deprive persons of any Degrees or other academic awards or distinctions awarded by the University.
- B1.4 The following list gives examples of breaches of discipline; it does not prevent the University considering and adjudicating on any other conduct or action which may be a breach of discipline, whether on University premises or elsewhere. A student may be deemed in breach of discipline who:
- a behaves in a violent, riotous, disorderly, grossly offensive or inappropriate way, including sexual violence and hate crime;
  - b attempts to gain unfair advantage in any formal assessment, for example, through plagiarism, collusion, or cheating;
  - c records University staff or students without prior permission, including contravention of the Policy for Students and Staff on the Recording of Lectures, Webinars and Other Teaching Sessions
  - d disrupts or improperly interferes with the academic, administrative, social or other activities of the University or with the functions, duties or activities of any student, member of staff or visitor;

- e contravenes the University's policy on the prevention of harassment, to include sexual harassment and hate crime;
- f assaults another person;
- g prevents the University from carrying out its due responsibilities;
- h wilfully or negligently defaces, injures or harms the property of the University or of an institution attended as part of a University course;
- i refuses to make good damage done in the University or elsewhere;
- j falsifies or misuses University records, including falsification of evidence of mitigation;
- k disregards any Ordinance, Regulation, or Code of Practice governing the conduct or obligations of students in any part of the University;
- l is convicted of an offence or accepts a police caution;
- m engages in conduct prejudicial to the good order, safety, operation and discipline of the University, its students, staff and visitors;
- n commits fraud including identity and/or student finance fraud;
- o misuses, or uses in an unauthorised way, the University's intellectual property (including the sale of essays or other work produced by Aston University students as part of their programme of study);
- p behaves in such a way as to bring the University into disrepute;
- q is enrolled on the basis of a fraudulent application.

## **B2 Criminal Offences**

- B2.1 Where the University considers it possible that a criminal offence has been committed it may, after taking any advice necessary, refer the case(s) to the police.
- B2.2 Where a matter has been referred to the police the University will either stay any internal processes until the outcome of criminal proceedings, or proceed if this is considered appropriate.
- B2.3 The University Discipline Officer may proceed with the investigation of the offence before either a prosecution has been completed or a decision not to prosecute has been taken.
- B2.4 Where the University considers it possible that a criminal offence has been committed and where the consequences of finding the accused guilty using the test of the balance of probabilities would have serious repercussions for the accused's future career prospects and reputation, the University may decide that it is not competent to hear the case.
- B2.5 Where a student has been charged by the University with possession of a criminal conviction, the charge brought by the University under these disciplinary regulations cannot be denied because the court has already passed sentence on a guilty finding or admitted offence against the criminal law. If a student accepts a police caution or formal police warning, the student has admitted their involvement in the criminal offence to which the caution or warning relates. In these instances, the student will not be required to admit or deny the University's charge, nor present a

defence. The role of the Disciplinary Board will be to determine whether there should be a University penalty and, if so, what that penalty should be. Before a penalty is determined, the student will be provided with the opportunity to present mitigation.

B2.6 Where a student has received a custodial sentence for a criminal conviction, and has been referred to the [Disciplinary Board](#) the following principles will apply and the relevant Sections of the Regulations on Student Discipline will be interpreted, or not applied, accordingly:

- a The student will be advised that a hearing is taking place rather than being invited to attend the hearing.
- b The student will be permitted to nominate a representative to attend the hearing on their behalf even though they will not also be present. The Regulations concerning attendance at the hearing and the Disciplinary Board's authority to proceed in the student's absence will apply equally to any representative nominated by the student.
- c If the student, or their nominated representative, fails to respond to correspondence about the disciplinary hearing without good reason, a Disciplinary Board shall be arranged and may proceed to impose whatever penalty it thinks fit in accordance with the Regulations.
- d Since the charge brought by the University cannot be denied, the court having already passed sentence on a guilty finding or admitted offence against the criminal law, the student will not be required to admit or deny the University's charge, nor present a defence.
- e Students will be given the opportunity to submit mitigation in writing in advance of the Disciplinary Board hearing and these may be circulated with the agenda papers. This does not preclude additional mitigation being presented on the day of the hearing.
- f The role of the Disciplinary Board will be to determine whether there should be a University penalty and, if so, what that penalty should be.
- g Students will be advised of the Disciplinary Board's decision and of their right of appeal (procedures for which are set out in [Section D](#) of the Regulations on Student Discipline) in writing.

### B3 Precautionary Exclusion

- B3.1 The Vice-Chancellor, Deputy Vice Chancellor or their nominee may exclude a student from any class or classes and/or from all or any part of the University at any time, and may direct that such exclusion shall continue until the determination of any criminal proceedings and/or any disciplinary action by the University.
- B3.2 Students shall be given the opportunity to explain their conduct to the relevant Authorised Officer at the earliest possible opportunity.
- B3.3 The student may be informed orally of the decision to exclude them. Written confirmation and notice of the right of appeal shall be provided within two working days.

