



Academic Misconduct Appeals Policy

Item	Description
Document Reference:	PL.004-v002
Document Name:	Academic Misconduct Appeals Policy
Review Date:	August 2020
Last Reviewed:	August 2018
	Administrative review: July 2020
Commencement Date:	2015
Approving Authority:	Education Committee
Date Approved:	Followed prior approval process
Department Responsible for maintenance & review	Student, Library and Academic Services, Quality and Teaching Excellence
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1 Introduction

The following section describes the procedure for the consideration of an appeal by a student against the decision of an Academic Misconduct Panel that academic misconduct has occurred.

2 Principles

- 2.1 If a student feels dissatisfied with the decision of the Academic Misconduct Panel, they may appeal to the University's Student Appeals and Complaints Ombudsman.
- 2.2 The student should submit their appeal in writing within ten working days of receiving the Academic Misconduct Panel decision, specifying the grounds for their appeal.
- 2.3 An appeal can only be made on the following grounds:
 - i. that there was a procedural irregularity in the conduct of the Academic Misconduct Panel which has prejudiced the student's case.
 - ii. additional relevant evidence has come to light since the Academic Misconduct Panel which could not have been made available earlier.
- 2.4 The Student Appeals and Complaints Ombudsman will consider the documents submitted and either:
 - i. reject the appeal on the grounds that no case has been established in support of their appeal and issue a 'Completion of Procedures Letter' together with details of the Office of the Independent Adjudicator for Higher Education (OIA); or
 - ii. if the Student Appeals and Complaints Ombudsman accepts that the student has established, on a balance of probabilities, grounds for having the case reconsidered, the case will be referred to the Chair of the Academic Misconduct Panel with the requirement that the Panel reconsider the case in light of evidence put forward by the student, as soon as practicable; or
 - iii. If the Student Appeals and Complaints Ombudsman judges that i) or ii) above do not clearly apply, then an Academic Misconduct Appeals Panel will be convened. The decision of the Student Appeals and Complaints Ombudsman as to whether to convene an Academic Misconduct Appeals Panel is not subject to further internal appeal.

The Student Appeals and Complaints Ombudsman will advise the student of the outcome of this preliminary stage, normally within fifteen working days of receiving the appeal.

3 Academic Misconduct Appeals Panel

- 3.1 Where an appeal against the finding of academic misconduct has been accepted for further investigation under 2.4 iii), the matter will be considered by an Academic Misconduct Appeals Panel as soon as reasonably practicable following the decision of the Student Appeals and Complaints Ombudsman to convene such a panel. The Academic Misconduct Appeals Panel will comprise:
- i. The Deputy Vice-Chancellor or nominee.
 - ii. two members of Academic Board (not being members of the Academic Misconduct Panel which made the disputed decision);
 - iii. one student member of Academic Board; and
 - iv. the University's Chief Legal Officer or their nominee shall attend as Clerk to the Panel to provide advice and guidance on the regulations. A secretary will also attend to take formal minutes of the proceedings.
 - v. The Academic Misconduct Appeals Panel Secretary will notify the members of the Panel, the student concerned and the Chair of the relevant Academic Misconduct Panel of the date, time and place of the meeting of the Panel. Notification should be no less than five working days prior to the Panel.
 - vi. If it is impractical for it to be conducted on-site, the Academic Misconduct Appeals Panel meeting should be conducted via telephone or video link and recorded.
 - vii. The student will be provided by the Secretary with full details of the constitution of the Academic Misconduct Appeals Panel, a copy of the relevant regulations relating to academic misconduct, informed of his/her right to appear before the Panel, accompanied by a Friend or representative of his/her choice and to submit a written statement of mitigation concerning the alleged misconduct. Failure by the student to appear before the Panel or to submit a statement will not prevent the investigation proceeding.
 - viii. The Academic Misconduct Appeals Panel may call witnesses, as appropriate, and will not unreasonably refuse permission for the student or staff concerned to call such witnesses as they deem appropriate.
 - ix. Evidence may be received by the Academic Misconduct Appeals Panel by oral statement, written and signed statement, or statutory declaration. The Chair of the Panel shall decide, after taking account of the evidence assembled, whether the evidence from each party can be heard in the presence of others.
 - x. The Academic Misconduct Panel will interview the student, staff, and witnesses as appropriate, consider the student's written statement, and come to a decision on the basis of the student's statement and the supporting evidence.
 - xi. The order of proceedings is as follows:



- a) statement from the student and production of evidence in support of their appeal and responses to questions from the Academic Misconduct Appeals Panel.
 - b) statement from the Academic Misconduct Panel and production of supporting evidence and responses to questions from the Academic Misconduct Appeals Panel.
 - c) the Panel will consider the evidence in private and reach a decision in accordance with 3.1 x.
- 3.2 Each member of the Academic Misconduct Appeals Panel has equal status and, in the event of a disagreement about the decision, the decision shall be made by a majority of Panel members.
- 3.3 After consideration of the available evidence relating to the appeal, the Academic Misconduct Appeals Panel will either:
- i. reject the appeal; or
 - ii. refer the appeal and all the relevant documentation available to the Academic Misconduct Panel, including the formal minutes of the Academic Misconduct Appeals Panel proceedings, for reconsideration.
- 3.4 The student and the Chair of the relevant Academic Misconduct Panel will be provided with a copy of the formal minutes of the Academic Misconduct Appeals Panel's proceedings, normally within five working days.
- 3.5 Where an appeal is not upheld, the student will be provided with a 'Completion of Procedures Letter' and details of the OIA by the Student Appeals and Complaints Ombudsman.
- 3.6 When it is decided that the case should be referred back to the Academic Misconduct Panel:
- i. The Student Appeals and Complaints Ombudsman will explain to the student how their case will be presented to the reconvened Academic Misconduct Panel.
 - ii. the reconvened Academic Misconduct Panel will meet as promptly as possible to re- consider the case.
- 3.7 The decision of such a reconvened Academic Misconduct Panel shall be final. On informing the student of the Panel's decision, the Chair will also inform the Student Appeals and Complaints Ombudsman in order that a 'Completion of Procedures Letter' may be issued