

# Sotheby's INSTITUTE OF ART

## STUDENT MISCONDUCT AND ACADEMIC MALPRACTICE POLICY – LONDON

**This policy is applicable to all SIA - London students registered with the University of Manchester**

### Introduction

1. The essence of misconduct under this Policy is improper interference, in the broadest sense, with the proper functioning or activities of Sotheby's Institute of Art - London, or with those who work or study in the Institute; or action which otherwise damages the Institute. The provisions of this Policy define that behaviour which constitutes misconduct as it relates to students of Sotheby's Institute of Art-London and the consequences of that misconduct.
2. The conduct covered by paragraph 3 shall constitute misconduct if it took place on Institute property or premises, or elsewhere (i.e., off-site sessions, either home or abroad) if the student was involved in an Institute activity, was representing the Institute, or was present at that place by virtue of his or her status as a student of the Institute.

### Definition of misconduct

3. Every student shall be liable to disciplinary action in respect of conduct which:
  - (a) Disrupts, or improperly interferes with, the academic, administrative, social or other activities of the Institute, whether on Institute premises or elsewhere;
  - (b) Obstructs, or improperly interferes with, the legitimate functions, duties or activities of any student, member of staff or other employee of the Institute or any authorised visitor to the Institute;
  - (c) Involves violent, indecent, disorderly, threatening or offensive behaviour or language (whether expressed orally or in writing, including electronically) whilst on Institute premises or engaged in any Institute activity;
  - (d) Involves distributing or publishing a poster, notice, sign or any publication which is offensive, intimidating, threatening, indecent or illegal or is calculated to make others fearful, anxious or apprehensive;
  - (e) Involves fraud, deceit, deception or dishonesty in relation to the Institute or its staff or students;
  - (f) Involves action likely to cause injury or impair safety on Institute premises;
  - (g) Constitutes sexual, racial, religious or any other form of harassment of any student, member of staff or other employee of the Institute or any authorised visitor to the Institute; See Bullying, Harassment, Sexual Misconduct and Victimisation policy for details.

- (h) Constitutes the misuse or unauthorised use of Institute premises or items of property, including misuse of computers and the communications network;
- (i) Constitutes a criminal offence (including conviction for an offence) where that conduct or the offence:
  - i. takes place on Institute premises, or;
  - ii. affects or concerns other members of the Institute community, or;
  - iii. damages the good name of the Institute, or;
  - iv. itself constitutes misconduct within the provisions of this Policy, or;
  - v. is an offence of dishonesty, where the student holds an office of responsibility in the Institute, or;
  - vi. is such as to render the student unfit to practise any particular profession or calling to which that student's course leads directly;
- (j) Brings the Institute into disrepute;
- (k) Involves failure to disclose name(s) and other relevant information to an officer or employee of the Institute in circumstances when it is reasonable to require that such information be given;
- (l) Involves disorderly or improper conduct in a room being used for academic purposes;
- (m) Fails to comply with a previously-imposed penalty or reasonable instruction under this Policy, or any other Institute rule or regulation, including non-compliance with the Institute's requirements regarding attendance and punctuality (refer to section 13 in the Postgraduate Handbook or section 16 in the Semester Handbook);
- (n) Involves academic malpractice, as outlined in the Institute's Programme and Course Handbooks. Academic malpractice is any activity – intentional or otherwise - that is likely to undermine the integrity essential to scholarship and research. It includes plagiarism (including self-plagiarism), collusion, fabrication or falsification of data or results, examination malpractice, contract cheating and anything else that could result in unearned or undeserved credit for those committing it. Academic malpractice can result from a deliberate act of cheating or may be committed unintentionally. Whether intended or not, all incidents of academic malpractice will be treated under this Student Misconduct Policy. A proven intention or plan to commit academic malpractice, even if not executed or not completely executed, will also be considered as malpractice and treated under this Student Misconduct Policy.

**Plagiarism** is the presentation, intentionally or unwittingly, of the ideas, work or words of other people without proper, clear and unambiguous acknowledgement. It includes the copying of the work of any other person, including another student. Plagiarism may include the close paraphrasing, or minimal adaption of another person's words, illustrations, computer code, graph, diagrams etc. Sources can be any available material, such as websites, articles, books and lecture slides. Where a student needs to synthesise material in an open book examination or assessment using a permitted source, the student should still look to appropriately acknowledge the source and not plagiarise.

