

Information for Students, Teachers and Examiners
Annex 10: Academic Discipline: Procedures

1 General Regulation V.3: Academic Discipline

1.1 For each School there shall be a School Disciplinary Committee¹ to consider alleged breaches of General Regulation V.3, which shall consist of three academic members of the School, one of whom shall be the Head of School or his/her nominee and shall be appointed as Chair. Each School shall provide a Secretary to the Committee. The School Disciplinary Committee shall keep appropriate records of all such alleged breaches so considered.

1.2 Regulation V.3 of the General Regulations for Students² states:

“Students are required to act with honesty and integrity in fulfilling requirements in relation to assessment of their academic progress.

Note: *The following are some examples of conduct which will be regarded as a breach of this regulation:*

- **Cheating in examinations:** *including the use of unauthorised materials, mobile phones and other prohibited electronic devices.*
- **Attempting to influence an examiner or teacher improperly**
- **Plagiarism:** *reproducing in any work submitted for assessment or review (for example, examination answers, essays, project reports, dissertations or theses) any material derived from work authored by another without clearly acknowledging the source.”*

It should be noted that the University regards plagiarism a strict liability offence and so does not require evidence of intent to commit plagiarism in order to determine that an offence has occurred. However, where it is determined that the act of plagiarism has occurred as a result of poor academic practice, it is open to the Chair to interpret the matter as constituting a minor offence.

The University makes information about the definition and seriousness of plagiarism offences available to students and it is the responsibility of the student to consider this carefully. Lack of understanding on behalf of the student will not be considered acceptable grounds in response to an allegation of plagiarism or when appealing a penalty imposed under the academic discipline procedures.

The identification of plagiarism is an academic judgement, based on a comparison across the student's work in general, and/or on knowledge of the sources, of practice in the discipline and of expectations for professional conduct. The Chair of the School Disciplinary Committee, or the Committee itself, may therefore determine that plagiarism has taken place even if the source has not been identified.

- **Duplication of material:** *reproducing in any submitted work any substantial amount of material used by that student in other work for assessment, either at this University or elsewhere, without acknowledging that such work has been so submitted.*³
- **Conspiring with others** *to reproduce the work of others without proper acknowledgement, including knowingly permitting work to be copied by another student.*

¹ The term ‘School Disciplinary Committee’ is taken throughout this document to include all Disciplinary Committees established in accordance with these procedures by collaborative partners.

² Note that the General Regulations apply equally to both taught and research students.

³ Conventions may be published which define more precisely for purposes of particular disciplines, programmes or types of assessment work, the offences denoted above, provided such conventions have been approved by the appropriate Faculty Board, and a copy lodged with the Secretary to the Education Board.

- **Falsification of data/evidence**

“Alleged breaches of General Regulation V.3 will be dealt with in accordance with the procedures designated by the Education Board”, as follows:

- 1.3 In the event of an alleged breach of regulation V.3, the student concerned and the Chair of the School Disciplinary Committee of the student’s School shall be informed of the alleged breach. The Chair shall be provided with full details and supporting evidence⁴.
- 1.4 If the Chair considers after consideration that the allegation is without foundation, he/she shall so inform the student and no further action shall be taken.

- 1.5 **Plagiarism First Offence – Determining Formal Warnings and Minor Penalties**

The University acknowledges that at the start of a student’s career, plagiarism may be inadvertent and a result of inexperience or poor academic practice. In recognition of this fact, the following procedures have been developed.

- 1.5.1 Where a first offence of plagiarism is suspected in a piece of work submitted by a stage 1 undergraduate student, discretion is afforded the Chair to treat the case as warranting only a **formal warning**.

Where a first offence of plagiarism is suspected in a piece of work submitted by a student other than a Stage 1 undergraduate student, the Chair has discretion to treat the case as warranting a **formal warning and a minor penalty**.

In either case this is provided that:

- The Chair is satisfied that the incidence of plagiarism is a result of poor academic practice;
- There is, therefore, no evidence of any intent to deceive;
- The piece of work in question constitutes the first such incidence of plagiarism for that student.

- 1.5.2 Such cases, as described in 1.5.1, will be conducted as per the procedures for uncontested minor offences and, if proven, will result in the Chair issuing a formal warning letter to the Student. The formal warning letter will set out the possible consequences of any further cases of plagiarism and will provide direction to sources of advice and guidance to prevent any future breaches.

