

London Metropolitan University

General Student Regulations

Section 9 - Student Conduct

2017-18

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Part 1 - General Provisions

1. Introduction

- 1.1. These Student Conduct Regulations (“Regulations”) set out the expectations on students to maintain the University as a community of scholars in which all members can work beside each other in conditions which permit freedom of thought and expression within a framework of intellectual honesty and respect for the rights of other persons. The Regulations also provide for the discipline of students on the grounds of misconduct.
- 1.2. Nothing in these Regulations is intended to limit Students’ freedom of expression within the law, or to prevent Students from openly criticising, disagreeing with or peacefully protesting against the University.
- 1.3. The use of the procedures under these Regulations is a serious matter. Any student who is accused of misconduct is advised to seek assistance from the Students’ Union promptly.

2. Applicability

- 2.1. These Regulations apply to:
 - 2.1.1. any person who is registered as a student of the University (including those students who have taken a break from their studies);
 - 2.1.2. so far as is practicable, any person to whom an offer of a place has been made and who subsequently becomes a Student.
- 2.2. These regulations apply where the alleged conduct
 - 2.2.1. affects the University or its property; or
 - 2.2.2. affects the person or property of its students, staff, visitors; or
 - 2.2.3. occurred during or arises out of university activities (including placements or field work or trips) or use of University facilities or premises; or
 - 2.2.4. brings the University or its community into disrepute.
- 2.3. It does not matter whether the alleged conduct takes place on or off University premises..
- 2.4. Students at a partner institution are subject to that institution’s code of discipline or disciplinary regulations. Such a student shall only be subject to these regulations in the event that the partner institutions code of discipline or disciplinary procedure does not adequately cover (either in scope or sanction available) acts that would be considered misconduct under these regulations.
- 2.5. Where the alleged misconduct arises or appears to arise from a physical or mental health condition (including from a failure to take prescribed medication), the allegation shall be dealt with in accordance with the University’s Fitness to Study regulations.

3. Standard of Conduct

3.1. Students shall:

- 3.1.1. not claim others' work as their own and shall respect all relevant academic conventions and practices;
- 3.1.2. not give or receive unpermitted aid in examinations; nor give or receive unpermitted aid in class work, in the preparation of essays, or coursework, or in any other work that is to be used as the basis of assessment;
- 3.1.3. respect and uphold the rights and dignity of others regardless of race, colour, national or ethnic origin, sex, age, disability, religion, sexual orientation, gender identity, or socio-economic status;
- 3.1.4. uphold the integrity of the University as a community of scholars in which freedom of speech within the law is available to all;
- 3.1.5. respect university policies as well as the law;
- 3.1.6. not improperly interfere (by act or omission) with the functioning or activities of the University, or of those who work or study in the University, or improperly damage the University or its reputation.

3.2. Breach of this standard of conduct shall be misconduct. A non-exhaustive list of examples of misconduct is set out in Schedule 1 .

4. Misconduct Offences

- 4.1. If a Student is found on the balance of probabilities to have committed misconduct they are liable to disciplinary measures, sanction and penalties.
- 4.2. An allegation of 'academic misconduct', including all forms of cheating, collusion and plagiarism, shall be dealt with in accordance with Part 2 (that is, regulations 11 to 17). Any other allegation of misconduct shall be dealt with in accordance with Part 3 (that is, regulations 18 to 23).
- 4.3. All interviews, panels and decisions under these regulations shall be made and conducted in accordance with Schedule 4.
- 4.4. Misconduct that has been proven under these regulations may be referred to in any reference given by the University or a member of staff. The University may also be obliged to report it to a relevant professional body.

5. Criminal Offences

- 5.1. Where alleged misconduct is or could also be a criminal offence, the School Proctor shall confer with the University Secretary. The University may:
 - 5.1.1. Report the matter to the police or other relevant authority. Only the University Secretary may report an incident to the police on behalf of the

University, but this does not affect the right of any person affected by the alleged misconduct to report it to the police on their own behalf;

- 5.1.2. Defer taking action until the police, Crown Prosecution Service and courts have dealt with the matter; and/or
 - 5.1.3. Continue with its investigation, where it is confident that the University's investigation will not prejudice or hinder the police investigation or criminal proceedings.
- 5.2. The University is entitled to rely on the fact of a criminal conviction (whether on a guilty plea or otherwise) or acceptance of a caution as proving that an offence was committed.
 - 5.3. The University will take into account any caution accepted or sentence imposed when deciding the appropriate penalty.
 - 5.4. Save as provided for by regulations 5.2 and 5.3, proceedings under these regulations are separate from and additional to the criminal law. A Student is not exempt from these regulations simply because they have been convicted of a criminal offence arising out of the same set of facts and no defence of double jeopardy can be claimed.

6. Licensed Premises

- 6.1. While an alleged incident takes place on licensed premises (whether on University premises or elsewhere) that incident may give rise to both proceedings under these regulations and exclusion, barring or suspension of access to the licensed premises by the licensee in accordance with the general law.
- 6.2. Proceedings under these regulations are separate from and additional to any decision of a licensee regarding exclusion, barring or suspension of access to licensed premises. A student is not exempt from these regulations simply because of a licensee's decision based on the same set of facts and no defence of double jeopardy can be claimed.
- 6.3. No decision under these regulations may overrule, reverse or amend any decision of a licensee regarding licensed premises.

7. Fitness to Practise and professional or regulatory requirements

- 7.1. Where allegations are made against a student on an Accredited Course, the University may:
 - 7.1.1. Notify the relevant body of the matter;
 - 7.1.2. Take separate action (in addition to any action under these regulations) under its Fitness to Practise policy, Academic Regulations or course regulations. The University may use any evidence compiled pursuant to these regulations in any Fitness to Practise proceedings.