**Self-plagiarism** is the submission, in whole or in part, of a student's own work, where that work has been submitted for a different assessment, either at the Institute or at a previous institution. Students who use a previous piece of work or publication in a future piece of work should ensure that they properly reference themselves and the extent of such use should not be excessive.

**Collusion** is when a student or students collaborate with another student or students, as an individual or group to gain a mark or grade to which they are not entitled. Students who allow another student to copy their work are also committing collusion and both the copier and the provider of the work are liable to be penalised.

**Fabrication or falsification** of data or results by individual students or groups of students is the presentation or inclusion in a piece of work of figures or data which have been made up or altered and which have no basis in verifiable sources.

**Examination malpractice** is when a student, during an examination, intentionally or unwittingly contravenes set exam conditions, such as by using or possessing unauthorised materials or devices, sharing (including electronically) exam questions, answers or related information (e.g. discussions) with others, and sitting or allowing someone to sit an examination in place of the student supposed to be taking the examination (this list should not be considered to be exhaustive). The student need not have gained a benefit from the malpractice nor does the input need to be pertinent for this definition to be met. This definition applies to all forms of exams including 'in-person' exams (e.g. based in an 'exam hall') and/or online exams.

**Contract (or commission) cheating** is a serious form of academic malpractice whereby a student arranges to have all, or part, original work improved by, commissioned, purchased or obtained from a third party (e.g., family members, essay mills or other students).

4. Particularly in, but not exclusive to, the case of MA dissertations, an oral examination (**viva voce**) may be held at the discretion of the examiners. The oral examination may be held in cases of suspected academic malpractice and provides the student with an opportunity to defend research and writing and it assists the examiners in deciding whether or not the student has met the requirements for the degree and/or credits, and/or has participated in contract cheating (refer to 3 (n), above).
5. The holding of a **viva voce** would be in replacement of a **Summary Findings Committee** (see Paragraph 9 of this Policy), the principles of this as outlined in another document (**Viva Voce for Suspected Academic Malpractice Procedure**). If the examiners still are not reassured of good academic practice by the **viva voce**, the student's assessment may be taken to an **Academic Misconduct Committee** (see Paragraphs beginning 16 in this Policy).
6. The Institute shall take no account of misconduct prior to enrolling as a student, which has subsequently been revealed or is still in the process of being dealt with by other authorities, unless the conduct is of such a serious kind and character that it raises questions about the fitness of the individual concerned to remain a student of the Institute, for example, with regard to the safety of other students.
7. Disciplinary proceedings may be adjourned at any time if it is known or suspected that the student concerned is not fit to participate in them. In such circumstances, the proceedings may be suspended or terminated subject to specified conditions.
8. Any reference in this Policy to officers of the Institute is to be read to include as reference in each case to a delegated nominee.

## Penalties

9. If a student admits or is found to have engaged in misconduct, as described in paragraph 3(a) – (m), one or more of the following penalties may be imposed by a **Misconduct Committee** or an **Appeals Panel**:
- (a) A written reprimand which will then be added to the student's file;
  - (b) A requirement upon the student to pay for any damage to property s/he may have caused or to recompense the Institute for any loss it may have suffered arising from the student's misconduct;
  - (c) Suspension from access to specified facilities of the Institute or any part thereof for a specified period;
  - (d) Suspension from the Institute or exclusion from some or all classes or from the precincts of the Institute (or any part thereof) for a specified period;
  - (e) Expulsion from the Institute.
10. If a student admits or is found to have engaged in academic misconduct as described in paragraph 3(n) above, one or more of the following penalties may be imposed. The **Summary Findings Committee** may only impose those penalties set forth in (a), (b), (c) and (d) below, and an **Academic Misconduct Committee** or the **Appeals Panel** may impose any of the following:
- (a) A written reprimand which will then be added to the student's file;
  - (b) Reduction or cancellation (e.g., a recorded mark of zero), with or without loss of credit, of the examination paper or other assessed work in relation to which unfair practice occurred; \*
  - (c) Reduction or cancellation (e.g. recorded marks of zero), with or without loss of credit, of all assessed work for the course / programme unit(s) in which the malpractice occurred;\*
  - (d) Disallowance of a re-assessment of the piece of work in which the unfair practice occurred or of all assessed work for the course / programme unit(s) in which the malpractice occurred;
  - (e) Reduction or cancellation (e.g., recorded marks of zero), with or without loss of credit, of all examination papers and other assessed work taken during the particular examination period; \*
  - (f) Reduction or cancellation (e.g., recorded marks of zero), with or without loss of credit, of all examination papers and other assessed work taken during the academic year; \*
  - (g) Reduction by the Examining authority of the class of degree by one or more classes from that which would have been awarded in the event that any examination paper or any other assessed work to which the misconduct relates had not formed part of the syllabus for the degree;
  - (h) Award of a lesser qualification;