- 1.5.3 In the case of a Stage 1 undergraduate student, the Chair, in consultation with the module convenor, will determine if a mark may be returned for the piece of work based on the portion which is not plagiarised or whether the student should be permitted to re-submit the piece of work without penalty by an agreed deadline. Where, subsequent to the discounting of the plagiarised portion, the mark awarded is lower than the pass mark, the student may be given the opportunity to resubmit the work where it is considered appropriate to do so⁵, by an agreed deadline.

In the case of a student other than a Stage 1 undergraduate student, the Chair, in consultation with the module convenor, will determine if a mark may be returned for the piece of work based on the portion that is not plagiarised. If the mark which is given is below the pass mark, then the student may be permitted to re-submit the work where it is considered appropriate to do so⁶, by an agreed deadline **for a maximum of a pass mark⁷**.

⁴ In the case of a breach of academic discipline in modules owned by another School, the School that owns the module will provide evidence in relation to the case to the student’s School.

⁵ Please refer to the regulations in section 3 of this Annex.

⁶ Please refer to the regulations in section 3 of this Annex.

⁷ Note that in references to pass marks for individual assessments throughout Annex 10, the assessment pass mark should normally be deemed to be the same as the stated pass mark for the module.

(**Note:** this opportunity to resubmit in term time prior to the next available resubmission opportunity does not apply to minor/serious offences – see paragraphs 2.2.4 and 2.2.5).

- 1.5.4 Such cases, as described in 1.5.3, will not - in isolation - be regarded as constituting a breach of academic discipline and will not be recorded on the student's transcript or academic reference. However, when considering any subsequent cases of plagiarism, the Chair will take into account whether a formal warning has earlier been issued to the offender.

1.6 Determining Minor Offences/Serious Offences

Whether for a first or subsequent offence, where the Chair considers the evidence is substantive he/she will determine if the breach should be regarded as constituting a minor or a more serious offence. In reaching this determination, the Chair will take into account such factors as the following:

- The contribution to the overall mark for a module made by the piece of work in which the instance of alleged plagiarism has been detected;
- The proportion of the piece of work that is plagiarised;
- Whether the student is in receipt of a formal warning, issued under section 1.5 of this Annex;
- The number of previous or contemporaneous offences, if any, with any instances of repeat offending normally to be regarded as constituting a more serious offence;
- Evidence of intent to deceive, with any such evidence normally to be regarded as requiring the treatment of the case as per a more serious offence;

The Chair may consult other members of the Disciplinary Committee about how to proceed with the case if he/she considers this appropriate.

1.7 Minor Offences

- 1.7.1 Where the Chair determines on the basis of the available evidence that the case should be treated as per a minor offence the Secretary will write to the student and set out the details of the allegation and the nature of the evidence against the student. The Chair will also propose a penalty for the offence; the Secretary will inform the student of the proposed penalty and that it will be automatically applied should the student either decide not to contest the allegation or fail to respond to the Secretary within the prescribed deadline (normally 14 days, though this may be a shorter period if this is necessary to ensure that the outcome can be made available to a meeting of the Board of Examiners).
- 1.7.2 If the student contests the allegation and/or the proposed penalty, the Chair will refer the case to the School Disciplinary Committee. The student will be invited to submit representations in writing. An oral hearing will be convened where the Chair considers that there are sound reasons for doing so.
- 1.7.3 If the student does not contest the allegation and/or proposed penalty by the prescribed deadline, the Secretary will inform the Chair of the relevant Board of Examiners of the decision of the Chair and confirm the outcome of the case to the student. The maximum penalty that may be applied by a Chair for an uncontested minor offence will be a mark of zero for the piece of work in question. The student shall be informed of his/her right to appeal against this decision as per the procedure set out at section 4 below.

1.8 Serious Offences

Where the Chair determines on the basis of the available evidence that the case should be treated as per a serious offence the Chair will ask the Secretary to convene the School Disciplinary Committee to hear the case.