8. Authority to Check Disorder

- 8.1. All members of staff have the authority to check disorder or any potential and/or actual breach of regulations or policies by students occurring in any part of the University. This may include giving the student an oral warning or requiring a student to leave a particular area of the University's premises, such as a lecture room or library, for a specified period not exceeding 1 hour or the end of the teaching session (whichever is longer). Because it is a short-term measure, there is no right of appeal against a member of staff's decision.
- 8.2. Where a staff member has exercised the authority under regulation 8, they must report the matter to the Proctor.
- 8.3. Where a student is reasonably believed to be causing disorder, a Building Manager may, on their own authority or on the report of a member of staff, ban the student from the University's premises for 24 hours. Because it is a short-term measure, there is no right of appeal against a Building Manager's decision.

9. Precautionary Suspension and Conditions

- 9.1. Where a student is suspected of misconduct, a Proctor may, with the consent of a member of Senior Staff, suspend the student for a period of time or indefinitely if:
 - 9.1.1. A criminal charge is pending against the student; or
 - 9.1.2. They consider that the student's presence on University premises would:
 - 9.1.2.1. breach the University's duty of care to the student or others; or
 - 9.1.2.2. cause the University to be in breach of its wider obligations (including, but not limited to, obligations under the UK immigration regulations); or
 - 9.1.2.3. impede an investigation into the allegation;
- 9.2. A Senior Member of Staff may suspend a student in the circumstances set out in regulation 9.1 in the absence of the Proctor.
- 9.3. Suspension means that the student shall be excluded from all University premises. The student may seek support from a Student Liaison Advisor or the Students' Union, but this must be by appointment. A student who has not made an appointment will not be admitted to the University's premises.
- 9.4. Suspension is precautionary and does not mean that the allegation has been judged or proven.
- 9.5. Where a student is suspected of misconduct, a Proctor may, with the consent of a member of Senior Staff, impose conditions on the student for a period of time or indefinitely, whether in addition to a suspension or not, to ensure that:
 - 9.5.1. The student does not cause the University to be in breach of its:
 - 9.5.1.1. wider obligations (including, but not limited to, obligations under the immigration regulations); or

- 9.5.1.2. duty of care to the student or others or
 - 9.5.2. the student does not impede an investigation into the allegation.
- 9.6. A member of Senior Staff may impose conditions on a Student in the circumstances set out in regulation 9.5 in the absence of the Proctor.
- 9.7. A student who has been suspended or had conditions imposed under regulation 9 may:
 - 9.7.1. Ask the Proctor or University Secretary to review the suspension or condition. Any such request must be in writing and may be made not more frequently than once a month or where there has been a material change of circumstances.
 - 9.7.2. Ask the Proctor or University Secretary for temporary permission to attend the University or temporary variation of the conditions for examinations, for submission of coursework or to access student support or advice from Student Services or the Students' Union. Such request must be in writing.

10. Office of the Independent Adjudicator for Higher Education

- 10.1. Under the Higher Education Act 2004 the University subscribes to the independent scheme for the review of student complaints. If a student is dissatisfied with the outcome of a misconduct case they may be able to apply for a review to the Office of the Independent Adjudicator for students in Higher Education (OIA) providing that the complaint they make to the OIA is eligible under its Rules. The University will confirm in writing to students, by way of a Completion of Procedures email/letter, when they have exhausted the University's internal procedures. At this point students may make a complaint to the OIA if they wish.

Part 2 - Academic Misconduct

11. Reporting Allegations of Academic Misconduct

- 11.1. If, during an examination, an invigilator believes that a student has engaged in academic misconduct they shall normally inform the student and endorse the student's answer book as follows: with the time, and a brief description of the incident and with her/his initials. Any prohibited material will be removed and retained. The student shall then be permitted to continue, in a new answer book. A written report of the incident shall be made to the Student Casework Office by the invigilator or examiner concerned, as soon as possible and normally within seven working days of the incident. The Senior Invigilator shall, in addition, note the circumstances in the Senior Invigilator Report. Where evidence of academic misconduct is reported to the Student Casework Office after this deadline, an allegation may still be progressed against a student if, in the opinion of the Director of Student Journey (or nominee), there are compelling reasons to do so.
- 11.2. Where an internal examiner establishes that there is, in their view, evidence of academic misconduct, they shall provide a written report, including relevant evidence, to the Student Casework Office as soon as practicable, but no later than six weeks from the standard submission deadline for the work concerned. Exceptionally, a written report, including relevant evidence, may be submitted no later than two weeks after this period, but only with the prior agreement of the Student Casework Office. Where evidence of academic misconduct is reported to the Student Casework Office after this deadline, an allegation may still be progressed against a student if, in the opinion of the Director of Student Journey (or nominee), there are compelling reasons to do so.
- 11.3. Where an internal examiner has a reasonable suspicion a student has engaged in academic misconduct, the internal examiner may require the student to sit an informal *viva voce* examination. Such examination shall be conducted in accordance with guidance published by the Student Casework Office and the reports of the examination may stand as evidence under this part.
- 11.4. Where an external examiner establishes that there is, in their view, evidence of academic misconduct, they shall notify the internal examiner, who shall act in accordance with 11.2 above.
- 11.5. A student who believes that there are grounds for an allegation of academic misconduct against another student shall inform the relevant Module/Course Leader who shall establish if there is sufficient evidence of academic misconduct. If such evidence is found, the member of staff shall act in accordance with 11.2 above.
- 11.6. A report of academic misconduct shall:
 - 11.6.1. Be in writing, signed and dated by the member of staff making it;
 - 11.6.2. Specify the full name(s) and number(s) of the student(s) to whom it relates;
 - 11.6.3. State the basis and the evidence on which the allegation has been made and be accompanied by all the relevant evidence;

- 11.6.4. Provide details of the assessment, including the coursework or examination questions, the weighting of the item of assessment and any information provided to students concerning academic conventions and practices.