- (i) Suspension from the Institute or exclusion from classes and/or further examinations for a specified period;
- (j) Expulsion from the Institute;

\* In the event of b), c), e) or f) above, when a student is awarded a mark of zero or a failing mark for academic malpractice, he/she will normally lose the associated credits, and therefore will be expected to re-sit/resubmit an assessment in order to achieve the credit for that unit.

11. The **Summary Findings** and **Misconduct Committees** are empowered to determine and may direct the Examination Board that a penalty mark of zero or a failing mark can be imposed 'without loss of credit'. This power enables committees to act proportionately in circumstances where otherwise the penalty would have a disproportionate effect on the outcome for the student. Committees and the Examination Board are responsible for determining the proportionality of the impact of any penalties imposed.
12. Nothing in this Policy shall prevent a member of academic staff from requiring any student to withdraw from any particular teaching session or other activity of the Institute, either on Institute property or premises or elsewhere (off-site sessions), because of inappropriate behaviour on the part of the student. Any such incident shall be brought to the notice of the Programme Director from the programme on which the student is studying in writing.

### **Summary Findings Committee**

13. The Programme Coordinator to the student's Programme Director or Course Leader shall report any instance of suspected academic malpractice of the sort described in paragraph 3(n) and, where appropriate, the marker, from the programme or course on which the student is studying. On receipt of such a report, or if the student's Programme Director or Course Leader himself or herself suspects such misconduct in any examination or assessed work submitted by a student that s/he is instructing, the student's Programme Director or Course Leader shall inform the **Academic Quality Team** of the details of the alleged misconduct.
14. Subject to paragraph 16, if the Academic Quality Team considers it appropriate, it will convene a meeting of a **Summary Findings Committee**. The **Summary Findings Committee** shall investigate and hear evidence relating to the allegation of misconduct and may impose any penalties described in paragraphs 8(a), 8(b) and 8(c). The meeting of the **Summary Findings Committee** shall take place as soon as reasonably practicable. A member of the Academic Quality team shall inform the student in writing at least three (3) working days in advance of the meeting of the date, time and place of the meeting, the names of those Institute members on the **Summary Findings Committee** and the issue(s) to be discussed, and shall provide the student with any documentary evidence in the possession of the Institute which it is proposed the **Summary Findings Committee** will consider. The student shall attend the meeting of the **Summary Findings Committee** in person. The **Summary Findings Committee** shall inform the student that if s/he does not respond to the notice of the meeting, the meeting may be conducted in his or her absence on the basis of evidence available to it.

15. The **Summary Findings Committee** shall be composed of the student's Programme Director or Course Leader (or nominee) and a member of the Academic Quality Team and shall have a quorum of two. The Academic Quality Team member shall have a casting vote in respect of any decision of the **Summary Findings Committee**. The Programme or Course Co-ordinator shall attend as secretary only to record the proceedings.
16. The student shall be given the opportunity to state his or her case prior to any decision being made by the **Summary Findings Committee**. The **Summary Findings Committee** shall consider written or oral evidence as it sees fit. The student may, and is encouraged to, be accompanied at the **Summary Findings Committee** by a registered student of the Institute, of his or her own choice, who is to be present as an observer only.
17. If two or more students are involved in related alleged academic malpractice, the **Summary Findings Committee** may, at its discretion, deal with their cases together.
18. The student's or students' Programme Director or Course Leader shall inform the student(s) in writing within one week of the **Summary Findings Committee** meeting of the **Summary Findings Committee's** determinations, and of the penalty or penalties, if any, to be imposed, together with reasons for the decision.
19. The student's or students' Programme Director or Course Leader shall send a copy of the outcome of the **Summary Findings Committee** meeting to the Institute's Head of Quality at the same time as s/he sends the outcome to the student(s).
20. The Academic Quality Team member has the power to adjourn the **Summary Findings Committee** meeting to another date, as s/he thinks fit.