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- 1.8.1 The student shall be informed by the Secretary of the date on which the School Disciplinary Committee will consider the case; that they may submit evidence to the Committee in writing or, where the Chair considers an oral hearing appropriate, in person; that, except where the Chair decides that evidence provided by either party should be confidential to the Committee, they will each be provided with copies of the written evidence submitted by the other and, where an oral hearing is held, that they will both be permitted to hear the other's verbal evidence.
- 1.8.2 Where a student attends a hearing of the School Disciplinary Committee, he/she may be accompanied by a member of staff or a student of the University or a member of staff of the Students' Union or a relative. Such hearings are not legal proceedings and a student may not be accompanied by a legal representative, even if the legal representative is a member of staff or a student of the University or a member of staff of the Students' Union or a relative.
- 1.8.3 A student who, where the opportunity is offered, does not attend a School Disciplinary Committee hearing will have no further right of redress within the University's appeals procedures. Where non-attendance is thought to be for reasons beyond the student's control, the Chair of the School Disciplinary Committee will have discretion to proceed with the hearing in the student's absence or to reconvene the Committee at a later date.
- 1.8.4 The Chair of the School Disciplinary Committee shall have the right to decide that evidence submitted verbally or in writing should be ignored by the Committee on the grounds that it is irrelevant or inappropriate and shall give reasons for doing so.
- 1.8.5 The School Disciplinary Committee will meet privately to determine whether, in its view, there has been a breach of Regulation V.3 and, if so, impose an appropriate penalty;
- 1.8.6 The Secretary shall inform the student and the Chair of the relevant Board of Examiners of the decision of the School Disciplinary Committee. The student shall be informed of his/her right to appeal against this decision as per the procedure set out in section 4 below.
- 1.8.7 The Secretary shall be responsible for ensuring that a confidential record is kept of all cases notified under 1.7 and 1.8 above. The University is obliged to release details relating to academic discipline offences if these are explicitly requested by prospective employers as part of an academic reference or where disclosure is an obligatory professional requirement.

2 Penalties

Where a student is considered to be in breach of Regulation V.3, the penalties to be imposed should be in accordance with the following guidelines. These penalties may however be varied where the School Disciplinary Committee or the Chair (as appropriate to the case) feels that the suggested penalty would be too lenient or too harsh in the particular circumstances. In determining an appropriate penalty the following factors may be taken into consideration:

- The severity of the offence
- Whether the student admits or denies the allegation;
- Evidence of intent to deceive;
- The number of previous or contemporaneous offences;
- Whether the student is in receipt of a formal warning, issued under section 1.5 of this Annex;
- The contribution to the overall mark for a module made by the piece of work in which the instance of alleged plagiarism has been detected;

- The proportion of the piece of work that is plagiarised;
- The effect of the intended penalty on the student's progression or (potential) award (the overall outcome should not be disproportionate to the offence).

2.1 Cheating in Examinations

2.1.1 Possession of Unauthorised Materials, Mobile Phones or Other Electronic Devices in Examination

First Offence: Penalised mark for the examination appropriate to the nature of the offence, or a warning about consequences of further offences where the offence is considered inadvertent.

Subsequent Offences: Mark of zero for examination in question.

2.1.2 Use of Unauthorised Materials/Mobile Phones/Electronic Devices in Examination

First Offence: Mark of zero for examination in question.

Subsequent offence(s): Terminate registration/ineligible for award or to resit examinations.

2.1.3 Communicating with another student

First Offence: Minimum penalty - warning about consequences of further offence(s).

Subsequent Offence(s): Mark of zero for examination in question.

2.1.4 Copying from another student

First Offence: Mark of zero for examination in question.

Subsequent offence(s): terminate registration/ineligible for award or to resit examinations.

2.1.5 Impersonating another student/conspiring to impersonation

Terminate registration/ineligible for award or to resit examinations.

2.1.6 Attempting to Influence a Teacher or Examiner Improperly

The penalty may range from a mark of zero for a single piece of work to termination of registration depending on the circumstances of the case.

2.2 Plagiarism/Duplication of Material

2.2.1 Where the work contains a component of plagiarised or duplicated material, but also contains sufficient evidence that the student has satisfied the requirements to Pass, **either:**

2.2.1.1 cap the mark *for the piece of work* at a minimum Pass; **or**

2.2.1.2 allocate a reduced final mark *for the module overall* proportionate to the offence, subject to a minimum mark of a minimum Pass, and return a mark for the piece of work based on the portion which is not plagiarised or duplicated.