- B3.4 Following exclusion the student may contact the Advice and Representation Centre and come onto campus only for the purpose of meeting University staff directly involved in the investigation of the allegations or to meet ARC staff at a pre-arranged time and place. The ARC will inform the Deputy Vice-Chancellor or their nominee in advance of all visits by excluded students.
- B3.5 The Deputy Vice-Chancellor or their nominee shall report all exclusions to the next meeting of the Senate. In cases where the matter has not been considered by the Senate [Disciplinary Appeals Committee](#), the Senate shall determine whether the exclusion shall continue until the outcome of any appeal. There is no right for the student to make representations to the Senate, whether in writing or in person.

#### **B4 Role and Powers of Authorised Officers (non-academic offences)**

- B4.1 Authorised Officers are authorised to deal in the first instance with offences other than Academic Offences. The following are Authorised Officers:
- a The Vice-Chancellor.
  - b The Deputy Vice-Chancellor or their nominee.
  - c The person designated by the Senate in the case of a collaborative programme with a partner institution.
  - d The Director of Information Services, or any nominated member of their Senior Management Team.
  - e
  - f The Head of the Learning Development Centre,
  - g and any other officer whom the Senate may from time to time authorise.
- B4.2 If the Authorised Officer is a co-student of the student concerned, this should be disclosed to the University Discipline Officer so that an alternative Authorised Officer may be nominated.
- B4.3 An Authorised Officer may deal with alleged offences providing that the student admits all charges against them and agrees to have their case dealt with by the Authorised Officer. In cases where guilt is denied by the student, or where the student has elected to have their case heard by the [Disciplinary Board](#), the case is referred to the Disciplinary Board through the University Discipline Officer (see also [A1.8](#) 'Failure to respond to a lesser charge').
- B4.4 The Authorised Officer has absolute discretion to impose one or more of the following penalties in addition to any conditions which may be set out in other [Ordinances](#), [University Regulations](#) or Codes:

##### **The Vice-Chancellor, Deputy Vice Chancellor or their nominee:**

power to exclude from any class or classes and/or from any area of the University for a specified period, to administer a reprimand (formal warning), to impose a fine not exceeding £300, and to require restitution in whole or in part for damage.

##### **The Director of Information Services or any nominated member of their Senior Management Team:**

power to exclude from any area of the Library and to exclude from use of any library facilities for a specified period, to administer a reprimand (formal warning), to impose a fine not exceeding £200, and to require restitution in whole or in part for damage.

#### **The Head of the Learning Development Centre (LDC):**

power to exclude from any area of the LDC and to exclude from use of any LDC facilities for a specified period, to administer a reprimand (formal warning), to impose a fine not exceeding £200, and to require restitution in whole or in part for damage.

- B4.5 If the Authorised Officer judges the alleged offence to be of such gravity that it should be considered by the [Disciplinary Board](#) in the first instance or, if they are not satisfied that the penalties at their disposal are appropriate for the offence, they must report this to the University Discipline Officer so that the case may be referred to the Disciplinary Board.
- B4.6 The Authorised Officer can refer an alleged offence to the Disciplinary Board at any stage in the disciplinary process, for example, if new information becomes available.

#### **B5 Process for Consideration of Allegations of Non-Academic Breaches of Discipline**

- B5.1 Alleged breaches of discipline should be reported to the appropriate Authorised Officer. In the event of any uncertainty about who is the appropriate Authorised Officer the University Discipline Officer should be contacted for advice.
- B5.2 The Authorised Officer will contact the student. A student who is charged with being in breach of discipline must be informed in writing of the details of the alleged offence, given the option of having her/his case heard by the [Disciplinary Board](#), and given an opportunity of defending herself or himself.
- B5.3 The student will be offered the opportunity to meet with the Authorised Officer (AO). In appropriate circumstances (e.g. to avoid holding two separate hearings) the AO may be accompanied at the meeting, including by not more than one other AO. An Authorised Officer must establish that the student admits the charge and has not elected to have the matter dealt with by the Disciplinary Board. The student is required to confirm these details in writing. If the student denies the charge the matter will be referred to the Disciplinary Board. A student is entitled to at least 24 hours' notice of an interview.
- B5.4 The Authorised Officer shall take into account any mitigation raised by the student, together with documentary evidence, where this can be provided (e.g. medical evidence, bank statements, etc.).
- B5.5 The Authorised Officer will decide upon a penalty, taking into account the degree of premeditation, whether the offence was repeated or continuous, the extent of the impact upon staff, students, the environment or the standing of the University and the previous disciplinary record of the student whether or not the offence occurred on University premises and regardless of whether the student was a member of the University at the time.