### **Academic Misconduct Committee**

21. If the Academic Quality Team, upon being informed by the student's Programme Director or Course Leader of suspected academic misconduct of the sort described in paragraph 3(n) above, considers that (i) the suspected misconduct is of such a nature that the appropriate penalties are not those that may be imposed by a **Summary Findings Committee** and (ii) it is appropriate for the matter to be referred to an **Academic Misconduct Committee**, for instance in the case of repeated acts of academic misconduct, they shall refer the matter to the **Misconduct Committee**.
22. As outlined in Paragraph 4, if examiners still are not reassured of good academic practice after the holding of a *viva voce*, the student's assessment may be taken to an **Academic Misconduct Committee**.
23. The **Academic Misconduct Committee** will hear evidence relating to the allegation of misconduct at a hearing and may impose any penalties described under paragraphs 7 and 8 of this Policy as it determines are appropriate.
24. The Registrar shall be responsible for convening the **Academic Misconduct Committee**.
25. The following Institute officers will serve on the **Academic Misconduct Committee** of suspected academic misconduct of the sort described in paragraph 3(n) above:

- (a) Head of Quality (Chair) or nominee; and
  - (b) Two members of the academic staff, drawn from the Institute;
  - (c) Student Representative from a different cohort to the student.
26. The **Academic Misconduct Committee** shall have a quorum of three members. The Registrar shall attend as secretary, but shall not vote.
27. No person:
- (a) who is the student's Programme Director or Course Leader; or
  - (b) who is party to or is a potential witness at a hearing before the **Academic Misconduct Committee**; or
  - (c) who has taught the student or assessed the student's work; or
  - (d) who has been in any manner closely connected with the case; or
  - (e) in respect of whom a conflict of interest would arise or is likely to arise if they were to be a member of the **Academic Misconduct Committee**
- shall be a member of the **Academic Misconduct Committee**.
28. The Registrar shall inform the student in writing at least fifteen (15) working days in advance of the hearing of the date, time and place of the hearing, the names of the members of the **Academic Misconduct Committee**, the full details of the allegations against him or her, together with any documentary evidence that will be before the **Academic Misconduct Committee** at the hearing as well as a copy of the Misconduct Policy.
29. If the student has any objection to (a) the time or date of the hearing, and/or (b) the membership of any person or persons participating on the **Academic Misconduct Committee**, the student may by written request to the Registrar to be received no later than one week before the date that the meeting is to be held, ask for (i) an alternative time and date and/or (ii) an alternative member or members to serve on the **Academic Misconduct Committee**, giving the reason(s) for the request. Head of Quality or his / her Deputy shall have power to decide upon the validity of any such request and may change the time and date and/or appoint an alternative member or members to the **Misconduct Committee**.
30. Subject to the provisions of this Policy, the Chair shall determine all issues of procedure at the hearing of the **Academic Misconduct Committee** (including, but without limitation, the admissibility of evidence and the conduct of the hearing). The **Academic Misconduct Committee** shall give the student a fair hearing and the opportunity to present his or her case at the hearing. The student may submit a written statement about the allegation for circulation to the **Academic Misconduct Committee**; any such statement must be received by the Registrar no later than three working days before the meeting. The student may call witnesses and question witnesses upon whose evidence the case against him or her is based at the discretion of the chair. The student may be accompanied at the hearing by a fellow student or a member of staff of the Institute of his or her own choice, who is present as an observer only. The Institute retains the right to refuse the choice of companion if the companion's presence could unduly impact the hearing.