2.2.2 Where the work contains a component of plagiarised or duplicated material which casts doubt on whether the student has satisfied the requirements to Pass, return the appropriate fail mark for that portion of the coursework that is unplagiarised.

2.2.3 The maximum penalty that may be applied by a Chair for an uncontested minor offence will be a mark of zero for the piece of work in question.

2.2.4 Where the application of a penalty for a minor offence results in the failure of a module, the Board of Examiners may grant the student the opportunity to resubmit as per normal resit rules.

2.2.5 For serious, substantial or repeat offences: termination of registration/ineligible for award or to resit examinations.

2.3 Conspiring with others to reproduce the work of others, including knowingly permitting work to be copied by another student

The penalty may range from a reprimand to a mark of zero for a piece of work, or for a number of pieces of work, depending on the circumstances of the case.

2.4 Falsification of Data

The penalty may range from a mark of zero for a single piece of work to termination of registration depending on the circumstances of the case.

These examples are not exhaustive and do not limit the application of this Regulation from other acts deemed to be in contravention of the Regulation.

2.5 Falsification of Evidence in Appeal

Where there are grounds to consider that documentary evidence submitted in support of an appeal has been falsified, the Dean of Faculty (or Chair of SARC etc) will disregard such evidence and the appeal will thereafter be considered on the basis of the remaining evidence. The submission of falsified evidence will be referred for consideration by the Master of the student's College under the *Regulations on Student Discipline in Relation to Non-Academic Matters*. The referral will include a recommendation as to whether the matter should be regarded as a 'minor' or 'major' offence.

2.6 In cases where the penalty of termination of registration has been applied by a School for academic discipline offences, the student will not be permitted to register on another programme of study at the University.

3 Penalties Where Work has been Marked by a Different School

3.1 Where a module convenor has marked the 'unplagiarised' part of coursework that has been deemed to include plagiarised work, and the student concerned belongs to a different School from that of the module-owning School, that student's mark should not be increased nor a resubmission granted by the home School if the module-owning School does not provide for this.

3.2 The home School of the student concerned may, in such circumstances, consider the mark given by the module-owning School and decide whether it would be appropriate for a greater penalty to be applied.

3.3 The module-owning School may advise if it is appropriate for the student to be permitted an opportunity to resubmit coursework where plagiarism has been identified.

3.4 Where a disciplinary hearing is to take place, such hearings are the responsibility of the student-owning School. The School should, however, take advice in consultation with the module-owning School ahead of the hearing. The module convenor should also be present at the resulting disciplinary hearing, but must never be a member of the hearing panel.

4 Appeals Against Decisions of School Disciplinary Committees

4.1. Introduction

4.1.1. Appeals against the decisions of School Disciplinary Committees or of the Chairs of School Disciplinary Committees⁸ will be considered by the appropriate Faculty⁹ as per

⁸ From this point forward, the term 'decisions of the School Disciplinary Committee' will be taken to also refer to decisions taken by the Chairs of School Disciplinary Committees.

⁹ In all cases the appropriate Faculty of appeal will be the 'owning' Faculty of the programme of study for which the student is registered.

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these procedures provided they are received no more than 21 days from the date of the letter notifying the student of the decision in question.

- 4.1.2. The submission of an appeal is no guarantee of its successful outcome. Where relevant to the case, deregistered students who have been permitted to continue with their studies pending the outcome of an appeal may be required to withdraw from the University immediately should their appeal to the Faculty fail.
- 4.1.3. University staff members will treat in good faith any appeal which is brought forward by students under these procedures.

4.2. Grounds for Appeal

- 4.2.1 The student may appeal to the relevant Dean of Faculty against the outcome and/or penalty imposed by the School Disciplinary Committee on one or more of the following grounds:
- that there is evidence of a failure to follow the procedures set out in these regulations, or of other administrative error, which casts reasonable doubt on the reliability of the decision; and/or
 - that fresh evidence can be presented, which could not reasonably have been made available before the decision was made, and which casts reasonable doubt on the reliability of the decision; and/or
 - that the outcome and/or penalty were unreasonable or not justified given the evidence which was available at the time.

