

University Academic Misconduct Board Procedures

AU-RSC-22-5446-A

Protocol for Meetings of the Senate Disciplinary Appeals
Committee

Applicable to all students and learners enrolled or re-
enrolled from 1st August 2023

2023-24

CONTENTS

- Procedure Summary 3
- Related Regulations, Policies, and Guidance 3
- Version Control 3
- 1. University Academic Misconduct Board 3
- 2. Cases Referred to the University Academic Misconduct Board 5
- 3. The Role of the University Presenter..... 9
- 4. Appeals 9
 - 4.1 Against a Penalty Imposed by the Academic Offences Officer 9
 - 4.2 Protocol for Meetings of the Senate Disciplinary Appeals Committee 11

Procedure Summary

These procedures should be read in conjunction with the [Regulations on Student Discipline](#) (AU-RSC-22-5443-A).

This document sets out the procedures for the operation of the University Academic Misconduct Board, including:

- The membership and quorum of the University Academic Misconduct Board.
- Processes for referring cases to the University Academic Misconduct Board, inviting students to the hearing, and the submission of evidence.
- The process for University Academic Misconduct Board hearings, including the consideration of evidence, admittance of guilt, mitigation, determining a penalty, and the role of the University Presenter.
- Appeals against decisions and/or penalties, and protocols for the Senate Disciplinary Appeals Committee.

Related Regulations, Policies, and Guidance

The University's [Regulations on Student Discipline](#) provide key information relating to student discipline and should be read in conjunction with these procedures. The [Tariff of Penalties for Academic Offences](#) sets out the penalties available to Academic Offences Officers when dealing with offences related to student assessments and work. The [Aston Student Code of Conduct](#) sets out what the University deems as unacceptable student behavior, and the possible penalties and sanctions available.

Version Control

Ref No	Version	Responsible Officer	Approved by	Approval Date	Effective Date
AU-RSC-22-5446	A	Adam Hewitt	ULTC	Jun 2023	Aug 2023

1. University Academic Misconduct Board

- 1.1 The membership of the University Academic Misconduct Board shall be:
 - a the Chair, a member of the Academic Staff, appointed by the Senate
 - b three members of the Academic Staff, nominated by the Colleges
- 1.2 The members for any individual University Academic Misconduct Board will be drawn from a panel of appropriately nominated nominees. The panel shall include a Chair from each College
- 1.3 The panel of nominees for the University Academic Misconduct Board shall be approved by the Senate and members shall be appointed for a two-year term of office. Retiring members will be eligible for re-nomination.
- 1.4 Members will be asked to declare that they are free from any conflict of interest in the case to be heard.
- 1.5 If any member of the University Academic Misconduct Board is unable to be present at the hearing, the Secretary of the University Academic Misconduct Board may then fill the place from among the panel of nominees. The student must be notified of any such change in the composition of the Board.
- 1.6 If for any reason it is necessary to appoint additional members, the Vice-Chancellor, Deputy Vice-Chancellor and the Chair of the Academic Assembly, are authorised to appoint such members on behalf of the appointing bodies.
- 1.7 The quorum for the University Academic Misconduct Board shall be the Chair, plus at least two members. If a quorum of members is not present at the University Academic Misconduct Board, it shall be reconvened normally not more than 10 working days later.
- 1.8 In-person meetings. It is expected that meetings described as 'in person; are held with all participants physically present. At the request of the student, and with the agreement of the Chair, meetings may be held virtually via videoconference. Meetings may also be held virtually by videoconference at the request of the Chair, in consultation with the student, if it is deemed appropriate to prevent unnecessary delay or for other relevant practical reasons. A hybrid approach may be taken where appropriate at the request of the Chair.
- 1.9 The 'University Presenter' will present the University's case before the University Academic Misconduct Board. The University Presenter shall normally be the Academic Offences Officer who has dealt with the case in the College (see [Regulations on Student Discipline](#), Part C, Academic Matters) The University Presenter shall not be a member of the University Academic Misconduct Board.
- 1.10 The University Academic Misconduct Board shall have the power to adjourn, continue or postpone a hearing. No case may normally be adjourned or postponed for a period of more than 10 working days at any one sitting of the University Academic Misconduct Board.
- 1.11 The Secretary to the University Academic Misconduct Board shall be appointed by the Deputy Vice-Chancellor or nominee and shall keep the official and working records of the case.
- 1.12 Confidentiality of University Academic Misconduct Board Proceedings
 - a The decisions taken by the University Academic Misconduct Board may be communicated only by the Director of Student and Academic Services, Deputy

Vice-Chancellor, and the Chair and Secretary of the University Academic Misconduct Board.

