

# ACADEMIC MISCONDUCT PROCEDURE

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# **Academic Misconduct Procedure**

## **Introduction**

1. This procedure sets out the ways in which the University will consider and respond to concerns about academic misconduct. Concerns about student conduct that are non-academic will be considered under the [Student Disciplinary Procedure](#), the [Professional Suitability Policy and Procedure](#), the [Residences Disciplinary Procedure](#), the [Fitness to Study Regulation](#), or other relevant University regulation or procedure as applicable. Concerns about research misconduct should first be reported to the Secretary to Council, who may determine that the matter should be referred for consideration under this procedure.
2. This procedure should be read in conjunction with [Senate Regulation 6 – Student Conduct \(Academic and Non-Academic\)](#).
3. This procedure applies to all students from the point that the University confirms their acceptance of an offer of a place on a programme at the University. The procedure applies at all times and is not restricted to conduct during term time, on University premises, or in respect of University or University-related activities.
4. Any variations to this procedure for students studying with partner institutions will be set out in the relevant student contract and guidance to students. Otherwise, this procedure applies in its entirety.
5. The University distinguishes academic misconduct from poor academic practice, which is often the result of inexperience or lack of knowledge. The University considers this distinction to be one of academic judgement. Students who are found to have demonstrated poor academic practice will be provided with advice and feedback by academic staff. Concerns about academic misconduct will be considered under this procedure.
6. Where appropriate, the University reserves the right to refer a concern raised under this procedure for consideration either separately or simultaneously under any other relevant University regulation or procedure at any time.
7. In exceptional cases the University reserves the right at any stage of this procedure to vary the process it follows in the interests of fairness and/or health and safety.
8. In operating this procedure, the University will remain mindful of its legal obligations including its duty of care, its obligation under the Equality Act 2010 (including to make reasonable adjustments for disabled students), and its obligations under the Data Protection Act 1998.

## **General Policy**

9. The standard of proof applied in operating this procedure is the balance of probabilities. The balance of probabilities means that it is more likely than not that a student is in breach of one or more of the University's Regulations in relation to academic misconduct.
10. If a student's conduct may be in breach of the law, the University may at its discretion refer the matter to the police and/or other suitable authorities. In addition, where a police or other external investigation or criminal proceedings have been or may be initiated in relation to an alleged act of misconduct, the University may suspend its consideration of the matter under this or any other Regulation (at any stage) until such investigation and/or proceedings have been concluded. The University's consideration of a matter under this procedure may

be resumed at any stage should the University deem it to be appropriate in the circumstances.

- 11.** The University may take action in respect of a student under this procedure notwithstanding the student's conviction or acquittal in criminal proceedings. The University is not bound by the outcome of any criminal prosecution although the University may in its discretion take any penalty imposed by a criminal court into consideration in determining any outcome to be imposed under this procedure.
- 12.** Any student subject to this procedure will be entitled to be accompanied by and/or represented at any stage by a staff member, current student of the University, or member of the Advice and Representation Centre in the Union of Brunel Students. Neither the University nor the student will normally be permitted to be represented by a legal practitioner at meetings or hearings held under this procedure. Students, their representatives and staff will act reasonably and fairly towards each other and will treat the misconduct process with respect, otherwise the University may take action to stay the misconduct process or consider the matter via written representations only.
- 13.** Outcomes of any cases considered under this procedure and a record of the proceedings will be kept by the Secretary to the Misconduct and Professional Suitability (MPS) Board.
- 14.** The University may disclose the existence of an investigation or the outcome of a case considered under this procedure to relevant external bodies. This may include, but is not limited to, disclosure to employers, placement providers, sponsors, grant providers, research funding bodies or Professional Statutory and Regulatory Bodies (PSRBs).
- 15.** Where applicable, the University may withhold granting an award to a student subject to this procedure until its consideration of a matter of concern is complete. This may include withholding information that indicates an award is forthcoming.
- 16.** Where a student is suspected of academic misconduct, the associated assessment grade will not normally be confirmed by the Board of Examiners.
- 17.** Any reference to a specific member of staff under this procedure (for example, the Academic Registrar) should be read as including alternate reference to this member of staff's delegate or nominee.
- 18.** The University may proceed with any steps under this procedure in the absence of the student, if the student withdraws from the University, or if the student does not engage with the procedure.
- 19.** The University may suspend consideration of a matter of concern under this procedure with good reason.
- 20.** The University may refuse admission to any programme of the University, or the provision of any other service or facility, to a student until consideration of a matter of concern under this procedure is concluded.
- 21.** Communications relating to matters of concern considered under this procedure will normally be sent to a student's Brunel University London email address. Any variations to this policy will be communicated to the student.