31. In particularly serious or complex cases, the student may be given permission at the discretion of the Registrar to be accompanied by a legal representative. The student must submit his or her request to permit legal representation to the Registrar, to be received by the Registrar not less than one week before the date of the hearing. Factors for the Registrar to take into account when considering such a request will include the seriousness of the alleged offence and potential penalty, capacity of the student to present his or her case, procedural complexity (e.g. in questioning witnesses), and the need for fairness between the parties.
32. The **Academic Misconduct Committee** shall inform the student that if s/he does not respond to the notice of the hearing, the hearing may be conducted in his or her absence on the basis of evidence available to it.
33. The student is expected to attend the hearing in person. Exceptionally, the hearing may, with the prior consent of the Registrar, take place where practical with the student participating via web-conferencing facilities (or equivalent). By written notice to the Registrar, to be received no later than one week before the date that the meeting is to be held, the student (a) may ask for the hearing to be conducted in this manner and (b) shall provide evidence that there is good reason that s/he cannot attend the hearing in person. If the Registrar considers that the student has shown that there is good reason that s/he cannot attend the hearing in person, the Registrar may agree to the student participating in the hearing via web-conferencing facilities (or equivalent). If in either case without showing good cause, (i) the student fails to attend the hearing in person or (ii) having obtained the Registrar's prior consent to participate in the hearing via web-conferencing facilities (or equivalent), the student fails to participate in this manner the hearing may be conducted in his or her absence.
34. The **Academic Misconduct Committee** may examine any of the student's assessed work (whether or not any allegation of misconduct has been made in relation to it).
35. The **Academic Misconduct Committee** shall have power to require the attendance as a witness of any member of the Institute, permanent or contract, who it has reason to believe is able to assist in its inquiry, and it shall be the duty of any such person to attend and give evidence accordingly. It may also request the attendance of any other person if such attendance is material to the case. The **Academic Misconduct Committee** may accept a witness's written statement in evidence where the student agrees that the witness need not attend, or where it is impractical for the witness to attend, or where in the opinion of the **Academic Misconduct Committee** it is for some other reason in the interests of natural justice to do so.
36. The **Academic Misconduct Committee** shall conduct its hearings in accordance with the rules of natural justice. Those deciding on the issues should be satisfied on the evidence before them. Findings shall be made on the balance of probabilities (the standard of proof 'beyond all reasonable doubt' need not be observed). Decisions may be made by a majority of the **Academic Misconduct Committee**. In deciding on penalties, the **Academic Misconduct Committee** may take into account the circumstances in which the misconduct was committed and the proportionality of the likely impact of penalties as well as, if considered relevant, the conduct of the student during the hearing.
37. The **Academic Misconduct Committee** shall inform the student in writing within ten (10) working days of the hearing of the Committee's decision, and of the penalty or penalties, if any, to be imposed, together with reasons for the decision.

38. The **Academic Misconduct Committee** shall send a copy of the decision of the hearing to the Institute's Director at the same time as it sends the decision to the student.
39. The **Academic Misconduct Committee** has the power to adjourn a hearing to another date, as it thinks fit.
40. The **Academic Misconduct Committee** should be aware that misconduct processes are likely to be stressful for the students concerned and should attempt to minimise unnecessary pressure on students and offer them appropriate support, while striving to fulfil its duties in line with this Policy.

### **Non-Academic Misconduct Committee**

41. If the Director, upon being informed of suspected non-academic misconduct of the sort described in paragraph 3(a) - 3(m) above, considers it appropriate to do so, s/he shall refer the matter to the **Non-Academic Misconduct Committee**.
42. The Director or his / her representative, will appoint an Investigating Officer to investigate the alleged misconduct. In some cases s/he will be supported by an additional investigating officer with specialist knowledge relating to the allegation.
43. The Investigating Officer will investigate the facts of the case and produce his / her findings which will be reported to the Director. The Director may dismiss the case if the Investigating Officer finds there is no case to answer and the Director is in agreement. If there is a case to answer, the report will be referred to the Misconduct Committee.
44. The following Institute officers will serve on the **Non-Academic Misconduct Committee** of suspected non-academic misconduct of the sort described in paragraph 3(a) - 3(m) above:
  - (d) Head of Quality (Chair) or nominee; and
  - (e) Two members of staff, drawn from the Institute;
  - (f) If appropriate, a Student Representative from a different cohort to the student.
45. The **Non-Academic Misconduct Committee** shall have a quorum of three members. The Registrar shall attend as secretary.
46. No person:
  - (f) who is the student's Programme Director or Course Leader; or
  - (g) who is party to or is a potential witness at a hearing before the **Non-Academic Misconduct Committee**; or
  - (h) who has taught the student or assessed the student's work; or
  - (i) who has been in any manner closely connected with the case; or
  - (j) in respect of whom a conflict of interest would arise or is likely to arise if they were to be a member of the **Non-Academic Misconduct Committee**

shall be a member of the **Non-Academic Misconduct Committee**.