12. Minor academic misconduct in Coursework

- 12.1. Where a Module Leader establishes that there is evidence of academic misconduct relating to Coursework which if substantiated would lead to Penalty 1 pursuant to Schedule 2 they shall submit an allegation pro forma to the Student Casework Office. The Module Leader shall retain the coursework.
- 12.2. Where the Student Casework Office determines that the alleged academic misconduct suggests a higher category and/or penalty, or where the student has a previous proven allegation substantiated against them, the case will be progressed under regulations 13 to 17.
- 12.3. Unless the Student Casework Office has determined that the allegation should be progressed under regulations 13 to 17, they will write to the student confirming:
 - 12.3.1. that an allegation has been submitted;
 - 12.3.2. details of how the student can access their work and evidence within the School should a student wish to review the basis of the allegation;
 - 12.3.3. details of how to request a review of the allegation, should a student wish to dispute the allegation;
 - 12.3.4. School arrangements and contacts details so that the student can undertake an academic conduct tutorial.
- 12.4. Unless the student requests a review of the allegation within the period stipulated by the Student Casework Office, the Module Leader may impose Penalty 1 and mark the work accordingly.

13. Consideration of Allegations of Academic Misconduct

- 13.1. The Student Casework Office shall first determine if there is evidence to progress an allegation lodged in accordance with regulation 11 above.
- 13.2. In cases where there is insufficient evidence, the case will be returned to the Module Leader with a request that the work is marked in the normal way as per the University's Academic Regulations.
- 13.3. For very minor cases of academic misconduct (not listed in the Table of Penalties in Schedule 2), the School concerned shall be advised to counsel the student as to the nature of the transgression. (In such cases, the allegation will not be progressed via these regulations).
- 13.4. In cases where there is sufficient evidence for an allegation to be progressed, the Student Casework Office shall determine if the nature of the academic misconduct clearly falls under one of the categories listed in Schedule 2.

- 13.5. In cases where the academic misconduct clearly falls under one of the categories listed in Schedule 2 the student will be informed that there is sufficient evidence to support the allegation. The student will be invited to make any submissions in response to the allegation within a period of ten working days. Any submissions provided by the student will be considered before a decision about the allegation is made. If the student fails to make such submissions within the time period, or at all, the decision will be that the allegation is found to be proven and an appropriate penalty imposed.
- 13.6. In cases where the academic misconduct falls under two or more categories; e.g. in cases of collusion, or where there is ambiguity as to the nature of the academic misconduct, the Student Casework Office shall progress the case by notifying the student in writing of the allegation and by requesting that the student responds by the completion of a Procedural Form.
- 13.7. In relation to regulation 13.5 and 13.6 above, the Student Casework Office will notify a student of the academic misconduct presented against them. Notification to the student shall include:
- 13.7.1. a copy of the allegation and all evidence in support of it;
 - 13.7.2. a copy of these regulations;
 - 13.7.3. in cases where there is sufficient evidence to support the allegation (refer 19 above), the options available for a review of the decision and how to request such a review; or,
 - 13.7.4. in cases progressed under regulation 13.6, a Procedural Form, which the student must complete, detailing the options by which the student can respond to the allegation.

14. Options for a Student's Response

- 14.1. Where a student has been notified of an allegation of academic misconduct, they may request in writing, within ten working days from the date of receipt of the notification of the allegation, a review of the allegation of academic misconduct against them.
- 14.2. In cases progressed under regulation 13.5, when requesting a review a student may:
- 14.2.1. in the case of Penalty 1, dispute the allegation;
 - 14.2.2. dispute the allegation and also make representations against the level of the penalty imposed; or,
 - 14.2.3. accept the allegation, but make written representations only as to the level of penalty imposed.
- 14.3. In cases progressed under regulation 13.6, when requesting a review a student shall:
- 14.3.1. complete, sign and return the Procedural Form attaching any evidence in support of their statement, to the Student Casework Office; and

- 14.3.2. accept the allegation, indicating where appropriate the category of academic misconduct which is accepted; or,
 - 14.3.3. dispute the allegation and whether they want the allegation and her/his response to it to be considered.
- 14.4. When requesting a review a student shall indicate whether they want the allegation and their response to it to be considered by way of written submission or at an oral hearing. Where a student does not explicitly request an oral hearing the case will be considered by way of written representations
- 14.5. In cases involving two or more students, if one student opts for an oral hearing of the case then all the students who responded to the allegation will be invited to attend the hearing. A student who originally requested for the case to be heard by way of written representations shall not be eligible to request a postponement of the hearing.

15. Valid/Invalid Responses

- 15.1. In responding a student shall identify and explain the reasons that form the basis of the case upon which the student is relying and should be accompanied by all relevant evidence in support of her/his statement. Requests that do not identify and explain the reasons upon which the student is relying shall be deemed invalid by the Student Casework Office; the student shall be notified in writing of this and shall be deemed to have accepted the allegation.
- 15.2. Where students do not respond within the stated deadline they will be deemed to have accepted the allegation against them and, where necessary, a Panel shall determine the appropriate category of academic misconduct. The Student Casework Office shall inform the student in writing of the Panel's decision or that by not responding the student has missed the deadline to request a review but that they may still be able to appeal in accordance with Part 4 below.
- 15.3. A Panel will be convened in accordance with Schedule 4 to consider all valid student responses.