## Definition of Academic Misconduct

22. The following is a non-exhaustive list of conduct which where proven will normally constitute academic misconduct:

- a) **Plagiarism**, which is defined as the knowing or reckless presentation of another person's work or ideas as one's own, and includes the use of published or unpublished work without acknowledging the source;
- b) **Unpermitted recycling / re-using work** which means submitting work for assessment which has previously been submitted, in whole or in part, for assessment at this or another institution, without explicitly acknowledging and referencing the assessment and qualification for which the material was previously submitted, and unless expressly permitted by the assessment brief;
- c) **Cheating**, which is defined as acting dishonestly or unfairly in order to gain an academic advantage. This includes:
  1. the falsification of information, data or evidence or experimental results; and/or
  2. cheating in examinations or other formal assessment, including possession of unauthorised material or technology during an examination and/or attempting to access unseen assessment materials in advance of an examination;
  3. arranging for someone else to impersonate a student by sitting their examinations;
- d) **Collusion**, which is defined as aiding or attempting to aid another member of the University in order to gain an unfair academic advantage by:
  1. The unauthorised and/or unacknowledged collaboration of persons in a piece of assessed work, and/or;
  2. Allowing a piece of assessed work to be copied by another person or persons;In both these instances, all persons involved are liable to be penalised;
- e) **Contract cheating**, which is defined as obtaining or purchasing work from another person or organisation and submitting it as one's own for assessment, where such third-party input / assistance is not permitted (such as the use of essay mills, buying work online [including code and/or games]) or paying someone else to conduct research for them or sit their examinations;
- f) **Research misconduct**, as defined in the [Research Integrity Code of Practice](#) (concerns about research misconduct should first be reported to the Registrar, who may refer a matter for consideration under this Regulation);
- g) **Submitting fraudulent extenuating circumstances claims** or falsifying evidence in support of extenuating circumstances claims (this may also be considered non-academic misconduct as defined in paragraph 21 of the Student Disciplinary Procedure);
- h) **Breaches** of any University rules, regulations, policies or procedures relating to academic activity or assessment, such as the [Examinations Policy](#);
- i) **Failing, without good reason, to cooperate in the University's process of assessment**, e.g. by refusing to take part in a viva for a taught assessment as set out in Senate Regulation 4.

23. Failure to comply with a decision taken under this procedure may constitute misconduct and may be referred for consideration under the [Student Disciplinary Procedure](#).

## Reporting of concerns

24. A concern that a student has committed academic misconduct as defined under Paragraph 22 should first be reported to the Deputy Dean (Academic Affairs) of the student's College.

- 25.** The Deputy Dean (Academic Affairs) (or nominee) will determine whether the concern falls within the scope of this procedure, and may gather further information in order to do so:
- a) Where the concern does fall within the scope of this procedure, they will appoint an independent Investigating Officer to investigate the concern, and notify the College Appeals, Complaints and Student Misconduct Manager.
  - b) Where the concern does not fall within the scope of this procedure, they may either dismiss the concern, or refer it for consideration under any other relevant University regulation or procedure.
- 26.** It may be necessary to temporarily suspend and/or exclude a student from the University following the report of a concern about non-academic misconduct. Such decisions and any action will be taken in line with *Appendix B*.

## Investigation

***(Where possible, the 'Investigation' stage as set out in paragraphs 27 to 32 will normally be completed within 30 days of the student being notified of the concern and the investigation.)***

- 27.** The Investigating Officer will first write to the student(s) involved to notify them of the investigation and will normally:
- a) Inform the student of the nature of the concern that has been raised, the purpose of the investigation and will provide a copy of this procedure and Senate Regulation 6.
  - b) Inform the student that if they do not engage with the investigation, including attending any meetings when requested, the investigation may continue in the student's absence.
  - c) Copy this communication to the student's Head of Department.
- 28.** The investigation may include the gathering of written, oral and other information from relevant sources. Viva assessment may also be used as a means of checking the authorship of submitted work as part of the investigation. The *viva* should not determine whether the allegation is substantiated, but gather evidence to be submitted to the Deputy Dean (Academic Affairs) as stated in paragraph 32 below. A written record of the *viva* should also be added to the set of evidence that constitutes the case against the student. Should a *viva* assessment be required, the *viva* should:
- a) be held as soon as possible, whilst ensuring that the procedural rules set out at paragraph 29 below are adhered to;
  - b) be chaired by someone independent of the allegation;
  - c) be attended by:
    1. the student; and
    2. an academic subject expert (normally the person making the allegation); and
  - d) be conducted in a fair and transparent manner.
- 29.** The student should be allowed to present evidence at the *viva*, such as date-stamped draft copies of their work. The academic subject expert will normally ask questions about the work to ascertain whether the student understands what they submitted. The Investigating Officer may request to meet with the student on one or more occasions during the course of investigation and will normally:
- a) Inform the student of the purpose of any such meetings in advance.
  - b) Give the student at least 5 working days' notice of any such meetings.
  - c) Inform the student of their entitlement to be accompanied to and/or represented at any such meetings in accordance with Paragraph 12 of this procedure.