47. The Registrar shall inform the student in writing at least fifteen (15) working days in advance of the hearing of the date, time and place of the hearing, the names of the members of the **Non-Academic Misconduct Committee**, the full details of the allegations against him or her, together with any documentary evidence that will be before the **Non-Academic Misconduct Committee** at the hearing as well as a copy of the Misconduct Policy.
48. If the student has any objection to (a) the time or date of the hearing, and/or (b) the membership of any person or persons participating on the **Non-Academic Misconduct Committee**, the student may by written request to the Registrar to be received no later than one week before the date that the meeting is to be held, ask for (i) an alternative time and date and/or (ii) an alternative member or members to serve on the **Non-Academic Misconduct Committee**, giving the reason(s) for the request. The Director or his / her Deputy shall have power to decide upon the validity of any such request and may change the time and date and/or appoint an alternative member or members to the **Misconduct Committee**.
49. Subject to the provisions of this Policy, the Chair shall determine all issues of procedure at the hearing of the **Non-Academic Misconduct Committee** (including, but without limitation, the admissibility of evidence and the conduct of the hearing). The **Non-Academic Misconduct Committee** shall give the student a fair hearing and the opportunity to present his or her case at the hearing. The student may submit a written statement about the allegation for circulation to the **Non-Academic Misconduct Committee**; any such statement must be received by the Registrar no later than three working days before the meeting. The student may call witnesses and question witnesses upon whose evidence the case against him or her is based at the discretion of the chair. The student may be accompanied at the hearing by a fellow student or a member of staff of the Institute of his or her own choice, who is present as an observer only. The Institute retains the right to refuse the choice of companion if the companion's presence could unduly impact the hearing.
50. In particularly serious or complex cases, the student may be given permission at the discretion of the Registrar to be accompanied by a legal representative. The student must submit his or her request to permit legal representation to the Registrar, to be received by the Registrar not less than one week before the date of the hearing. Factors for the Registrar to take into account when considering such a request will include the seriousness of the alleged offence and potential penalty, capacity of the student to present his or her case, procedural complexity (e.g. in questioning witnesses), and the need for fairness between the parties.
51. The **Non-Academic Misconduct Committee** shall inform the student that if s/he does not respond to the notice of the hearing, the hearing may be conducted in his or her absence on the basis of evidence available to it.
52. The student is expected to attend the hearing in person. Exceptionally, the hearing may, with the prior consent of the Registrar, take place where practical with the student participating via web-conferencing facilities (or equivalent). By written notice to the Registrar, to be received no later than one week before the date that the meeting is to be held, the student (a) may ask for the hearing to be conducted in this manner and (b) shall provide evidence that there is good reason that s/he cannot attend the hearing in person. If the Registrar considers that the student has shown that there is good reason that s/he cannot attend the hearing in person, the Registrar may agree to the student participating in the hearing via web-conferencing facilities (or equivalent). If in either

case without showing good cause, (i) the student fails to attend the hearing in person or (ii) having obtained the Registrar's prior consent to participate in the hearing via web-conferencing facilities (or equivalent), the student fails to participate in this manner the hearing may be conducted in his or her absence.

53. The **Non-Academic Misconduct Committee** shall have power to require the attendance as a witness of any member of the Institute, permanent or contract, who it has reason to believe is able to assist in its inquiry, and it shall be the duty of any such person to attend and give evidence accordingly. It may also request the attendance of any other person if such attendance is material to the case. The **Non-Academic Misconduct Committee** may accept a witness's written statement in evidence where the student agrees that the witness need not attend, or where it is impractical for the witness to attend, or where in the opinion of the **Non-Academic Misconduct Committee** it is for some other reason in the interests of natural justice to do so.
54. The **Non-Academic Misconduct Committee** shall conduct its hearings in accordance with the rules of natural justice. Those deciding on the issues should be satisfied on the evidence before them. Findings shall be made on the balance of probabilities (the standard of proof 'beyond all reasonable doubt' need not be observed). Decisions may be made by a majority of the **Non-Academic Misconduct Committee**. In deciding on penalties, the **Non-Academic Misconduct Committee** may take into account the circumstances in which the misconduct was committed and the proportionality of the likely impact of penalties as well as, if considered relevant, the conduct of the student during the hearing.
55. The **Non-Academic Misconduct Committee** shall inform the student in writing within ten (10) working days of the hearing of the Committee's decision, and of the penalty or penalties, if any, to be imposed, together with reasons for the decision.
56. The **Non-Academic Misconduct Committee** shall send a copy of the decision of the hearing to the Institute's Director at the same time as it sends the decision to the student.
57. The **Non-Academic Misconduct Committee** has the power to adjourn a hearing to another date, as it thinks fit.
58. The **Non-Academic Misconduct Committee** should be aware that misconduct processes are likely to be stressful for the students concerned and should attempt to minimise unnecessary pressure on students and offer them appropriate support, while striving to fulfil its duties in line with this Policy.