- B5.6 Penalties other than reparation for damage and injury to property can be suspended, conditional on the good behaviour of the student, for a maximum of one year.
- B5.7 If the penalty of [exclusion](#) is imposed, the exercise of this power must be reported through the Deputy Vice-Chancellor or their nominee to the next meeting of the Senate. The student shall have a right of appeal against such exclusion to the Senate [Disciplinary Appeals Committee](#), whose decision shall be final.
- B5.8 A student who can evidence allowed grounds for appeal as set out in [D2](#) may submit an appeal to the [Disciplinary Board](#) in mitigation of penalties, other than exclusion, imposed by the Authorised Officer. If the student wishes to make such an appeal, this must be done in writing to the University Discipline Officer within ten days of the penalty being notified to the student.
- B5.9 [Penalties](#), apart from exclusion and expulsion, shall not be imposed until the 10 day period for appeal has expired. If an appeal is to be made, the penalty, apart from that of exclusion, shall be suspended until the appeal has been resolved by the Disciplinary Board or by the Senate Disciplinary Appeals Committee.
- B5.10 All admissions and findings of guilt, together with penalties imposed shall be notified by the Authorised Officer to the Deputy Vice-Chancellor or their nominee, and to the relevant Executive Dean and/or person designated by Senate in the case of a collaborative programme with a partner institution. Admissions and findings of guilt shall be recorded on the student's University and College record. The University will inform outside bodies such as accrediting bodies or partner institutions, where relevant. Students who are covered by the [General Regulations on Fitness to Practise](#) (AU-RSC-20-3970-A) and subsequent versions), may be referred to the appropriate Fitness to Practise Officer.

## **B6 Breaches of Assessment Regulations**

- B6.1 It is the responsibility of invigilators and assessors to refer cases of alleged assessment malpractice to the University Discipline Officer.
- B6.2 The University Discipline Officer will obtain a written report from the staff involved in the alleged incident, may interview the student and other witnesses and take written statements, and will decide if there is a case to answer.
- B6.3 If the University Discipline Officer is satisfied that there is no case to answer, those involved will be informed accordingly.
- B6.4 If the University Discipline Officer is satisfied that there is a case to answer, the following steps will be taken:
- a. the Chair of the [Board of Examiners](#) will be informed that a case is pending, including the name of the student concerned, and the module in which the alleged incident took place;
  - b. for breaches of the Fixed-Time Assessment Regulations for Candidates, e.g. bringing unauthorised material (such as notes) into an assessment room or refusing to stop writing when asked, the matter will be referred to the Deputy Vice-Chancellor or their nominee, in their role as the relevant Authorised Officer.

- c. cases which are deemed to require academic judgement will be referred to the [Disciplinary Board](#).

- B6.5 The Deputy Vice-Chancellor, or their nominee, will deal with matters referred to them in accordance with the process set out in [B5](#) above. In the case of breaches of [Fixed-Time Assessment Regulations for Candidates](#) the Deputy Vice-Chancellor or their nominee, will use the [Tariff of Penalties](#) to assist in identifying the severity of the offence and the appropriate penalty.
- B6.6 In a case of alleged malpractice where the assessment is taking place off-campus the local organiser and invigilator of the assessment should investigate the incident and report to the University Discipline Officer. The student concerned should also prepare a statement and submit this to the University Discipline Officer.

### **B7 Alleged Breaches of Discipline which do not fall within the Remit of a particular Authorised Officer**

- B7.1 Any apparent breach of discipline, which does not fall within the remit of a particular Authorised Officer (see [Regulation B4.1](#)), or within the Regulations for suspected Academic Offences (see [Section C](#) of these Regulations), must be reported to the University Discipline Officer.
- B7.2 The University Discipline Officer will, where necessary, investigate such allegations, and may interview and take written statements from those concerned and witnesses, including students and staff.
- B7.3 If the University Discipline Officer is satisfied that there is no case to answer, those involved will be informed accordingly.
- B7.4 If the University Discipline Officer is satisfied that there is a case to answer, they shall frame the wording of the precise charge/s to be answered by the student and will inform the student in writing. The student will be requested to admit or deny the charge/s in writing and, if admitting the charge/s, will be requested to confirm whether they wish the case to be dealt with by an Authorised Officer, rather than a [Disciplinary Board](#).
- B7.5 The University Discipline Officer shall prepare a report of their findings and refer the matter either to the appropriate Authorised Officer (if the student admits the charge/s and wishes to have the case dealt with by an Authorised Officer), or to the Disciplinary Board (if the student denies the charge/s or admits them, but wishes to have the case dealt with by the Disciplinary Board).