- 30.** Notes will normally be kept of any meetings held with the student during the course of the investigation. A copy of such notes will be made available to the student.
- 31.** The Investigating Officer will normally invite the student to provide a written response to the concerns and to present any supporting information. The Investigating Officer will normally give the student 10 working days to do so.
- 32.** At the conclusion of the investigation, the Investigating Officer will provide a report and copies of any relevant information to the Deputy Dean (Academic Affairs). The report should be copied to the student.

### **Referral to the Misconduct and Professional Suitability Board**

- 33.** Following receipt of the Investigating Officer's report, the Deputy Dean (Academic Affairs) will, within 5 working days, take one of the following actions:
- a) Dismiss the concern and take no further action.
  - b) Determine that the concern relates to poor academic practice, in which case the concern will be dismissed and the student will be warned about future practice and directed to sources of guidance and information.
  - c) Refer the concern back to the Investigating Officer for further investigation.
  - d) Refer the concern to the Clerk to the MPS board for further action.
  - e) Refer the concern for consideration under another University regulation or procedure.
- 34.** Upon receipt of a concern from the Deputy Dean (Academic Affairs), the Clerk to the MPS board will, within 5 working days, take one of the following actions:
- a) Where it is considered to be less serious, which may include where a student has no previous history of academic misconduct, refer the concern for consideration by the Vice-Chancellor's Representative (VCR).
  - b) Where it is considered to be more serious, which may include where a student has previous history of academic misconduct, refer the concern for consideration at an Academic Misconduct Panel hearing.
  - c) Refer a case back to the Deputy Dean (Academic Affairs) for further investigation.

### **The Vice-Chancellor's Representative (VCR)**

***(Where possible, the 'VCR' stage as set out in paragraphs 35 to 45 will normally be completed within 15 days of the referral date detailed in paragraph 34a.)***

- 35.** The Vice-Chancellor's Representative (VCR) is a senior member of University staff appointed to consider concerns relating to academic misconduct.
- 36.** Where a concern is to be referred to the VCR, the Secretary to the MPS board will first write to the student with the following:
- a) A copy of this procedure and Senate Regulation 6.
  - b) A statement setting out the University's case and the allegation of academic misconduct that is being made against the student, with reference to Paragraph 22 of this procedure.
  - c) A copy of the evidence and documentation in support of the allegation that will be submitted to the VCR.
- 37.** The student will normally have 5 working days from receipt of the correspondence from the Secretary to the MPS Board to respond to the allegation in writing, and to provide written comment on the evidence provided under Paragraph 36.

- 38.** The student will be informed that if they do not respond to the allegations within this timeframe, then the referral to the VCR may continue.
- 39.** The VCR will consider the case, including the student's written response, and may gather additional information, or seek advice or guidance, from the relevant parties either in writing or in person. Where additional information has been gathered by the VCR, the student will be presented with a record and invited to comment in line with the procedure set out in Paragraph 37.
- 40.** Once their consideration of the case is concluded, the VCR will normally take one of the following actions:
- a) Dismiss one or more of the allegations, either because the student had no case to answer or because the allegation has not been proven, and determine that no further action should be taken.
  - b) Determine that one or more of the allegations has been proven and that the student has committed academic misconduct.
  - c) Determine that the allegation relates to poor academic practice, in which case it will be dismissed and the student will be warned about future practice and directed to sources of guidance and information.
  - d) Refer the case for consideration under another University regulation or procedure.
  - e) Refer the case for consideration at an Academic Misconduct Panel Hearing. If this action is taken, the student will be notified of the likely timescales for completion of the case, as it may take longer than the prescribed usual timescales set out in this procedure.
  - f) Refer the case to an earlier stage of this procedure. If this action is taken, the student will be notified of the likely timescales for completion of the case, as it may take longer than the prescribed usual timescales set out in this procedure.
- 41.** Where the VCR considers that the student has committed academic misconduct, the VCR will determine which, if any, penalty as set out in Appendix A should be applied.
- 42.** The VCR may take into account any extenuating circumstances presented by the student when applying any of the penalties set out in Appendix A, and will apply a penalty that is appropriate in all the circumstances.
- 43.** The Secretary to the MPS Board will inform the student in writing, normally within 5 working days of the decision, of the outcome of the case and will set out the reasons for the VCR's decision.
- 44.** Where the VCR applies a penalty under Appendix A, the student may submit a request for an appeal against the decision in line with Paragraphs 69-84 of this procedure.
- 45.** The Head of the Student's Department will be informed of the decision of the VCR.