16. Consideration of a Student's Response

- 16.1. Where a student disputes the allegation, a Panel shall consider the allegation and the evidence in support of it alongside the student's submission. The Panel shall then determine whether there is sufficient evidence of academic misconduct to substantiate the allegation under one of the categories of academic misconduct listed in Schedule 2. In such cases the Panel shall substantiate the allegation and further consider any representations, which have been presented by the student, as to the imposed penalty.
- 16.2. Where a student has made representations only against the penalty imposed, the Panel shall consider these representations and determine if valid grounds have been presented upon which the penalty may be lowered. There is no requirement to substantiate an allegation that has been admitted.

17. Academic Conduct Tutorial

- 17.1. All students who are found to have contravened these regulations with regard to assessments other than examinations shall be encouraged to attend a tutorial on academic conduct. This tutorial shall provide the opportunity for students to receive guidance on models of good academic practice and referencing conventions in the subject area concerned. The tutorial shall also provide students with the opportunity to understand the nature of their transgression and receive advice on their future academic conduct.

Part 3 - Non-Academic Misconduct

18. Proctors

- 18.1. Allegations of non-academic misconduct by a Student should be reported to the Proctor for the School of which the Student is a member. Where a student wants to report an allegation of non-academic misconduct by another Student, but does not know which school the other Student is a member of, they can report the matter to the Proctor for their own School.
- 18.2. Where a Proctor receives an allegation or is otherwise made aware of non-academic misconduct, they shall make enquiries of any person who might know of the circumstances of, or matter relevant to, the alleged misconduct (which may include enquiries of the University's Disability and Dyslexia Service) to determine whether misconduct has taken place. Such enquiries shall usually be concluded within 20 days of the receipt of notice of the suspected misconduct.
- 18.3. On conclusion of the enquiries pursuant to regulation 19.1 and if the Proctor determines that there is evidence of a case against the student, the Proctor shall arrange an interview with the student at which the allegation against them and evidence on which it is based is put to them. The interview shall usually take place within 10 days of the conclusion of the enquiries pursuant to regulation 18.1 and shall be conducted in accordance with Schedule 4.
- 18.4. The Proctor shall determine whether the misconduct is minor or major.
- 18.5. The following shall be considered major misconduct:
 - 18.5.1. three incidents of disorder occurring within a 5 day period;
 - 18.5.2. repeated or systematic minor misconduct;
 - 18.5.3. attempts to influence or victimise complainants or witnesses involved with any proceedings under these regulations or by the police;
 - 18.5.4. failure to comply with a sanction imposed under these regulations;
 - 18.5.5. misconduct relating to examinations or assessments (insofar as it does not amount to academic misconduct);
 - 18.5.6. submission of falsified documents to the University (including documents provided evidence in support of mitigating circumstances claims or academic appeals);
 - 18.5.7. serious criminal offences (that is, an offence that is likely to attract an immediate custodial sentence if proved in a criminal court, or one that can only be tried as a criminal offence in the Crown Court (an indictable only offence));

19. Minor Misconduct

- 19.1. Where the Proctor determines that the misconduct alleged is minor and that on a balance of probabilities that the student has committed the misconduct, they may deal with the matter administratively in accordance with regulation 19.2
- 19.2. The Proctor shall notify the student of the allegation and provide a summary of the reasons for their decision and may give the student:
 - 19.2.1. a reprimand - this notes that the misconduct has been committed by the student, but no further sanction will be applied. It is sufficient to record the matter on the student's file.
 - 19.2.2. a conditional reprimand - this notes that the misconduct has been committed by the student, but no further sanction will be applied, provided the student complies with certain conditions. Such conditions may include a requirement to apologise, to make reparation (financial restitution or otherwise) and/or to accept behavioural measures to prevent future misconduct.
- 19.3. The Proctor shall within 5 days notify the student, Head of School and the Student Casework Office of their decision under regulation 19.1 and the reprimand and record the decision and reprimand on the student's file;
- 19.4. If the Proctor has given the student a Conditional Reprimand and the student does not comply with the conditions, both the original misconduct and the failure to comply with the conditions may be referred for consideration as major misconduct.
- 19.5. Imposition of a financial condition under regulation 19.2 shall not prevent the University or any other person from seeking compensation from the student for the costs of repair to their property.

20. Major Misconduct

- 20.1. Where the Proctor is satisfied that major misconduct has taken place, they shall within 5 days inform the student that there is sufficient evidence to support the allegation. Notification to the student shall include:
 - 20.1.1. a copy of the Disciplinary Major Misconduct Report and any evidence in support of it;
 - 20.1.2. a copy of these regulations;
- 20.2. The student will be invited to make any submissions in response to the allegation within a period of ten working days to the Student Casework Office. The student should submit any documents that they intend to rely on in response to the allegation. **Failure to respond will result in the University deeming that the student has accepted the allegation and a Panel shall determine the appropriate sanction to be imposed.**
- 20.3. The Student Casework Office may, within 10 days of receipt of the student's submission in respect of the misconduct, decline to refer a matter to a Panel if they consider:

- 20.3.1. that there is insufficient evidence to substantiate the allegation against the student;
 - 20.3.2. that the matter is not major misconduct;
 - 20.3.3. there is a real risk that proceeding will adversely affect the student's health; or
 - 20.3.4. that it is not in the University's interests for the matter to proceed.
- 20.4. Where the Student Casework Office declines to refer a matter to a Panel pursuant to regulations 20.3.1 or 20.3.2, they may refer the matter to Proctor for further investigation (and subsequent referral) or consideration as minor misconduct.