## C ACADEMIC MATTERS

### C1 Definitions

- C1.1 Academic or intellectual malpractice shall be established on the basis of academic judgement.
- C1.2 Academic offences include:
- Allowing someone to impersonate a student for the purposes of assessment attendance** – where a student allows someone to attend an assessment in lieu of their own attendance with the intention of impersonation and/or to falsely represent the attending student’s work as being their own. (Where this applies see Regulation [C1.5](#) below.)
- Cheating** - any academic or intellectual malpractice normally in assessments such as fixed-time assessments, fixed-window assessments or coursework which may give an unfair advantage over others. Taking unauthorised material into an assessment (including revision notes or unauthorised equipment) shall be regarded as a breach of [Fixed-Time Assessment Regulations for Candidates](#) and dealt with by the Deputy Vice-Chancellor or their nominee, as detailed in [B6](#).
- Collusion** - where two or more people have worked together without permission to produce a piece of work which is then submitted for assessment as the work of only one person, which may give an unfair advantage over others. Action may be taken against a student who has allowed their work to be used as well as against a student who submits work resulting from collusion. Collusion can occur in fixed-window and coursework assessments, as well as online fixed-time assessments.
- Contracting/purchasing** – where a student contracts or purchases from someone else, a piece of written work and submits it as their own original piece of written work. There does not have to be a financial transaction involved. (Where this applies see Regulation [C1.5](#) below.)
- Copying another student’s work** – where a student copies another student’s work, with or without the other student’s knowledge, and submits it for assessment as their own work. Action may be taken against a student who has allowed their work to be copied as well as against a student who submits work resulting from copying.
- Impersonating a student for the purposes of assessment attendance** – where a student attends an assessment on behalf of another student with the intention of falsely representing their own work as having been produced by the impersonated person. (Where this applies see Regulation [C1.5](#) below.)
- Falsification of data or other research** – where a student deliberately falsifies or fabricates results in order to support a thesis or argument.
- Plagiarism** – where a student uses, without appropriate acknowledgement, the work of other people and presents it as their own which may give an unfair advantage over others. Intentional and unintentional acts of plagiarism will be construed as offences.
- C1.3 The University recognises that a distinction should be made between (i) plagiarism and cheating and (ii) poor academic practice. The University considers judgements made regarding this distinction in relation to particular pieces of student work to be a matter of academic judgement. Poor academic practice will be addressed through the assessment of the work and will not result in disciplinary proceedings being brought against a student.

- C1.4 Where appropriate, if the student admits the charge and accepts the College's jurisdiction in this area academic malpractice in assessments should be dealt with by the appropriate College Academic Offences Officer using the University [Tariff of Penalties](#). A student who denies the alleged Academic Offence or who chooses to have her/his case dealt with by the University [Disciplinary Board](#) is subject to the procedures of the Board.
- C1.5 In cases where it is suspected that a student has conspired to create or has contracted or purchased from someone else a piece of written work as defined above, or has impersonated or allowed themselves to be impersonated for the purposes of deception, it should be noted that this type of offence will usually be handled by a University Disciplinary Board and the recommended penalty will normally be that of expulsion from the University.
- C1.6 It is the responsibility of members of staff to refer cases of suspected academic offences to the Academic Offences Officer of the College in which the student is enrolled, or the person designated by the Senate in the case of a student enrolled on an inter-College or collaborative programme.

## **C2 Procedure for Hearing Alleged Academic Offences, and the Role and Powers of the Academic Offences Officer**

- C2.1 The Academic Offences Officer will be the relevant Associate Dean or other delegated member(s) of staff within the College in which a student is enrolled. In a case where the student is studying a module owned by a different College to that in which the student is enrolled, the investigation for plagiarism will be undertaken by the Academic Offences Officer in the College that owns that specific module. The investigating College will keep the appropriate Associate Dean of the home College of the student informed as to progress of the investigation. Where a student is enrolled on a collaborative programme, the investigation will be carried out by the person so designated by Senate.
- C2.2 The Academic Offences Officer can refer an alleged offence to the [Disciplinary Board](#) at any stage in the disciplinary process.
- C2.3 In the case of a collaborative programme with a partner institution the Academic Offences Officer in the College in which the alleged offence occurs will report preliminary findings to the Academic Offences Officer in the College in which the student is enrolled and/or the person designated by the Senate (where necessary).
- C2.4 The Academic Offences Officer will investigate all referred allegations of Academic Offences. Every effort should be made to deal with cases of suspected Academic Offences as soon as possible. Investigations will normally be carried out in five working days but may take longer depending on the circumstances of the case. The process for the investigation of Academic Offences is included as an [appendices](#) to these regulations.
- C2.5 If, following their initial investigation, the Academic Offences Officer is satisfied there is a case to answer, they may:
- a convene a two-stage hearing, or
  - b refer the matter to the Secretary of the Disciplinary Board