- b In all cases an official record of the proceedings and the decisions reached, including agenda papers, minutes and correspondence with students, shall be kept and retained for six years from the end of the student's relationship with the University. All records of the case, apart from minutes of the Academic Misconduct Board hearing, will be destroyed immediately if the charge is not found to be proven.
- c 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 record is held for six years from the end of the student's relationship with the University. The University will inform outside bodies such as accrediting bodies or partner institutions, where relevant.

2 Cases Referred to the University Academic Misconduct Board

- 2.1 A student whose case is to be heard by the University Academic Misconduct Board shall be sent a written summons by the Secretary at least 10 working days before the date of the hearing. This summons shall call the student to appear before the University Academic Misconduct Board and give notice of: the charge; of the right to representation; the date and time of the hearing; and the procedure to be followed by the University Academic Misconduct Board. The written summons is normally a letter sent by email to the student's Aston University email address.
- 2.2 In cases where exceptional circumstances prevent the student from attending the University Academic Misconduct Board on the date and time scheduled, the Secretary will discuss the evidence submitted by the student with the Chair who, at their discretion, may permit the University Academic Misconduct Board to be rescheduled. In all other cases, if the student does not appear on the date appointed and the University Academic Misconduct Board is satisfied that notice of the hearing was properly served, the University Academic Misconduct Board may proceed to deal with the charge and, if necessary, impose the appropriate penalties in the student's absence. The penalties available for academic offences are available in the [Tariff of Penalties](#). The University Academic Misconduct Board has access to further penalties for offences as set out in Regulation D1.4 of the [Regulations on Student Discipline](#).
- 2.3 In addition to the written summons, a web link to the [Regulations on Student Discipline](#) and the [Tariff of Penalties](#), and to any appropriate Code of Practice, including these University Academic Misconduct Board Procedures, the student must be notified:
 - a of the requirement to answer the charge in writing at least five days before the date fixed for the hearing by either admitting, denying or challenging it as not being properly brought (see paragraph 2.4 below);
 - b of the membership of the University Academic Misconduct Board;

- c that if the student believes any member of the University Academic Misconduct Board may have a conflict of interest, this must be lodged in writing with the Secretary at least five days before the date of the hearing;
 - d that if the student wishes to deny the charge, they may submit written material in their defence and that a copy of this written material must be submitted to the Secretary at least five days before the date of the hearing. The written material shall be made available to all parties at least five working days before the date of the hearing;
 - e that the student is expected to attend the hearing, may choose to be represented by another person and may in addition be accompanied by a friend. The names should be submitted to the Secretary at least five days before the date of the hearing;
 - f that the student may approach a personal tutor, other members of the University or the Advice and Representation Centre in the Students' Union for advice as to procedure and the action which may be taken.
- 2.4 If the student wishes to challenge the charge as not being properly brought, this must be done in writing to the Secretary at least five days before the date fixed for the hearing, and the question shall be decided by the Board at the date fixed for the hearing. If the charge is found by the University Academic Misconduct Board to be properly brought, the University Academic Misconduct Board shall proceed directly to hear the charge.
- 2.5 Where the student has identified a possible conflict of interest in the membership of the Board, the student will be required to give the Secretary the grounds of the objections. The Deputy Vice-Chancellor, Director of Student and Academic Services or their nominee will then decide in their absolute discretion on the validity of these grounds and any decision regarding membership will be final and binding on the student.
- 2.6 The University Academic Misconduct Board may, in its entire discretion, admit new evidence submitted not previously submitted in accordance with [paragraph 2.3d](#). The party wishing to admit such evidence shall make a submission to the University Academic Misconduct Board at the commencement of the hearing as to why the evidence should be admitted.
- 2.7 The University Academic Misconduct Board will take into account any mitigation raised by the student, together with documentary evidence, where this can be provided (e.g. medical evidence).
- 2.8 If the student fails to respond to the charge without good reason, the University Academic Misconduct Board shall be arranged in the student's absence, and the hearing shall proceed on the basis that the student has not accepted the charge. If the University Academic Misconduct Board finds the charge to be proven it may proceed to impose whatever penalty it thinks fit in the student's absence in accordance with the relevant section of the [Regulations on Student Discipline](#).
- 2.9 If the student wishes to admit the charge, the student is then expected to appear before the University Academic Misconduct Board to hear its decision on the penalty. If the student does not appear to hear the penalty, the University Academic Misconduct Board may nevertheless impose a penalty which will be notified to the student in writing.