4.3. Procedures

- 4.3.1. Appeals will be considered only if submitted:
- by means of the Discipline Appeal Form
 - accompanied by a letter explaining in full the grounds for the appeal and the remedial action sought from the School Disciplinary Committee;
 - providing all necessary documentary evidence substantiating the grounds of the appeal;
 - within the applicable deadline (i.e. 21 days from the date of the letter notifying the student of the decision).
- 4.3.2. On receipt of an appeal the Faculties Support Officer shall determine whether it meets the technical conditions outlined in section 4.3.1 above. If it does not, the Faculties Support Officer shall inform the student in writing that there is no basis for continuing with the appeal and will explain the reason(s) why the appellant's submission does not satisfy the technical conditions for appeal. This may include an assessment by the Faculties Support Officer that any new evidence provided in appeal by the appellant may reasonably have been provided at the time of the original decision against which the student is appealing.
- 4.3.3. Where the appellant's submission is judged to satisfy the technical conditions for appeal, it shall be submitted for consideration by the Dean.

4.3.3.1. Procedural or Administrative Error

Where the Dean determines that there is reasonable ground, supported by objective evidence, to believe that there may have been procedural or administrative error of such a nature as to have affected the decision of the School Disciplinary Committee: the Faculties Support Officer will investigate whether there has been such error and, where this is the case, refer for the case to be reconsidered by the School Disciplinary Committee. The Faculties Support Officer will inform the student of the outcome of these enquiries.

4.3.3.2. Presentation of Fresh Evidence

Where the appeal claims there is fresh evidence available, which casts reasonable doubt on the reliability of the decision and which the student, for good reason, was unable to submit by the published deadline, the Dean shall determine whether sufficient grounds for further review exists.

4.3.3.2.1. Where the Dean determines that there are sufficient grounds for further review, the Faculties Support Officer will forward the evidence to the Chair of the School Disciplinary Committee to ask whether, in light of the fresh evidence, the Committee would wish to reconsider its original decision. In considering such a request, the Chair of the Committee will consult such other members of the School Disciplinary Committee as deemed necessary in the circumstances.

4.3.3.2.2. Where the Dean does not consider that there are sufficient grounds, the student shall be so informed.

4.3.4. Where as a result of the Faculties Support Officer's investigation or the decision of the Chair of the School Disciplinary Committee (as appropriate) the appeal is upheld, the Faculties Support Officer shall so inform the student.

4.3.5. Where, with regard to 4.3.3.1 or 4.3.3.2, the outcome does not correspond to the remedial action sought by the student, the Faculties Support Officer will refer the case to the Dean. The Dean shall determine whether, on the basis of the evidence presented by the student and obtained by the Faculties Support Officer, there are grounds for review. Where the Dean determines that there are grounds, the Dean will refer the matter for consideration by a Faculty Review Panel, as per 4.4 below.

4.3.6. Where the Dean determines that there are no grounds, the Dean will ask the Faculties Support Officer to inform the student that the appeal has been rejected and of the reasons for the decision.

4.3.7. Consideration of the appeal and communication of the outcome to the student should normally take place within 21 days of receipt of the appeal. Where this is significantly outside of the 21 day timescale the student should be informed that consideration of the appeal remains ongoing.

4.3.8. Outcome and/or Penalty were Unreasonable or Not Justified

Where the Dean determines that there are reasonable grounds, supported by objective evidence, to believe that the outcome and/or penalty imposed by the School Disciplinary Committee may have been unreasonable or not justified given the evidence which was available at the time, the Dean will refer the matter back to the School for reconsideration. If, following reconsideration of the matter, the School and the Dean are unable to reach a joint decision the Dean will refer the matter for consideration by a Faculty Review Panel, as per 4.4 below.

4.4. Faculty Review Panels

4.4.8. Where an appeal is referred for consideration by a Faculty Review Panel:

4.4.1.1 The student and the Chair of the School Disciplinary Committee shall be informed by the Faculties Support Officer of the date on which the Review Panel will consider the appeal, that they may submit evidence to the Review Panel in writing and/or in person, that, except where the Chair of the Review Panel decides that evidence provided by either party should be confidential to the Review Panel, they will each be provided with copies of the written evidence submitted by the other and that they will both be permitted to hear the other's verbal evidence.