21. Consideration by a Panel

- 21.1. A Panel shall consider all allegations of major misconduct referred to it by the Student Casework Office.
- 21.2. A hearing before a Panel shall be convened by the Student Casework Office, which shall also appoint a clerk to the Panel. Such hearing shall usually take place within 30 days of receipt of the Proctor's referral by the Student Casework Office.
- 21.3. The preparation for the hearing shall be in accordance with Schedule 4.
- 21.4. The hearing shall be conducted in accordance with Schedule 4 and the Proctor (or their nominee) shall present the case against the student.
- 21.5. Where the Panel determines that the student has committed major misconduct it shall apply one or more of the sanctions set out in Schedule 3.
- 21.6. Imposition of a financial sanction under regulation 21.5 shall not prevent the University or any other person from seeking compensation from the student for the costs of repair to their property.
- 21.7. The clerk to the Panel shall notify the student, the Proctor, the Student Casework Office and the Head of School of the decision of the Panel and shall record the decision on the student's file.

22. Binding Over

- 22.1. At any time before a decision has been made pursuant to regulations 20.1 and 22.5, the University may agree with the student not to proceed to a decision subject to agreed conditions, provided that:
 - 22.1.1. the student admits the misconduct; and
 - 22.1.2. the student undertakes to abide by the conditions of the agreement; and
 - 22.1.3. the Director of Student Journey and the University Secretary consent to the agreement;
- 22.2. Conditions may include, but are not limited to, a requirement to apologise, to make reparation (financial restitution or otherwise) and/or to accept behavioural measures to prevent future misconduct.

- 22.3. If the student breaches the conditions of the agreement, the University may proceed with the original misconduct (together with any subsequent misconduct) on the basis of the admission and a sanction may be imposed for all instances of misconduct (taking into account any partial compliance with the conditions of the agreement);
- 22.4. No student shall be required to conclude an agreement pursuant to regulation 22.1
- 22.5. A student shall not be subject to any detriment (other than a continuation of proceedings under these regulations) for declining to conclude an agreement pursuant to regulation 22.1 and the fact that such an agreement has been declined shall be disregarded when considering the matter.

23. Times Scales and Changes to Procedure

- 23.1. Where a matter has been deferred pursuant to regulation 5.1.2, no time period of time stipulated under regulations 0 to 1 shall run until the police, Crown Prosecution Service and courts have dealt with the matter and the University has been notified of the same;
- 23.2. Any period of time stipulated for completion of a step by the University may be extended:
 - 23.2.1. at the request of the student (including, but not limited to, a request to reschedule an interview or hearing);
 - 23.2.2. with the agreement of the student;
 - 23.2.3. with the agreement of the Head of School or the University Secretary in the event of matters outside the University's control or where the complexity of the matter so requires;
- 23.3. Any period of time stipulated for completion of a step by the student may be extended with the agreement of the Proctor or the University Secretary. Such agreement shall usually only be given the event of matters outside the student's control or where the complexity of the matter so requires.

Part 4 - Appeals

24. How to Appeal

- 24.1. A student who has received a sanction or penalty pursuant to these Regulations may appeal the decision or the sanction/penalty.
- 24.2. The appeal must be made in writing on the prescribed Appeal Form signed by the Student and sent to the Student Casework Office within 10 working days of the date the student was notified of the decision being appealed;

25. Grounds of Appeal

- 25.1. An appeal may only be made on the grounds that:
 - 25.1.1. the student was unable to respond to the allegation within the timeframes provided in these Regulations for valid reasons beyond the student's control; or
 - 25.1.2. there has been a material procedural defect, other than one for which the student is responsible, resulting in substantial unfairness to the student; or
 - 25.1.3. the evidence of alleged misconduct was insufficient to substantiate the allegation; or
 - 25.1.4. the student has new evidence that they could not reasonably have provided during the investigation and which would probably have a material influence on the outcome. Other than this, no new evidence shall be considered; or
 - 25.1.5. The sanction or penalty is manifestly disproportionate to the misconduct that was found.

26. Appeal Procedures

- 26.1. The Student Casework Office may dismiss an appeal that:
 - 26.1.1. is received late and there is no reasonable explanation why it could not be brought in time, or
 - 26.1.2. does not clearly state the grounds on which the appeal is being made; or
 - 26.1.3. does not disclose any reasonable grounds of appeal; or
 - 26.1.4. is entirely without merit.
- 26.2. Unless the appeal is dismissed pursuant to regulation 26.1, the Student Casework Office shall refer the appeal to the Vice-Chancellor or their nominee within 10 days of receiving the student's duly completed Appeal Form.
- 26.3. The Vice-Chancellor shall consider the appeal on the basis of the written appeal papers, unless it would assist their consideration or otherwise in the interest of

fairness, in which case a hearing shall be convened. A decision on the basis of the written appeal papers or a decision to convene a hearing shall usually be made within 30 days of the Student Casework Office's receipt of the duly completed Appeal Form.

- 26.4. After reviewing the decision and the appeal the Vice-Chancellor may:
 - 26.4.1. affirm, set aside or vary any finding or decision reached;
 - 26.4.2. refer the matter, or any part of it or any decision to the Disciplinary Panel or Academic Misconduct Panel for further consideration, with any such guidance as the Vice-Chancellor thinks fit.
- 26.5. The Vice-Chancellor shall within 5 days of their decision notify the student and Student Casework Office of their decision.

27. Academic Misconduct Appeals from students at Collaborative/Partner Institutions

- 27.1. Students from collaborative/partner institutions who have completed the academic misconduct procedures of their host institution shall have a final right of appeal to the University. Any appeal will be dealt with in accordance with regulations 24 to 26 above.