- 2.10 If the student wishes to deny the charge the University's case shall be presented by the University Presenter.
- 2.11 Members of the University Academic Misconduct Board, the University Presenter, the student, and any person representing the student will have the following information available:
- a the detailed wording of the charge and any relevant supporting documents, including a summary of the Academic Offences Officer's investigations;
 - b the student's response to the charge;
 - c a copy of any written material submitted by the student in their defence;
 - d the name of any person(s) accompanying and/or representing the student;
 - e a copy of the [Regulations on Student Discipline](#) and the [Tariff of Penalties](#), these University Academic Misconduct Board Procedures, and any appropriate Code of Practice.
- 2.12 Any record of the student's previous academic misconduct will be made available to the University Academic Misconduct Board if and when the question of penalty is being debated. Additionally, the University Academic Misconduct Board will be made aware of all cases where the student's disciplinary record identifies any previous breach of the [Regulations on Student Discipline](#) which resulted in the student being subject to the penalty of a "suspended expulsion" (a penalty of expulsion that has been suspended for a defined period of time).
- 2.13 The case against a student is presented as follows:
- a the Chair shall outline the process to be followed, as detailed below;
 - b the charge will be read out and the student will reply to it;
 - c in the event of the student denying the charge, the University Presenter details the case against the student,
 - d members of the University Academic Misconduct Board may ask questions, through the Chair, of the University Presenter at any time;
 - e if the student denies the charge, the evidence on behalf of the student is heard;
 - g members of the University Academic Misconduct Board may ask questions, through the Chair, of the student and/or representative at any time;
 - h both the student, or the student's representative, and the University Presenter shall be allowed to make a final address, the student or their representative being allowed to make the final statement;
 - i the student, the student's representative and/or friend and the University Presenter shall withdraw while the University Academic Misconduct Board considers its decision;
 - j in considering the evidence, the University Academic Misconduct Board should consider whether the case against the student has been proven: the burden of proof is on the University. The standard of proof required is the balance of probabilities; not as in a criminal court, where a case has to be proven 'beyond reasonable doubt'.

- k A student shall not be found guilty of an offence unless a majority of the voting members of the University Academic Misconduct Board present so decide. The Chair of the University Academic Misconduct Board normally shall not be a voting member but will have a deciding vote when the voting members cannot reach a majority decision. Penalties shall be decided by the same voting procedure.
- 2.14 The student is permitted to admit the charge or any part of it at any stage in the proceedings.
- 2.15 The student and any person accompanying and/or representing the student will return to hear the verdict. The University Presenter is not required to return to hear the verdict and will be notified of the outcome by the Secretary in due course. If the University Academic Misconduct Board finds the charge to be proven, or if the student has admitted the charge, the student shall have the opportunity to be heard in mitigation either personally or through their representative before any penalty is determined. The student and any representative and/or friend will then withdraw whilst the University Academic Misconduct Board considers the penalty.
- 2.16 When determining penalties, the University Academic Misconduct Board shall take into account any material mitigation submitted by the student. Where the University Academic Misconduct 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 University Academic Misconduct Board shall consider whether those circumstances have previously been disclosed in a timely manner. The University Academic Misconduct Board is unlikely to accept mitigation when considering a repeat offence of (i) plagiarism, (ii) collusion or (iii) cheating ([Regulations on Student Discipline](#) D1.7).
- 2.17 In determining the penalty, the University Academic Misconduct Board may also take into account any record of previous academic misconduct presented by the University (see paragraph 2.12)
- 2.18 The penalties the University Academic Misconduct Board may impose are detailed in Regulations E1.4 of the [Regulations on Student Discipline](#).
- 2.19 Where relevant the University Academic Misconduct Board must state whether the result imposed is condonable or not and, in the case of a Postgraduate research student whether resubmission is permitted.
- 2.20 The outcome of the hearing will be confirmed to the student in writing, usually within seven working days.
- 2.21 The student, any person accompanying or representing the student will return to hear the penalty. The University Presenter will be notified by the Secretary in due course. The student will be advised of the right of appeal (procedures for which are set out in [Section 4](#) below).
- 2.22 Penalties shall not be imposed until the ten-day period for appeal has expired. If an appeal is lodged and deemed to have grounds, the penalty, shall be suspended until the appeal has been determined by the Senate Disciplinary Appeals Committee.
- 2.23 Where the penalty of expulsion is imposed the student will usually continue to attend the University as normal until completion of the internal appeals procedures (see 2.22).
- 2.24 All expulsions shall be reported through the Deputy Vice-Chancellor or nominee to Senate.