### **Academic Misconduct Panel Hearings**

***(Where possible, the 'Academic Misconduct Panel Hearing' stage as set out in paragraphs 46 to 68 should be completed within 20 days of the referral set out in paragraph 40e.)***

- 46.** A concern may be referred to an Academic Misconduct Panel Hearing by the Clerk to the MPS Board under Paragraph 34, or by the VCR under Paragraph 40.
- 47.** The Deputy Dean (Academic Affairs) will appoint a member of University staff to act as the University Representative, who will present the concern regarding the student to the Panel.



- 48.** Where a case involves multiple students, the Clerk to the MPS Board will determine whether each student's case should be heard at the same or at different panel hearings, and by the same or different panels.
- 49.** The ruling of the Chair of the Panel on the admissibility of any evidence at a hearing or on any point of procedure relating to the conduct of a hearing will be final.
- 50.** A Panel will be made up of three impartial members. The membership will include a Chairperson and normally one member of the Union of Brunel Students.
- 51.** The Secretary to the MPS Board will appoint a Panel Secretary to each Panel Hearing, who will act as note taker and advise the Panel on procedural matters. The Panel Secretary will not take part in the Panel's decision making.
- 52.** The Secretary to the MPS Board will contact the student normally at least 10 working days prior to the date of the Academic Misconduct Panel Hearing and set out in writing the following:
- a) The date, time and place of the hearing, and the name of the Panel members.
  - b) The student's right to be accompanied to and/or represented at the hearing in accordance with the provisions in Paragraph 12 of this procedure.
  - c) A copy of this procedure and Senate Regulation 6.
  - d) A statement setting out the University's case and the allegation of academic misconduct that is being made against the student, with reference to Paragraph 22 of this procedure.
  - e) A copy of the evidence and documentation in support of the allegation that will be submitted to the Panel.
  - f) The name of the person acting as the University Representative under Paragraph 47.
  - g) The student's right to call witnesses to appear at the hearing.
- 53.** The student will be invited to make a written submission in advance of the hearing in response to the University's case and the allegation of academic misconduct. The student will be asked to provide this written submission to the Secretary to the MPS Board no later than five working days before the scheduled date of the hearing, together with details of any witnesses they are intending to call.
- 54.** The University Representative or Deputy Dean (Academic Affairs) may submit additional information to the Secretary to the MPS Board in advance of a hearing. A copy of the information should normally also be provided to the student in advance. In accordance with Paragraph 49, the admissibility of additional information will be at the discretion of the Chair to the Panel.
- 55.** Where a student chooses not to acknowledge the date of a hearing or provide a written submission in advance, the hearing may still proceed.
- 56.** A student may request to the Secretary to the MPS Board that a hearing is postponed, and should provide a good reason for the request supported by evidence. The Chair may also determine that a hearing should be postponed, either on the recommendation of the Secretary to the MPS Board or otherwise. The final decision to postpone a hearing will be taken by the Chair of the Panel.
- 57.** Notice of any witnesses to be called by the student and/or the University's Representative at the hearing should normally be given in writing to the Secretary to the MPS Board at least 5 working days in advance of the date of the hearing together with a written statement prepared by the witness setting out the contribution that they will make. The Secretary to the MPS Board will provide a copy of each party's witness notice and statements to the other party normally 3 days in advance of the hearing.
- 58.** A Panel cannot compel a witness to appear at a hearing. It is the responsibility of the party calling the witness to ensure that they attend.

**59.** A full copy of the evidence and documentation that will be considered by the Panel, including the student's written submission under Paragraph 53, will be sent to the University Representative.

**60.** If a student chooses not to attend a hearing held under this procedure, having previously been given due notice of the date of the hearing, the hearing may proceed in the student's absence. The decision to proceed in the student's absence will be taken by the Chair.

**61.** Where a Panel considers that it has insufficient information to reach a decision, the Chair may adjourn the hearing, for a defined period, to allow either the student or the University Representative to gather further information. The student and University Representative will be informed of the date, time and location of the reconvened hearing with a notice period of not less than 2 working days.