## Appeals

59. Following a finding of misconduct and imposition of any penalty or penalties by either the **Summary Findings Committee** or a **Misconduct Committee**, the student shall have the right of appeal against the finding of guilt and/or any penalty imposed as a consequence on one or more of the following grounds:
  - (a) procedural irregularity; and/or
  - (b) availability of new evidence which could not reasonably have been expected to be presented to the original hearing; and/or
  - (c) the disproportionate nature of the penalty.

60. The student may submit a request for an appeal, including a statement of the grounds on which the appeal is being made, in writing to the Registrar to be received within fifteen (15) working days of the date on which written notification of the decision of the **Summary Findings Committee** or the **Misconduct Committee**, as the case may be, is sent to the student. A request for an appeal received after this time with good cause shown for its late submission shall only be granted at the discretion of the Director.
61. The Director may dismiss an appeal in writing to the student within five (5) working days if they consider the appeal to be outside the scope outlined in paragraph 35. In such cases, a Completion of Procedures Letter will be issued by Registrar.
62. The Registrar shall convene an **Appeals Panel** to hear the appeal of the student. The Appeals Panel shall not re-hear the case afresh, but shall consider whether the initial hearing and outcome were fair by:
- (a) reviewing the procedures followed; and
  - (b) establishing whether the appellant has presented any new evidence that could not reasonably have been expected to be presented to the original hearing and that this evidence is material and substantial to the findings; and
  - (c) reviewing the penalty imposed.
63. The following Institute officers shall serve on the **Appeals Panel**:
- (a) One nominated member drawn from the Academic Board (Chair);
  - (b) Two members of the academic staff, drawn from the Institute;
64. The **Appeals Panel** shall have a quorum of three members. The Registrar shall attend as secretary, but shall not vote.
65. No person:
- (a) who served on either the **Summary Findings Committee** or on the **Misconduct Committee** which dealt with the matters under appeal, or was otherwise involved in the proceedings; or
  - (b) who is party to or is a potential witness at a hearing before the **Appeals Panel**;  
or
  - (c) who has taught the student or assessed the student's work; or
  - (d) who has been in any manner closely connected with the case; or
  - (e) in respect of whom a conflict of interest would arise or is likely to arise if they were to be a member of the **Appeals Panel**
- shall be a member of the **Appeals Panel**.
66. The Registrar shall inform the student in writing at least fifteen (15) working days in advance of the hearing of the date, time and place of the hearing, and the names of the members of the **Appeals Panel**.

67. If the student has any objection to (a) the time or date of the hearing, and/or (b) the membership of any person or persons participating on the **Appeals Panel**, the student may by written request to the Registrar, to be received no later than one week before the date that the meeting is to be held, ask for (i) an alternative time and date and/or (ii) an alternative member or members to serve on the **Appeals Panel**, giving the reason(s) for the request. The Registrar shall have power to decide upon the validity of any such request and may change the time and date and/or appoint an alternative member or members to the **Appeals Panel**.
68. Subject to the provisions of this Policy, the Chair shall determine all issues of procedure at the hearing of the **Appeals Panel**. The **Appeals Panel** shall give the student a fair hearing and the opportunity to present his or her case at the hearing.
69. The student may be accompanied at the hearing by a fellow student or a member of staff of the Institute of his or her own choice, who is present as an observer only. In particularly serious or complex cases, the student may be given permission at the discretion of the Registrar to be accompanied by a legal representative. The student must submit his or her request to permit legal representation to the Registrar, to be received not less than one week before the date of the hearing. Factors for the Registrar to take into account when considering such a request will include the seriousness of the alleged offence and potential penalty, capacity of the student to present his or her case, procedural complexity (e.g. in questioning witnesses), and the need for fairness between the parties.
70. The **Appeals Panel** shall inform the student that if s/he does not respond to the notice of the hearing, the hearing may be conducted in his or her absence on the basis of evidence available to it.
71. The student is expected to attend the hearing in person. Exceptionally, the hearing may, with the prior consent of the Registrar, take place with the student participating via web-conferencing facilities (or equivalent). By written notice to the Registrar, to be received no later than one week before the date that the meeting is to be held, the student (a) may ask for the hearing to be conducted in this manner and (b) shall provide evidence that there is good reason that s/he cannot attend the hearing in person. If the Registrar considers that the student has shown that there is good reason that s/he cannot attend the hearing in person, the Registrar may agree to the student participating in the hearing via web-conferencing facilities (or equivalent). If in either case without showing good cause, (i) the student fails to attend the hearing in person or (ii) having obtained the Registrar's prior consent for the student to participate in the hearing via web-conferencing facilities (or equivalent), the student fails to participate in this manner, the hearing may be conducted in his or her absence.
72. Decisions may be made by a majority of the **Appeals Panel**. The Chair may vote and shall have, in addition, a casting vote. The **Appeals Panel** may elect an alternate Chair.
73. The **Appeals Panel** shall conduct its business in accordance with the rules of natural justice. The **Appeals Panel** shall have the authority:
- (a) in respect of any case, to confirm, set aside, reduce or increase the penalty previously imposed; or