- C2.6 The Academic Offences Officer will refer the case to the Secretary of the Disciplinary Board if the offence is judged to be of severity level 4 in the University's [Tariff of Penalties](#), and in all cases pertaining to repeat offences.
- C2.7 Where cases are dealt with by the Academic Offences Officer, a two-stage hearing will be convened. Any student whose case is to be heard by the Academic Offences Officer shall be contacted in writing, inviting them to attend and confirming:
- a the date of hearing (the student will be informed not less than five days before the hearing date)
  - b who will be present
  - c the academic offence of which the student is suspected
  - d their access to advice and support from the Advice and Representations Centre

The student will also be provided a copy of the Regulations on Student Discipline, the Tariff of Penalties for Academic Offences and a copy of any written material the Academic Offences Officer intends to present at the hearing.

- C2.8 The student concerned is expected to attend the hearing in person. If a student fails to respond to the hearing invitation (after reasonable attempts have been made) the Academic Offences Officer may either convene the hearing in the student's absence, or refer the matter to the University Discipline Officer.

The student shall have the right to make written representations to the Academic Offences Officer provided that they submit any written material not less than two days before the date of the hearing. The student may be accompanied by a representative, as defined in Section A1.17 of these regulations.

- C2.9 The Academic Offences Officer will normally be accompanied by one other member of staff whose responsibility it is to take notes of the hearing. It may be appropriate to invite other member(s) of staff in some cases. It is normally not appropriate to invite the member of staff who originally reported the alleged offence.
- C2.10 In the first stage of the hearing, the Academic Offences Officer has the right to interview and take statements from those concerned, including students and staff. They may also consider representations made by the student or their representative, in order to determine whether an academic offence has been committed. The student or their representative may also present any exceptional or mitigating factors that are of relevance to the case.
- C2.11 The Academic Offences Officer has the right to request an exceptional viva voce examination in cases where it is suspected that a student has contracted and/or purchased material for written assignments including project and dissertation work. The viva voce should be conducted by a subject specialist in the presence of the Academic Offences Officer; the aim of the viva voce should be to test the student's knowledge of the piece of work under investigation. The evidence from this exceptional viva voce may be used in any following disciplinary action.
- C2.12 At the end of the first stage of the hearing, the student and any person(s) representing and/or accompanying them shall be asked to withdraw whilst the Academic Offences Officer makes their decision.

C2.13 The Academic Offences Officer may come to one of the following decisions:

- a If the Academic Offences Officer is satisfied there is not a case to answer those concerned will be advised accordingly.
- b If the Academic Offences Officer identifies anything in an assessment which suggests a student may be in danger of committing a future offence an informal warning will be given.
- c If the Academic Offences Officer is satisfied an academic offence has been committed, the student and their representative will be invited back into the hearing, and the second stage will begin.
- d The case may be referred to the Secretary of the Disciplinary Board if one or more of the following statements are true:
  - i) The offence constitutes a repeat offence, or a second offence the Academic Offences Officer does not feel able or appropriate to investigate
  - ii) The offence is of Severity Level 4 in the University's Tariff of Penalties
  - iii) The penalties at their disposal in the University Tariff of Penalties do not appear to be appropriate for the offence e.g. a new type of offence on which guidance is required.
- e If the Academic Offences Officer feels they require more time to consider the case, the hearing may be adjourned for a period of no more than five days, and the student invited to the second stage of the hearing process if required.

C2.14 At the second stage of the hearing, the Academic Offences Officer will read out the charge to the student, and the student will be asked to confirm whether they plead guilty to the charge. They will be asked to complete and sign a form confirming their plea, and whether they accept the jurisdiction of the Academic Offences Officer in dealing with the case. The student may request more time to consider the charge and their plea, in which case the hearing will be adjourned and reconvened normally no more than five days following the initial hearing.

C2.15 If the student denies the charge, or refuses to accept the Academic Offences Officer jurisdiction, the case should be referred to the University Discipline Officer.

C2.16 Following a guilty plea, the Academic Offences Officer shall take into account any mitigation raised by the student, together with documentary evidence, where this can be provided (e.g., medical evidence). The Academic Offences Officer or other members of staff attending the hearing (where appropriate) may seek clarification from the student or any person representing them.

C2.17 After the case has been heard the student and any person(s) representing and/or accompanying them shall withdraw while the Academic Offences Officer considers the penalty.

C2.18 The penalties available to the Academic Offences Officer shall be in accordance with the Tariff of Penalties for Academic Offences.

C2.19 When the Academic Offences Officer has decided upon a penalty, the student and any person(s) representing and/or accompanying them shall be invited back into the hearing to hear the decision and be informed of the student's right to appeal against the penalty within 10 days. All penalties will be applied if, after 10 days have passed,

no appeal has been received. Any such appeal must be in writing and give brief reasons for the grounds of the appeal. If the grounds for appeal are determined by the University Discipline Officer to be valid, the University Discipline Officer will either arrange for the College to review the case or arrange for the University Disciplinary Board to meet to hear the appeal.