**62.** The order of proceedings at a hearing will normally be as follows:

- a) The Chair will introduce the proceedings.
- b) The University Representative will present the University's case and the allegation of academic misconduct that is being made against the student, and may call and question witnesses. The University Representative and any witnesses will answer any questions from the Panel and the student.
- c) The student, or student's representative, may respond to the University's case and the allegation of academic misconduct and supporting evidence, and may call and question witnesses. The student and any witnesses will answer questions from the Panel and the University Representative.
- d) The University Representative will make a closing statement.
- e) The student may make a closing statement.
- f) The Panel will retire to consider the case.

**63.** Once its consideration of the case is concluded, the Panel will normally take one or more of the following actions:

- a) Dismiss one or more of the allegations, either because the student had no case to answer or because the allegation has not been proven, and determine that no further action should be taken.
- b) Determine that one or more of the allegations has been proven and that the student has committed academic misconduct.
- c) Determine that the allegation relates to poor academic practice, in which case it will be dismissed and the student will be warned about future practice and directed to sources of guidance and information.
- d) Refer the case for consideration under another University regulation or procedure.
- e) Refer the case to an earlier stage of this procedure.

**64.** Where it considers that the allegation has been proven, the Panel will determine which, if any, penalty as set out in Appendix A should be applied.

**65.** The Panel may take into account any extenuating circumstances presented by the student when applying any of the penalties set out in Appendix A, and will apply a penalty that is appropriate in all the circumstances.

**66.** The Panel Secretary will inform the student in writing, normally within 5 working days of the decision, of the outcome of the case and will set out the reasons for the Panel's decision.

**67.** The Head of the Student's Department will be informed of the outcome of the Academic Misconduct Panel Hearing.

**68.** Where the Panel applies a penalty under Appendix A, the student may submit a request for an appeal against the decision in line with Paragraphs 69-84 of this procedure.

## **Appeals**

***(Where possible, the 'Appeal' stage as set out in paragraphs 69 to 75 should be completed within 25 days of receipt of the appeal, as set out in paragraph 69.)***

- 69.** If a student is dissatisfied with the decision of the Vice-Chancellor's Representative or the Academic Misconduct Panel to apply a penalty listed in Appendix A, they should submit a Misconduct Appeal Form within 10 working days of the outcome letter. Appeals received after this deadline will only be accepted at the discretion of the Office for Student Complaints, Conduct and Appeals.
- 70.** A student may appeal on one or more of the following grounds only:
- a) That there is evidence that could not have been, or for good reason was not made available previously, and that sufficient evidence remains that the appeal warrants further consideration;
  - b) That there is evidence of a procedural irregularity on the part of the University in considering the academic misconduct, and that sufficient evidence remains that the appeal warrants further consideration;
  - c) That there is evidence of prejudice or bias on the part of those responsible for investigating or considering the academic misconduct;
  - d) That, giving due consideration to the documentation previously provided, the decision of the Vice-Chancellor's Representative or the Academic Misconduct Panel was unreasonable.
- 71.** Upon receipt of an appeal, the Head of Student Affairs and Casework will determine whether the grounds for appeal have been met. Where they have, a Review Panel will be convened; otherwise the appeal will be dismissed. The decision will normally be communicated within 10 working days of receipt of the appeal.
- 72.** Where a Review Panel is convened, this will comprise two senior Officers of the University, neither of whom will have been previously involved in the academic misconduct case, supported by a member of the Office for Student Complaints, Conduct and Appeals, acting as Clerk to the Panel. The Review Panel shall normally meet within 10 working days of the decision to refer the appeal to them.
- 73.** The Review Panel will consider whether there is sufficient reason to challenge the decision made by the Vice-Chancellor's Representative or the Academic Misconduct Panel. If the Panel determine such reason is present, they can set aside the previous decision and replace it with one of their own, or it can refer the case back to the Vice-Chancellor's Representative or Academic Misconduct Panel for fresh consideration with commentary. If the Panel determines there is insufficient reason to challenge the previously made decision, the appeal will be dismissed and the original decision will stand.
- 74.** The decision of the Review Panel shall normally be communicated in writing by the Office for Student Conduct, Complaints and Appeals, within 5 working days of its meeting.
- 75.** The decision of the Head of Student Affairs and Casework and any subsequent Review Panel is final. There is no further right of appeal, and no right to appeal against the decision of the Vice-Chancellor's Representative or Academic Misconduct Panel if the case has been referred back for fresh consideration.

## **The Office of the Independent Adjudicator**

- 76.** When all internal procedures are complete, students will be issued with a Completion of Procedures Letter, and may then request an independent review of the case by the Office of the Independent Adjudicator (OIA).