- (b) in respect of an appeal from a decision of either a **Summary Findings Committee** or a **Misconduct Committee** if the student presents new evidence that is material and substantial to the **Appeals Panel**, to refer the case back for consideration by the original or a newly constituted **Summary Findings Committee** or **Misconduct Committee**.
74. The **Appeals Panel** shall inform the student in writing within ten (10) working days of the hearing of the **Panel's** decision on the appeal, together with reasons for the decision. A Completion of Procedures Letter will be issued by Registrar.
75. The **Appeals Panel** shall send a copy of the decision of the appeal to the Institute's Director at the same time as it sends the decision to the student.
76. The **Appeals Panel** has the power to adjourn a hearing to another date, as it thinks fit.
77. Following receipt of the decision of (a) the **Appeals Panel** (unless paragraph 64(b) applies) or (b) a reconstituted or newly constituted **Misconduct Committee** following a referral by the **Appeals Panel** under paragraph 64(b), the student shall have the right to request a review of the decision by the Institute's validating organisation, The University of Manchester. This will be subject to the regulations and policies of the University. The student should refer to the University of Manchester's Teaching and Learning Support Office for details of procedures for appeal, and for the relevant staff contacts, which are set forth at: <http://www.tlso.manchester.ac.uk/appeals-complaints/>
78. In the event that a student has appealed to the University of Manchester for a review and the issue remains unresolved to their satisfaction, the student is entitled to ask the OIA to review his/her/their complaint about the outcome of the Institute's misconduct process. The student should make any such complaint to the OIA within 12 months of the date of issuing of a Completion of Procedures Letter by the University of Manchester. For further information go to: <https://www.oiahe.org.uk/students/>

### **Director's Powers**

79. In the event that it proves impracticable to convene the **Summary Findings Committee**, the **Misconduct Committee** or the **Appeals Panel** because of the unavailability of a sufficient number of individuals who are eligible to serve on such **Committees** or **Panel**. The Institute's Director may appoint such other person or persons to serve on such **Committees** or **Panel** as they see fit.

### **Suspension or exclusion pending a hearing**

80. A student who is the subject of a complaint of misconduct, or against whom a criminal charge is pending, or who is the subject of police investigation may be suspended or excluded by the Director or Head of Quality pending the disciplinary hearing or the trial.
81. (a) Suspension involves a total prohibition on attendance at or access to the Institute and on any participation in Institute activities; but it may be subject to qualification, such as permission to attend for the purpose of an examination.
- (b) Exclusion involves either total or selective restriction on attendance at or access to the Institute or prohibition on exercising the functions or duties of any office or

committee membership in the Institute, the exact details to be specified in writing by the Director.

82. An order of suspension or exclusion may include a requirement that the student should have no contact of any kind with a named person or persons.
83. The powers of temporary suspension or exclusion granted to the Director or Head of Quality under paragraph 55 shall be exercised only where necessary. This would usually be to protect a member or members of the Institute community, or the property there of, or where the student's continued presence might be a source of disruption to the Institute or any part thereof. Written reasons for the decision shall be recorded and made available to the student.
84. Unless the matter is deemed to be urgent by the Director or Head of Quality, no student shall be suspended or excluded unless s/he has been given an opportunity to make representations to the Director or Head of Quality. The representations may be made in person or in writing, as the student chooses, and may be put forward by the student or through his or her personal tutor, or representative. In cases deemed by the Director or Head of Quality to be urgent, a student may be suspended or excluded with immediate effect. In such circumstances, an opportunity will be given to the student to make representations as soon as reasonably practicable.
85. The Director or Head of Quality shall review the suspension or exclusion every twenty (20) working days in the light of any developments and of any written representations made by the student either personally or through his or her representative.
86. A student may appeal to the Institute Director against an order of suspension or exclusion pending a hearing.

<b>Title</b>	Student Misconduct and Academic Malpractice Policy
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<b>Approving body</b>	Academic Board
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<b>Supersedes</b>	September 2021
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