C2.20 A record of the proceedings and the decisions reached shall be retained by the College in which the meeting with the Academic Offences Officer was convened.

## D DISCIPLINARY BOARD

### D1 Cases referred to the Disciplinary Board

- D1.1 A student whose case is to be heard by the Disciplinary Board shall be sent a written summons by the Secretary to appear before the Disciplinary Board at least 21 days before the date of the hearing. The student will be given notice of the charge, of the right to representation, the date and time of the hearing and the procedure to be followed by the Board.
- D1.2 At a hearing the student shall be entitled to hear all the evidence of the complaint and to state his or her own case. The case against the student shall be presented first. Both parties shall have the right to call and to question witnesses and to make a concluding statement, that of the student being heard last.
- D1.3 At the hearing, the University's case normally will be put by the University Presenter.

### Penalties for Non-Academic and Severity 4 Academic Offences

- D1.4 The Disciplinary Board, if satisfied that an offence has been committed, may impose one or more of the following penalties for disciplinary offences and academic offences of severity level four.
- a a [reprimand \(formal warning\)](#);
  - b a fine not exceeding £500;
  - c requirement to make good in whole or in part to the satisfaction of the Board any damage or injury caused to property in the University or elsewhere;
  - d requirement to repay in whole or in part any monies obtained by fraud;
  - e in the case of a student who has been enrolled on a programme/module on the basis of a fraudulent application, any awards and/or academic credits gained on that programme/module will be withdrawn. This penalty will be applied consistently to all students in this situation.
  - f in the case of an academic offence set aside the whole module, qualifying report or thesis, i.e. the outcome or recorded mark for that module, qualifying report or thesis to be fail or zero;
  - g in cases where a student has conspired to create or has contracted or purchased from someone else a piece of written work or has impersonated or allowed themselves to be impersonated for the purposes of deception, the recommended penalty will normally be that of expulsion from the University (see Regulation [C1.5](#));

- h in the case of abuse of any of the University services or facilities, disqualification from using such services or facilities for a specified period;
  - i the Board may specify that the student not have contact with named person(s). The Board will determine the penalty to be imposed if the student breaches this penalty;
  - j [exclusion](#) from membership of and attendance at the University for a specified period. The Board will state whether an excluded student may or may not be permitted to sit University examinations and/or College tests;
  - k [expulsion](#) from the University.
- D1.5 For academic offences of less than severity level 4 the University [Tariff of Penalties](#) shall apply.
- D1.6 Penalties other than reparation for damage and injury to property or setting aside academic work can be suspended, conditional on the good behaviour of the student, for a specified period.
- D1.7 When determining penalties, the Board shall take into account any material mitigation submitted by the student. Where the Board concludes that these circumstances are relevant to the case, this shall normally be taken into account when assessing the severity of the offence. In deciding if circumstances should be taken into account, the Board shall consider whether those circumstances have previously been disclosed in a timely manner. The Board is unlikely to accept mitigation when considering a repeat offence of (i) plagiarism, (ii) collusion or (iii) cheating.
- D1.8 When a student has been excluded the Board may make specific requirements that the student has to meet before being allowed to re-enrol and return to study.
- D1.9 At the Disciplinary Board's discretion, it may proceed to deal with cases and, if necessary, make decisions in the student's absence even if the student has voluntarily withdrawn from the University, so long as they were a registered student at the point of referral to the Disciplinary Board.
- D1.10 Should a student breach a penalty imposed by the [Disciplinary Board](#), the Disciplinary Board may be reconvened.
- D1.11 A record of the proceedings of any Disciplinary Board shall be kept by the Secretary. The student shall be informed in writing of the decision and the reasons for the decision of the Disciplinary Board as soon as practicable after its meeting, usually within seven working days.

## D2 Right of Appeal

- D2.1 The grounds for appeal are:
- a procedural irregularity of a material nature, including the commission of an error during the disciplinary hearing;
  - b new evidence material to the case which the student can demonstrate was for good reason not previously available.
- D2.2 A student who has admitted an offence may only appeal in mitigation of the penalty.
- D2.3 Appeals against the decision of the Authorised Officer or the Academic Offences Officer