4.4.1.2 Where a student attends a meeting of the Review Panel, he/she may be accompanied by a member of staff or a student of the University or a member of staff of the Students' Union or a relative. Review Panels are not legal proceedings and a student may not be accompanied by a legal representative, even if the legal representative is a

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member of staff or a student of the University or a member of staff of the Students' Union or a relative.

4.4.1.3 A student who does not take up the opportunity of a Review Panel hearing will forego his/her right to such a hearing and will have no further right of redress within the appeals procedures. Where non-attendance is thought to be for reasons beyond the student's control, the Chair of the Review Panel will have discretion to proceed with the hearing in the student's absence or to reconvene the Review Panel at a later date.

4.4.1.4 The Chair of the School Disciplinary Committee may appoint another member of the School Disciplinary Committee to act on his/her behalf.

4.4.1.5 The Chair of the Review Panel shall have the right to decide that evidence submitted verbally or in writing should be ignored by the Review Panel on the grounds that it is irrelevant or inappropriate and shall give reasons for doing so.

4.4.1.6 The Review Panel will meet privately to reach a decision. The Review Panel shall be authorised to confirm or to vary the original decision of the School Disciplinary Committee and will vary the decision only if it is satisfied that one or more of the grounds for appeal has been demonstrated.

4.4.2 The remit of the Faculty Review Panel will be to determine one of the following outcomes:

- Confirm the original outcome and/or penalty;
- Confirm that an offence has occurred, but adjust the penalty. It should be noted that, if in the view of the Faculty Review Panel, the evidence suggests that the offence was more serious than had been determined by the School Disciplinary Committee or its Chair, a more severe penalty may be applied than had originally been proposed;
- Decide that an offence has not occurred, and remove the original penalty.

4.4.3 A written record of the hearing will be prepared by the Secretary and this will be approved by the Chair of the Faculty Review Panel.

4.5 Appointment of Review Panels

4.5.1 Each Faculty shall have a Review Panel appointed by the Faculty Board. Meetings of Review Panels should be provisionally arranged at times when it is anticipated that they will be required. Meetings may also be convened at short notice to consider individual cases as they arise.

4.5.2 Any member of the Review Panel who is a member of the School Disciplinary Committee concerned in a particular appeal shall take no part in the Review Panel's consideration of that case and shall withdraw during consideration of the case.

4.5.3 Each appeal which is referred for consideration by a Review Panel must be considered by at least three members of the Review Panel.

4.6 Further Right of Appeal

Where an appeal against a decision of a School Disciplinary Committee is considered by the Faculties Support Officer not to meet the technical conditions outlined in section 4.3.1, or where it is rejected by a Dean or a Faculty Review Panel, the student shall have a further right of appeal to the Senate Academic Review Committee, which will consider only whether the original appeal was considered properly and fairly or that there is new evidence that could not have reasonably been submitted with the original appeal. An appeal to SARC must be submitted within 21 days of the date of the letter informing the student of the outcome of their appeal against the decision of a School Disciplinary Committee.

4.7 Falsified Evidence

Where there are grounds to consider that documentary evidence submitted in support of an appeal has been falsified, the Dean of the Faculty will disregard such evidence and the

appeal will thereafter be considered on the basis of the remaining evidence. The submission of falsified evidence will be referred for consideration by the Master of the student's College under the *Regulations on Student Discipline in Relation to Non-Academic Matters*. The referral will include a recommendation as to whether the matter should be regarded as a 'minor' or 'major' offence.

5 Completion of the Appeals Process

The completion of consideration of an appeal, including an appeal against the decision of a School Disciplinary Committee, a Faculty Review Panel (where so required) and, where submitted, an appeal to SARC should normally be completed within 90 calendar days (where a student goes on to submit a further appeal to SARC this may necessarily extend the overall time period beyond 90 days).

6 Anti-Bribery and Corruption Policy

The University has established an Anti-Bribery and Corruption Policy which applies to the full range of the University's activities, both in the UK and overseas, including (but not limited to) financial transactions and contracts, the recruitment and admission of students, the award of academic credit and qualifications, the appointment of staff, research and the award of titles and honours. Any case of bribery by a student will be considered under Regulations on Student Discipline in relation to non-academic matters as a major offence and may result in termination of registration as a student or the withholding of an award of a degree, diploma or certificate. For the policy in full, see <http://www.kent.ac.uk/governance/policies-and-procedures/bribery.html>.