## Appendix A – Indicative list of penalties for Academic Misconduct

**A1.** In all proven cases of academic misconduct the decision maker will seek to remove any academic advantage gained by the student through the identified misconduct. The decision maker will normally impose a penalty for proven cases in accordance with the following scheme:

Available To	Type of misconduct	Penalty
VCR + Hearing Panel	First offence or less serious case occurring in a first assessment – Taught work (UG and PGT) and Final Year Projects (UG)	A mark of zero/grade of F will be assigned to the piece of work in question and to the associated assessment block. Reassessment is required where permitted under the regulations, but the maximum achievable grade in the assessment block will be capped at the relevant threshold grade. The affected assessment block will contribute grade point 0 to the GPA calculation for the classification of any award. The reassessment will not contribute to the reassessment volume limit defined in Senate Regulation 2 (UG) or Senate Regulation 3 (PGT).
VCR and Hearing Panel	First offence or less serious cases occurring in a re-assessment – Taught work (UG and PGT) and Final Year Projects (UG)	A mark of zero / grade of F will be assigned to the piece of work in question and to the associated assessment block. The affected assessment block will contribute grade point 0 to the GPA calculation for the classification of any award. Re-assessment (which could constitute a third attempt) is not permitted unless specifically set out in the programme specification. Where credits are retained, the student may be awarded an intermediate award.
VCR and Hearing Panel	First offence in dissertations (PGT)	A mark of zero / grade of F will be assigned to the dissertation and to the associated assessment block. Re-assessment is not permitted. Where credits are retained, the student may be awarded an intermediate award.
Hearing Panel	Second offence (UG and PGT) or more serious cases, including Contract Cheating as defined in	The student will be expelled from the University and barred from re-entry. A mark of zero/grade of F will be assigned to the piece of work in question and to the associated assessment block. The Panel will determine whether the student should retain any credits previously gained. Where credits are retained, the student may be awarded an intermediate award.

	paragraph 22e.	
Hearing Panel	First offence (PGR)	The student will be expelled from the University and barred from re-entry. Where a student is studying on a programme with taught components, the Panel will determine whether the student should retain any credits previously gained.

See Appendix D for further clarification of penalties.

**A2.** A VCR and Hearing Panel may, in addition or as a substitute to the above scheme, apply the following penalties:

- Issue a formal written warning.
- Require the student to attend a relevant training programme.
- Require the student to apologise to the aggrieved party.
- Ban the student from attending graduation.
- Require the student to pay compensation for the damage or loss caused (up to the value of £300).
- Exclude the student from specified areas of the University or from specified University activities (including placements), services or facilities (including residences) for a defined period.

**A3.** A Hearing Panel may, in addition or as a substitute to the above scheme, apply the following penalties:

- Require the student to pay compensation for the damage or loss caused.
- Exclude the student from the whole University for a defined period.
- Suspend the student's studies, in whole or in part, for a defined period.
- Permanently expel the student from the University (with or without credit or award already achieved).

## Appendix B – Temporary Suspension and Exclusion

**B1.** Circumstances can arise where it is necessary for the University to take precautionary action in order to manage risk to the University, its members, and/or to the wider community. This Appendix sets out how this risk will be managed.

**B2.** The University may in appropriate cases use its powers to temporarily suspend and/or exclude a student for a defined period of time (which may be extended) or until a matter is considered under the relevant University procedures.

**B3.** Where a concern is raised relating to a student's conduct, whether on or off campus, which represents a potential or actual threat to the safety, security, health, wellbeing, good order, or reputation of the University, its [members](#), an external organisation or placement provider, or members of the public, a member of staff may make a recommendation to the Vice-Chancellor or Vice-Chancellor's delegate that the student should be temporarily suspended and/or excluded.

**B4.** Where the Vice-Chancellor's delegate determines that such a risk exists, the Vice-Chancellor's delegate may take one or both of the following precautionary actions until such time as the matter is considered under the relevant University procedures:

- a) Temporarily suspend a student from all or part of their studies or research. This may include suspension from placement or any other University activity, including examinations, receiving information about results or progression, and re-enrolment.
- b) Temporarily exclude a student from using all or particular University services or facilities and/or entering the University campus. This may also include temporarily withdrawing or amending a student's Brunel computer account access privileges.

**B5.** The decision to impose a temporary suspension and/or exclusion will not affect a student's legal rights under any license agreement with Brunel Accommodation Services.

**B6.** The imposition of a temporary suspension and/or exclusion is precautionary; it is not a penalty and does not indicate that the University has concluded that the student has breached its rules.

**B7.** The Vice-Chancellor's delegate may impose conditions on a temporary suspension and/or exclusion, and where practicable and appropriate will make arrangements to mitigate the impact of a temporary suspension and/or exclusion on a student, such as allowing students to sit examinations in isolation or to study remotely using online resources.