- D2.3.1 A student who wishes to appeal against the decision of the Authorised Officer, or the Academic Offences Officer must give notice in writing of the grounds for appeal including a summary of their case, to the University Discipline Officer within 10 days of the decision being notified. The University Discipline Officer will determine whether there are grounds for appeal. Appeals will be heard by the Disciplinary Board.
- D2.3.2 In addition to the invitation to attend the hearing, the student will receive these Regulations and the detailed procedures for the hearing of appeals to the Disciplinary Board.
- D2.3.3 The Board may accept or reject the appeal in whole or in part.
- D2.3.4 The Board may set aside, vary (including increasing or decreasing the severity of the original penalties) or confirm the penalty imposed by the Authorised Officer or Academic Offences Officer, and in doing so, may take into account any record of previous misconduct, whether or not occurring on University premises and regardless of whether the student was a member of the University at the time, the penalties available to the Board being those set out in Regulation [D1.4](#).
- D2.3.5 The decision of the Disciplinary Board shall be final and no further appeal shall be permitted within the University

### **D3 The Disciplinary Appeals Committee for cases heard initially by a Disciplinary Board**

- D3.1 The grounds for appeal are:
- a procedural irregularity of a material nature, including the commission of an error during the disciplinary hearing;
  - b new evidence material to the case which the student can demonstrate was for good reason not previously available.
- D3.2 A student who wishes to appeal against precautionary exclusion or the decision of the Disciplinary Board must give notice in writing including a summary of the grounds on which the appeal is made, to the Secretary of the Disciplinary Appeals Committee within 10 days of the decision being notified.
- D3.3 A Disciplinary Appeals Committee shall be appointed by the Senate to consider appeals made against precautionary exclusion or decisions of the Disciplinary Board.
- D3.4 The composition of a Disciplinary Appeals Committee shall be:
- Vice-Chancellor or nominee (Chair)
  - Two members of Senate
  - A representative of the Sabbatical Officers of the Aston Students' Union
  - Deputy Vice-Chancellor or nominee (Secretary)
  - No person who was a member of or was concerned in any way with earlier proceedings will be a member of the Disciplinary Appeals Committee.
- D3.5 The Disciplinary Appeals Committee shall have the following Terms of Reference:

- a to consider appeals against precautionary exclusion or the decision of a Disciplinary Board;
- b to accept or reject the appeal in whole or in part;
- c to set aside, vary or confirm a decision of precautionary exclusion of the Disciplinary Board, and in so doing may take into account any record of previous misconduct;
- d to report its decisions to the Senate.

#### **D4 Procedures of the Disciplinary Appeals Committee**

- D4.1 The Secretary and Chair of the Disciplinary Appeals Committee will consider the student's submission to ensure that an appeal does not progress to the full hearing of the Senate Disciplinary Appeals Committee if they consider that the student has no prospect of success whatsoever. This should be based on their general impression of the claims made and the benefit of any doubt should be given to the student. The student will be informed in writing if there are no appropriate grounds to initiate the appeals process.
- D4.2 Not less than 21 days before a meeting of the Disciplinary Appeals Committee, the Committee Secretary shall be sent a written summons to appear before the hearing. The student should be notified of any detailed procedures of the Disciplinary Appeals Committee which do not appear in these Regulations.
- D4.3 A copy of the minutes of the Disciplinary Board shall be made available to the appellant in advance of the hearing. The Chair of the Board may prepare their own report to the Appeals Committee, which shall also be submitted to the student in advance of the hearing.
- D4.4 The student shall have the right to submit a written statement outlining the grounds for appeal and including any documentary evidence (e.g. medical certificates). Where witnesses are to be presented a written witness statement must be submitted in advance.
- D4.5 All documentary evidence from the University and the student must be submitted to the Secretary of the Disciplinary Appeals Committee at least 10 days before the date of the hearing.
- D4.6 The University Presenter may call or present further evidence to meet any new or additional issues raised by the appellant.
- D4.7 In order to facilitate its investigations, the Committee shall have access to relevant material evidence (including the minutes and papers of the [Disciplinary Board](#)). In addition it may require the attendance of witnesses. The Chair of the Board shall be in attendance, but may speak only when requested by the Chair of the Appeals Committee.
- D4.8 At conclusion of the proceedings all non-members of the Committee will be asked to withdraw while the Committee reaches its decision. The Committee shall have the power to make one of the following decisions on behalf of the Senate:
- a to accept or reject the appeal in whole or in part;
  - b to set aside, vary or confirm the finding of guilt in whole or in part;
  - c to set aside, vary or confirm a precautionary exclusion;

- d to set aside, vary (including increasing or decreasing the severity of the original penalties) or confirm the penalty imposed, and in doing so, may take into account any record of previous misconduct, whether or not occurring on University premises and regardless of whether the student was a member of the University at the time, the penalties available to the Board being those set out in Regulation [D1.4](#).