Schedule 1. Misconduct

1. Academic misconduct includes, but is not limited to, the following:
 - 1.1. Removing any script, paper, or other official stationery (whether completed or not) from the examination room, unless specifically authorised by an invigilator or examiner.
 - 1.2. Possession or use of devices of any kind other than those specifically permitted in the rubric of the paper during an exam.
 - 1.3. Communicating with another student or with any third party other than the invigilator/examiner during an examination or test.
 - 1.4. During an examination or test, copying or attempting to copy the work of another student, whether by overlooking his or her work, asking him or her for information, or by any other means.
 - 1.5. Possession of crib sheets, revision notes (including, for example, those held on digital media devices) or accessing the internet in contravention of the examination rubric during an exam.
 - 1.6. Attempting to persuade another member of the University (student, staff or invigilator) to participate in actions that would breach these Procedures.
 - 1.7. Being party to any arrangement whereby a person other than the candidate represents, or intends to represent, the candidate in an examination or test.
 - 1.8. Taking into an examination a pre-written examination script for submission and exchanging it for a blank examination script.
 - 1.9. Obtaining access to an unseen examination or test prior to the start of an examination/test.
 - 1.10. Making available work to another student, either intentionally or as a result of negligence that can be presented as another student's.
 - 1.11. Isolated use of quotes without the use of quotation marks and/or referencing.
 - 1.12. Representation of work produced in collaboration with another person or persons as the work of a single student.
 - 1.13. Submission for assessment of work submitted previously by the student (either at London Met or another institution) or work submitted for assessment that has previously been published elsewhere, where the duplication concerned is isolated.
 - 1.14. Extensive use of quotes or close paraphrasing without the use of quotation marks and/or referencing, where the student has cited the plagiarised material in the bibliography.
 - 1.15. Submission for assessment of work submitted previously by the student (either at London Met or another institution) or work submitted for assessment that has

previously been published elsewhere, where the duplication concerned is extensive.

- 1.16. Using another student's work and submitting some or all of it as if it were the student's own.
 - 1.17. The presentation of data in laboratory work, projects etc. based on work purporting to have been carried out by the student but which has been invented, altered or falsified.
 - 1.18. Extensive use of quotes or close paraphrasing without the use of quotation marks and/or referencing, where the student has not cited the plagiarised material in the bibliography.
 - 1.19. Stealing another student's work and submitting it as the student's own work (where the originator is not denied the opportunity of submission).
 - 1.20. Commissioning another person to complete an item of University assessment. This could include the use of professional essay writing services, essay banks, ghost-writing services etc.
 - 1.21. Commissioning another person to complete an item of University assessment, which is then submitted as a student's own work. This could include the use of professional essay writing services, essay banks, ghost-writing services etc.
 - 1.22. Stealing another student's work and submitting it as the student's own work (where the originator is denied the opportunity of submission).
 - 1.23. Agreeing or attempting to persuade another member of the University (student or staff) to participate in actions that would breach these Regulations.
 - 1.24. Assisting, encouraging or advising another member of the University (student or staff) to participate in actions that would breach these Regulations.
2. Non-academic misconduct includes, but is not limited to, the following:
- 2.1. Any conduct that constitutes a criminal offence;
 - 2.2. Any conduct that brings the University into disrepute;
 - 2.3. Disruption of or improper interference with the academic, administrative, sporting, social or other activities of the University;
 - 2.4. Obstruction of or improper interference with the functions, duties or activities of any student, member of staff or visitor to the University;
 - 2.5. Sexual misconduct;
 - 2.6. Violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language, including physical misconduct;
 - 2.7. Harassment of any student, member of staff or visitor, including but not limited to harassment related to one or more of the following: sex, gender reassignment,

race, disability, religion or belief, marriage or civil partnership, sexual orientation, age.

- 2.8. Victimising any student, member of staff or visitor because of anything done or not done in connection with these Regulations (including making a complaint or giving evidence);
- 2.9. Deception, dishonesty or corruption in relation to the University, its staff, students or visitors;
- 2.10. Misappropriation or misuse (including computer misuse) of University property, or the property of the University's staff, students or visitors;
- 2.11. Misuse or unauthorised use of University premises;
- 2.12. Damage to, or defacement of, University property, or to the property of the University's staff, students or visitors, whether or not caused intentionally or recklessly;
- 2.13. Action likely to cause injury or to impair safety on University premises;
- 2.14. Failure to respect the rights of others to freedom of belief and freedom of speech;
- 2.15. Breach of the provisions of any University code, policy, rule or regulation, including (but not limited to) Premises Rules, Library Code, ITS Rules or the Research Code;
- 2.16. Failure to disclose personal details, including criminal convictions, when required (whether by University policy or otherwise), to a member of staff at the earliest opportunity;
- 2.17. Failure to comply with an instruction issued by a security officer or by a member of staff;
- 2.18. Conduct or behaviour which raises questions about a student's fitness to practise, by reference to the relevant professional body's guidance, any profession for which you are studying at the University;
- 2.19. Failure to comply with a reasonable instruction of a member of staff relating to proceedings under these regulations (including, but not limited to, failing to attend an interview or hearing as a witness, without reasonable excuse);
- 2.20. Failure to comply with a sanction or condition imposed under these regulations;
- 2.21. Inducing or intimidating any person into not reporting a matter to the police or the University;
- 2.22. Inducing or intimidating any person into not giving evidence.
- 2.23. Agreeing or attempting to persuade another member of the University (student or staff) to participate in actions that would breach these Regulations.

2.24. Assisting, encouraging or advising another member of the University (student or staff) to participate in actions that would breach these Regulations.