**B8.** Where a student who is temporarily suspended and/or excluded requires access to the University campus for any reason, the student should write to the Secretary to the MPS Board to ask for permission, giving at least 1 working days' notice.

### Procedure for Temporary Suspension and/or Exclusion

**B9.** The Vice-Chancellor's delegate may take urgent action to temporarily suspend and/or exclude a student with immediate effect prior to providing the student with formal written notification.

**B10.** The Vice-Chancellor's delegate will formally notify a student in writing that the student is being/has been temporarily suspended and/or excluded, and will notify the student of any relevant conditions. A temporary suspension and/or exclusion will apply for a defined period of time (which may be extended).

**B11.** Where a student is temporarily suspended and/or excluded under this Appendix, the Vice-Chancellor's delegate will review at regular intervals whether it is reasonable for the

suspension/exclusion to continue or whether it should be revoked or extended for a further specified period of time, and whether its terms should be maintained or varied.

**B12.** The student may request a review by the Vice-Chancellor's delegate under Paragraph B11 by making written representations in respect of the terms of the temporary suspension and/or exclusion should there be a material change in the student's circumstances.

### Appeals

**B13.** The student will have the opportunity to appeal to the Academic Registrar within 10 working days of the communication of the decision taken by the Vice-Chancellor's delegate to temporarily suspend and/or exclude a student.

**B14.** An appeal to the Academic Registrar should be made on the following grounds:

- a) That there has been a procedural irregularity.
- b) That there was bias on the part of the decision-maker.
- c) That the decision is unreasonable and/or disproportionate.
- d) That there is new material evidence which the student can demonstrate was for good reason not previously available.

**B15.** The Academic Registrar will consider the student's appeal and will:

- a. Maintain the terms of the temporary suspension and/or exclusion.
- b. Vary the terms of the temporary suspension and/or exclusion.
- c. End the temporary suspension and/or exclusion.

## Appendix C – Delegation of powers relating to temporary suspension or exclusion of students

The arrangements for the delegation of powers of the Vice-Chancellor as set out in in Senate Regulation 6, the Student Disciplinary Procedure (SDP), and/or the Academic Misconduct Procedure (AMP), shall be:

Regulation / Procedure / Paragraph	Action	Action normally taken by	Deputy in the non-availability of normal action-taker	In the non-availability of either normal action-taker or deputy
SR6 para 8	<i>The University may in appropriate cases use its powers to temporarily suspend and/or exclude a student for a defined period of time (which may be extended) or until a matter is considered under the relevant University procedures. The imposition of a temporary suspension and/or exclusion is precautionary. It is not a penalty and does not indicate that the University has concluded that the student has breached its rules regarding student conduct. The procedures that will be followed are set out in the Student Disciplinary Procedure and the Academic Misconduct Procedure.</i>			
SDP para B4, and AMP para B4	Temporary suspension or exclusion of a student from all or part of their studies or research	Vice-Provost and Dean of the student's College	Provost	A Vice-Provost who is not also the Dean of the student's College
SDP para B9, and AMP para B9	Action by Delegate at Departmental level to <u>urgently</u> suspend or exclude a student prior to providing the student with formal written notification	See next page	See next page	See next page
SDP para B9, and AMP para B9	Review of action taken by Departmental Delegate to urgently suspend or exclude a student prior to issue of full written notification	Vice-Provost and Dean of the student's College	Provost	A Vice-Provost who is not also the Dean of the student's College



*Departmental Delegates under Paragraph B9 of the Student Disciplinary Procedure (SDP) and/or the Academic Misconduct Procedure (AMP)*

<b>Paragraph</b>	<b>Action</b>	<b>Action normally taken by</b>	<b>Deputy in the non-availability of normal action-taker</b>	<b>In the non-availability of either normal action-taker or deputy</b>
<i>Department of Education</i>				
SDP para B9, and AMP para B9	Action by Delegate at Departmental Level to urgently suspend or exclude a student	Head of Department	Departmental Director for Teaching and Learning	Deputy-Dean (Academic Affairs)
<i>Department of Clinical Sciences</i>				
SDP para B9, and AMP para B9	Action by Delegate at Departmental Level to urgently suspend or exclude a student	Head of Department	Departmental Director for Teaching and Learning	Deputy-Dean (Academic Affairs)

## Appendix D – Guidance on Penalties applicable under SR6

As members of the Brunel University London community, students are expected to adhere to the regulations, procedures and policies of the University, to show respect for the persons within and for the property of the University community, and to behave in a way that does not interfere with the proper functioning or activities of the University. Where there is reason to believe that the behaviour of a student falls below the expected standards, as set out below, and/or where regulations, procedures, and/or policies have been broken, as outlined below, the Academic Misconduct Procedure will be instigated. The Procedure extends to alleged misconduct by a student occurring on or off University premises (including via electronic means, such as email and social media) where the alleged victim is the University itself, a member of the University's community, or a visitor to the University.