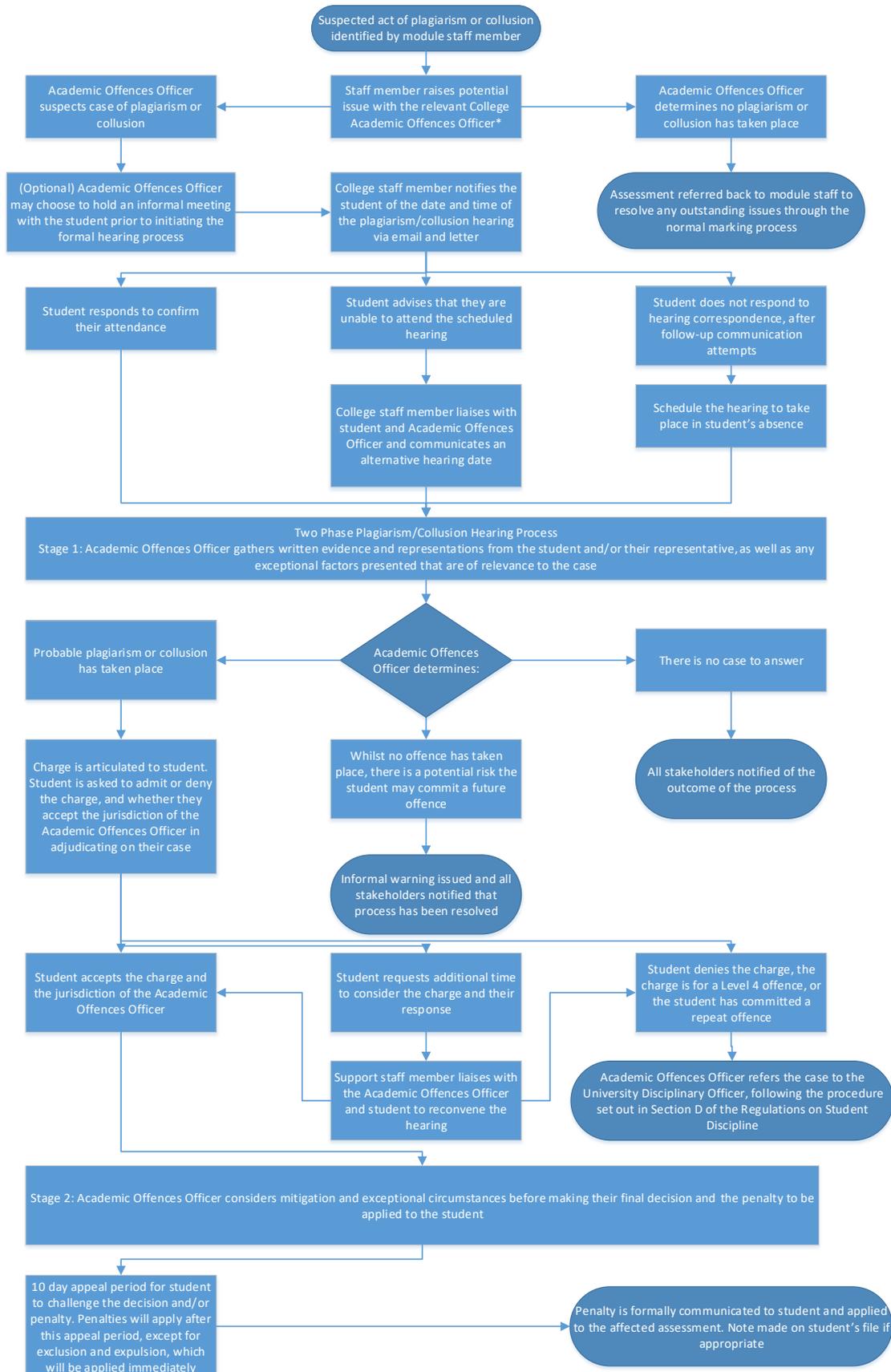
D4.9 The Secretary of the Disciplinary Appeals Committee shall inform the student in writing of the Committee's decision within seven working days of the meeting.

D4.10 The decision of the Senate Disciplinary Appeals Committee shall be final.

## **D5 The Office of the Independent Adjudicator for Higher Education**

D5.1 If a student is not satisfied with the way that the University has considered their appeal they may apply to the [Office of the Independent Adjudicator](#) (OIA) for an independent review of the case. The OIA operates an independent student complaints scheme pursuant to the Higher Education Act 2004. The OIA will normally review a case only if all internal University procedures have been exhausted. Complainants who are considering an application to the OIA are therefore advised to contact the Academic Registrar to confirm that this is the case and to obtain a 'completion of procedures letter', if this has not already been provided. If you require assistance in submitting a complaint you may wish to contact the Advice and Representation Centre in Aston Students' Union. Aston, like all Universities, is required to comply with the rules of the OIA's scheme. The service provided by the OIA is free to students.

### Appendix 1 – Academic Offences Investigation and Hearing Process



\* For Joint Honours programmes, the relevant Academic Offences Officer is from the College to which the module in which the offence took place belongs