3 The Role of the University Presenter

- 3.1 [Paragraph 2.10](#) above states that, in the instance of a student denying an allegation, and it being referred to the University Academic Misconduct Board, the University's case, shall be presented by the University Presenter.
- 3.2 The University Presenter shall usually be the Academic Offences Officer for the College or programme concerned who undertook the investigation (see [Regulations on Student Discipline](#), Part C Academic Matters).
- 3.3 The University Presenter should present the case in such a way as to draw attention to any issues which need to be explored further and which could have a bearing on the outcome of the hearing.

4 Appeals

4.1 Against a Penalty Imposed by the Academic Offences Officer

- 4.1.1 A student who wishes to appeal against the decision of 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 ten days of the decision being notified. The University Discipline Officer will determine whether there are grounds for appeal, consulting with a Chair of the University Academic Misconduct Board if consideration of academic matters raised in the appeal is required. Appeals that are considered to have grounds will be heard by the University Academic Misconduct Board. (Regulation D2.3.1)
- 4.1.2 The grounds for appeal are detailed in Regulation D2.1 of the [Regulations on Student Discipline](#).
- 4.1.3 If the student does not appear on the date appointed and the University Academic Misconduct Board is satisfied that notice of the hearing was properly served, the University Academic Misconduct Board may proceed to deal with the appeal and, if necessary, set aside, vary (including increasing or decreasing the severity of the original penalties) or confirm the penalty in the student's absence, the penalties available to the Board being those set out in Regulations D1.4 and D1.5 of the [Regulations on Student Discipline](#).
- 4.1.4 In addition to the invitation to attend the hearing (normally sent by email to the student's Aston University email address) and a weblink to the [Regulations on Student Discipline](#), the [Tariff of Penalties](#), and to these University Academic Misconduct Board Procedures, the student must be notified:
 - a of the membership of the University Academic Misconduct Board

- b that if the student believes any member of the University Academic Misconduct Board may have a conflict of interest, this must be lodged in writing with the Secretary at least five days before the date of the hearing;
 - c that the student may submit written material in support of their appeal and this must be submitted to the Secretary of the University Academic Misconduct Board at least five days before the date of the hearing;
 - d that the student is expected to attend the hearing, may choose to be represented by another person and may in addition be accompanied by a friend whose name(s) should be submitted to the Secretary at least five days before the date of the hearing. If the student does not attend, procedures shall be as specified in paragraph 4.1.3 of these Procedures;
 - e that the student may approach a personal tutor, other members of the University or the Advice and Representation Centre in the Students' Union for advice as to procedure and the action which may be taken.
- 4.1.5 The Secretary of the University Academic Misconduct Board shall obtain from the Academic Offences Officer concerned a brief written report of the circumstances of the case. This report shall be made available to the student and the University Academic Misconduct Board members in advance of the hearing.
- 4.1.6 The appellant shall be allowed to call or present fresh evidence.
- 4.1.7 The University Academic Misconduct Board has the power to call or admit fresh evidence.
- 4.1.8 The appeal is heard as follows:
- a the grounds for the appeal are presented by the student or their representative;
 - b the Academic Offences Officer details the case against the student;
 - c members of the University Academic Misconduct Board may ask questions of, the appellant, the Academic Offences Officer, or other participants only at the end of each stage of the hearing, and then through the Chair;
 - d both the student, or the student's representative, and the Academic Offences Officer shall be allowed to make a final address, the student or their representative being allowed to make the final statement;
 - e the appellant, any person accompanying or representing the appellant and the Academic Offences Officer, shall withdraw while the University Academic Misconduct Board considers its decision.
- 4.1.9 The University Academic Misconduct Board will consider the evidence that has been heard, and may at this stage choose to reconvene the hearing to a later date in order to obtain further evidence or advice from other parties. Should this be the case, all parties will be invited to attend the reconvened meeting.
- 4.1.10 The University Academic Misconduct Board may accept or reject the appeal in whole or in part.