Schedule 2. Table of Academic Misconduct Penalties

Penalty 1:	Reprimand, a formally recorded warning kept on the student's record. The Module Leader shall mark the work, but the mark may be reduced to reflect a student's failure to address the assessment criteria in areas of collation of sources and their citation. The student may be required to redo the work on pedagogic grounds.
Penalty 2:	Failure in the item of assessment, with reassessment right where permissible. The assessment component mark will be capped at a bare pass.
Penalty 3:	Failure in the item of assessment, with reassessment right where permissible. The module result will be capped at a bare pass.
Penalty 4:	Failure in the module: the student must re-register for the same module at the next opportunity where the re-registered module result will be capped at a bare pass. Where a re-registration of the same module, or suitable alternative, is not permissible the student will not be able to continue on the course.
Penalty 5:	Failure in the module, the student must re-register for the same module and the reregistered module will be capped at a bare pass. Where a re-registration of the same module, or suitable alternative, is not permissible the student will not be able to continue on the course. Additionally the following penalty will be applied to the student's final award: Undergraduate Honours - student's final classification will be reduced by one level Unclassified Bachelors to Diploma in Higher Education Foundation Degree – Distinction to Merit; Merit to Pass; Pass to Certificate in Higher Education Masters - Distinction to Merit; Merit to Pass; Pass to PG Dip
Penalty 6:	Expulsion. A student will not be permitted to exit with their named award, but may be permitted to exit with a lower award.

The Table of Penalties applies to substantiated first offences of academic misconduct. A penalty for a second or subsequent substantiated allegation of academic misconduct will normally be one penalty level higher than that suggested below, or one level higher than the previously imposed penalty, whichever is higher.

Examinations or tests

Category	Type of academic misconduct	Penalty to be imposed
Schedule 1		
1.1	Removing any script, paper, or other official stationery (whether completed or not) from the examination room, unless specifically authorised by an invigilator or examiner.	Penalty 2

1.2	Possession or use of devices of any kind other than those specifically permitted in the rubric of the paper.	Penalty 2
1.3	Communicating with another student or with any third party other than the invigilator/examiner during an examination or test.	Penalty 2
1.4	During an examination or test, copying or attempting to copy the work of another student, whether by overlooking his or her work, asking him or her for information, or by any other means.	Penalty 3
1.5	Possession of crib sheets, revision notes (including, for example, those held on digital media devices) or accessing the internet in contravention of the examination rubric.	Penalty 4
1.6	Attempting to persuade another member of the University (student, staff or invigilator) to participate in actions that would breach these Procedures.	Penalty 5
1.7	Being party to any arrangement whereby a person other than the candidate represents, or intends to represent, the candidate in an examination or test.	Penalty 5
1.8	Taking into an examination a pre-written examination script for submission and exchanging it for a blank examination script.	Penalty 5
1.9	Obtaining access to an unseen examination or test prior to the start of an examination/test.	Penalty 6
	A penalty of expulsion shall be applied where a student has previously received a Penalty under these Procedures where the previous or current penalty is Penalty 5 (refer to Appendix 10.5.2 - 3) or where two or more allegations are made within one academic year that each individually equate to Penalty 5.	Penalty 6
	Being party to any other arrangement that would constitute a breach of these Procedures.	Penalty will correspond to the nature of the offence and will be in accordance with penalties outlined for each of the above

Coursework

Sources of academic misconduct in coursework can include fellow students, published sources including the Internet, essay banks and other commissioned and uncommissioned sources.

Category Schedule 1	Type of academic misconduct	Penalty to be imposed	
1.10	Making available work to another student, either intentionally or as a result of negligence that can be presented as another student's.	Penalty 1	
1.11	Isolated use of quotes without the use of quotation marks and/or referencing.	FHEQ levels 3 and 4	Penalty 1
		All other levels	Penalty 2
1.12	Representation of work produced in collaboration with another person or persons as the work of a single student.	FHEQ levels 3 and 4	Penalty 1
		All other levels	Penalty 2
1.13	Submission for assessment of work submitted previously by the student (either at London Met or another institution) or work submitted for assessment that has previously been published elsewhere, where the duplication concerned is isolated .	FHEQ levels 3 and 4	Penalty 1
		All other levels	Penalty 2
1.14	Extensive use of quotes or close paraphrasing without the use of quotation marks and/or referencing, where the student has cited the plagiarised material in the bibliography.	FHEQ levels 3 and 4	Penalty 2
		All other levels	Penalty 3
1.15	Submission for assessment of work submitted previously by the student (either at London Met or another institution) or work submitted for assessment that has previously been published elsewhere, where the duplication concerned is extensive .	FHEQ levels 3 and 4	Penalty 2
		All other levels	Penalty 3
1.16	Using another student's work and submitting some or all of it as if it were the student's own.	Penalty 4	
1.17	The presentation of data in laboratory work, projects etc. based on work purporting to have been carried out by the student but which has been invented, altered or falsified.	Penalty 4	
1.18	Extensive use of quotes or close paraphrasing without the use of quotation marks and/or referencing, where the student has not cited the plagiarised material in the bibliography.	Penalty 4	

1.19	Stealing another student's work and submitting it as the student's own work (where the originator is not denied the opportunity of submission).	Penalty 5
1.20	Commissioning another person to complete an item of University assessment. This could include the use of professional essay writing services, essay banks, ghost-writing services etc.	Penalty 4
1.21	Commissioning another person to complete an item of University assessment, which is then submitted as a student's own work. This could include the use of professional essay writing services, essay banks, ghost-writing services etc.	Penalty 5
1.22	Stealing another student's work and submitting it as the student's own work (where the originator is denied the opportunity of submission).	Penalty 6
1.23	Agreeing, assisting, encouraging, advising or attempting to persuade another member of the University (student or staff) to participate in actions that would breach these Procedures.	Penalty 6
	A penalty of expulsion shall be applied where a student has previously received a Penalty under these Procedures where the previous or current penalty is Penalty 5 (refer to Appendix 10.5.2 - 3) or where two or more allegations are made within one academic year that each individually equate to Penalty 5.	Penalty 6
	Being party to any other arrangement that would constitute a breach of these Procedures.	Penalty will correspond to the nature of the offence and will be in accordance with penalties outlined for each of the above

Penalties for Research Degree Allegations

In the case of a substantiated allegation of academic misconduct in a Research Degree, the Panel shall determine the appropriate penalty to be imposed from one of the following penalty options:

Penalty R1: Reprimand, a formally recorded warning kept on the student's record.