Please note that the examples of unacceptable behaviour listed below are not exhaustive. The University can bring action in relation to other unacceptable behaviour. Additionally, the indication of the sanctions which may be applied if certain behaviour is found to have taken place is illustrative only. Furthermore, students may receive one or more of the sanctions listed where the decision-maker considers this to be appropriate. The University will consider any mitigating and aggravating factors when determining a penalty. Such factors include, but are not limited to, elements of discrimination, instances of previous misconduct, and mitigating circumstances occurring at the time of the alleged incident. A full list of the sanctions which may be imposed is set out in the Academic Misconduct Procedure.

<b><i>Academic Misconduct</i></b>	<b><i>Examples of Unacceptable Behaviour</i></b>	<b><i>Examples of Sanctions</i></b>
Academic Misconduct in Taught Work and Final Year Projects (UG) – first assessment Single first offences for UG and PG students Less serious cases for UG and PG students	Plagiarism Collusion Cheating in an exam Research Misconduct	A mark of zero/grade of F will be assigned to the piece of work in question and to the associated assessment block. Reassessment is required where permitted under the regulations, but the maximum achievable grade in the assessment block will be capped at the relevant threshold grade. The affected assessment block will contribute grade point 0 to the GPA calculation for the classification of any award. The reassessment will not contribute to the reassessment volume limit defined in Senate Regulation 2 (UG) or Senate Regulation 3 (PGT).
Academic Misconduct in Taught Work and Final Year Projects (UG) – re-assessment Single first offences for UG and PG students	Plagiarism Collusion Cheating in an exam Research Misconduct	A mark of zero/grade of F will be assigned to the piece of work in question and to the associated assessment block. The affected assessment block will contribute grade point 0 to

Less serious cases for UG and PG students		the GPA calculation for the classification of any award. Re-assessment (which would constitute a third attempt) is not permitted* unless specifically set out in the programme specification. Where credits are retained, the student may be awarded an intermediate award. <i>*See SR2.70, 2.73 and 3.57</i>
Academic Misconduct in Dissertations (PGT)	Plagiarism Collusion Research Misconduct	A mark of zero/grade of F will be assigned to the dissertation and to the associated assessment block. Re-assessment is not permitted*. Where credits are retained, the student may be awarded an intermediate award. <i>*Senate Regulation 3.58 does not permit re-assessment in a dissertation where the student has not achieved at least a grade of E- at the first attempt.</i>
Academic Misconduct Second offences for UG and PG students More serious cases for UG and PG students Multiple offences of any type (2 or more)	Plagiarism Collusion Cheating in an exam Cheating by falsification Cheating by arranging for someone to impersonate a student or by impersonating a student Contract cheating Research Misconduct Submitting fraudulent extenuating circumstances claims	<ul style="list-style-type: none"> <li>• Expulsion (with or without credit, with or without award)</li> <li>• Temporary suspension and/or exclusion, in whole or in part, for a defined period.</li> <li>• Banned from attending graduation</li> </ul>
PGR Students	Plagiarism Falsification Cheating Research Misconduct	Expulsion – no award
Other breaches of University rules, regulations, policies or procedures relating to academic activity or assessment.		<ul style="list-style-type: none"> <li>• Formal warning</li> <li>• Attendance at relevant training programme</li> <li>• Apologise to aggrieved party</li> <li>• Banned from attending graduation</li> <li>• Exclusion from specified areas of the University or from specified University</li> </ul>

		<p>activities (including placements), services or facilities (including residences) for a defined period</p> <ul style="list-style-type: none"> <li>• Temporary suspension and/or exclusion from the whole University for a defined period</li> <li>• Expulsion (with or without credit, with or without award)</li> </ul>
<p>Failure to co-operate with the assessment procedures of the University (e.g. failure to take part in a viva to determine authorship of a piece of work as set out in SR4)</p>		<ul style="list-style-type: none"> <li>• Formal warning</li> <li>• Attendance at relevant training programme</li> <li>• Apologise to aggrieved party</li> <li>• Banned from attending graduation</li> <li>• Exclusion from specified areas of the University or from specified University activities (including placements), services or facilities (including residences) for a defined period.</li> <li>• Temporary suspension and/or exclusion from the whole University for a defined period.</li> <li>• Expulsion (with or without credit, with or without award)</li> </ul>