- 4.1.11 The University Academic Misconduct Board may set aside, vary (including increasing or decreasing the severity of the original penalties) or confirm the penalty imposed by the Academic Offences Officer, and in doing so, may take into account any record of previous academic misconduct, the penalties available to the University Academic Misconduct Board being those set out in Regulation D1.5 of the [Regulations on Student Discipline](#).
- 4.1.12 A decision shall not be agreed unless a majority of the voting members of the University Academic Misconduct Board so decide. The Chair of the University Academic Misconduct Board normally shall not be a voting member but will have a deciding vote when the voting members cannot reach a majority decision. Penalties shall be decided by the same voting procedure.
- 4.1.13 The Chair will announce the Committee's decision, either by calling the parties together or in writing. The outcome of the hearing will be confirmed in writing, normally within seven working days.
- 4.1.14 The decision of the University Academic Misconduct Board shall be final and no further appeal shall be permitted within the University.

4.2 Protocol for Meetings of the Senate Disciplinary Appeals Committee

- 4.2.1 A student who wishes to appeal against the decision of the University Academic Misconduct Board must give notice in writing including a summary of the grounds on which the appeal is made, to the Secretary of the Senate Disciplinary Appeals Committee within ten days of the decision being notified.
- 4.2.2 The grounds for appeal are detailed in Regulation F2.1 of the [Regulations on Student Discipline](#).
- 4.2.3 The quorum of the Senate Disciplinary Appeals Committee shall be at least two thirds of the membership, including the Chair. The Chair confirms that no members of the Senate Disciplinary Appeals Committee have any conflicts of interest.
- 4.2.4 The Chair outlines the procedures for the hearing to both parties.
- 4.2.5 The Chair asks the appellant (or representative) to present their case in support of the appeal. The Senate Disciplinary Appeals Committee may admit any witnesses it judges relevant to the case. The witnesses may be examined by the appellant or their representative, cross-examined by the University Presenter and re-examined by the appellant or their representative.
- 4.2.6 Members of the Senate Disciplinary Appeals Committee may ask questions, through the Chair, of the student and/or representative and/or their witness(es) at any time. Appellants/Presenters may also ask questions of one another, through the Chair.
- 4.2.7 The Chair asks the University Presenter to respond to the appeal, and to introduce any witness(es) in support of the response. The witnesses may be examined by the University Presenter, cross-examined by the appellant or their representative and re-examined by the University Presenter.

- 4.2.8 Members of the Senate Disciplinary Appeals Committee may ask questions, through the Chair, of the University Presenter and/or their witness(es) at any time. Appellants/Presenters may also ask questions of one another, through the Chair.
- 4.2.9 The Chair will ask the University Presenter to summarise their case.
- 4.2.10 The Chair will ask the appellant (or representative) to summarise their case.
- 4.2.11 The parties will be asked to leave the meeting and the Senate Disciplinary Appeals Committee will consider the evidence that has been heard, and may at this stage choose to reconvene the hearing to a later date in order to obtain further evidence or advice from other parties. Should this be the case, all parties will be invited to attend the reconvened meeting.
- 4.2.12 The Chair of the University Academic Misconduct Board shall be in attendance but may speak only when requested by the Chair of the Senate Disciplinary Appeals Committee. The Chair of the University Academic Misconduct Board shall be requested to leave the hearing once any points requiring clarification have been resolved.
- 4.2.13 A decision shall not be agreed unless a majority of the voting members of the Senate Disciplinary Appeals Committee so decide. The Chair of the Senate Disciplinary Appeals Committee normally shall not be a voting member but will have a deciding vote when the voting members cannot reach a majority decision. Penalties shall be decided by the same voting procedure.
- 4.2.14 The Chair will announce the Senate Disciplinary Appeals Committee's decision, either by calling the parties together or in writing. The outcome of the hearing will be confirmed in writing within seven working days of the meeting.
- 4.2.15 The decision of the Senate Disciplinary Appeals Committee shall be final, and no further appeal shall be permitted within the University