Penalty R2: Failure in the thesis, with the possibility of resubmission for a lesser award, as determined the Research Degrees Sub-Committee

Penalty R3: Failure in the thesis, without resubmission right.

Penalty R4: Expulsion.

N.B In the case of a Research Degree student, a penalty of expulsion **may be** imposed for a first offence.

Graduates

Where academic misconduct has been substantiated for a student who has completed his or her studies and on whom a final award has been conferred, the most serious penalty that may be applied shall be withdrawal of the relevant final award previously conferred on the student

Schedule 3. Non-Academic Misconduct Sanctions

In respect of non-academic misconduct a Panel may impose one or more of the following sanctions:

1. A reprimand	Note that the misconduct has been committed by the student, but no further sanction will be applied.
2. Conditional reprimand	This notes that the misconduct has been committed by the student, but no further sanction will be applied, provided the student complies with certain conditions. Such conditions may include a requirement to apologise, to make reparation (financial restitution or otherwise) and/or to accept behavioural measures to prevent future misconduct. If the conditions are breached, sanctions can be imposed for the original misconduct.
3. Suspended sanction	No sanction is imposed, provided that no further misconduct is committed in the next twelve months. If further misconduct is committed sanctions can be imposed for both incidents of misconduct.
4. Fine	Pay a sum of up to a maximum of £500 within a specified period.
5. Compensation Requirement	Require the student to pay reasonable sum to compensate for any loss or damage sustained by the University or any other person within a specified period. The compensation shall be payable to the person who has sustained the loss.
6. Apology Requirement	Require the student to apologise formally (orally or in writing) to an individual or individuals affected by the student's behaviour within a specified period.
7. Unpaid work Requirement	Require the student to perform up to 40 hours unpaid work for the University community or a local community affected by the student's behaviour within a specified period.
8. Restriction	Restrict the student from contacting a specified person or person; and/or Restrict the student from accessing specified facilities or premises of the University. Such a restriction shall be for a fixed period of time not exceeding 12 months.

	Notwithstanding the time limit for appeals provided for by regulation 1, the student may ask the Director of Student Journey to review a restriction at any time while the restriction is effective on the ground that the restrictions is seriously impeding the student's academic progress.
9. Academic Sanction	Failure in any item of assessment associated with the misconduct, with (where permissible under the Academic Regulations) or without a re-assessment right. If a re-assessment right is granted this may be uncapped (where permitted by the Academic Regulations) or capped at a bare pass.
10. Exclusion	Exclude the student from the University for a fixed period of time not exceeding 12 months. While excluded, the student is not permitted to access the University's premises or its facilities, or to participate in its activities.
11. Termination of Enrolment and/or Transfer	Termination of the student's enrolment on their current course. The student remains liable for any tuition fees that fell due for payment before termination of enrolment and the University reserves the right to take action to recover the debt. The student may be eligible to transfer to a different course at the discretion of the Panel.
12. Expulsion	Expel the student from the University. The student ceases to be a member of the University and loses all rights and privileges of membership. The student remains liable for any tuition fees that fell due for payment before expulsion and the University reserves the right to take action to recover the debt.

Schedule 4. Safeguards and Procedures

1. In respect of all interviews, hearings and decisions under these regulations:
 - 1.1. The student shall be presumed innocent of the alleged misconduct until a decision or determination has been made;
 - 1.2. An allegation of misconduct shall only be proven, if it is found that it is more likely than not that the misconduct occurred (that is, on the balance of probabilities);
 - 1.3. The person (whether the University or the student) making an allegation or stating a particular fact is responsible for proving it. There is no need to prove an allegation or a fact that has been admitted or is proven by the existence of a relevant criminal conviction;

2. In respect of any interview arranged under these regulations
 - 2.1. the student is entitled to:
 - 2.1.1. be given at least 3 days' notice of the interview;
 - 2.1.2. receive a summary of the allegation made against the student at least 3 days before the interview Attend with a Friend. The Proctor may permit the Friend to speak on behalf of the student if it would assist the investigation;
 - 2.1.3. see any documents upon which a decision may be based;
 - 2.1.4. ask questions to clarify the allegations and the facts that are being alleged;

3. Panel composition
 - 3.1. The composition of a Panel convened under these regulations and its Chair will be determined in accordance with the table below:

	Size of panel	Membership requirements	Chair
Academic misconduct (undergraduate and taught postgraduate students)	Written representations: At least one, not exceeding three	<ul style="list-style-type: none"> • at least one academic member of staff 	Member of academic staff designated by the Panel itself
	Oral hearing: At least one, not exceeding three.		
	Written representations: At	<ul style="list-style-type: none"> • at least two members of the 	Person designated by

Academic misconduct (postgraduate research students)	least two, not exceeding three	Research degrees subcommittee	the Research Degrees subcommittee
	Oral hearing: At least two, not exceeding three		
Non-academic misconduct	At least two, not exceeding three.	<ul style="list-style-type: none"> • At least one member of academic staff; • At least one representative of the Students' Union 	Member of academic staff designated by the Panel itself

3.2. No person shall be eligible to be a member of a Panel who has:

- 3.2.1. Any responsibility for the teaching or assessment of the module in question; or,
- 3.2.2. Been previously involved in a review of an allegation involving the same student.

3.3. The Student Casework shall appoint a clerk to the panel, who shall advise the Panel on

4. In respect of any oral hearing before a Panel:

- 4.1. The student shall be given at least 5 days' notice of the hearing, which will include a list of witnesses that the Proctor/Student Casework Office intend to call;
- 4.2. No later than 3 days before the hearing, the student shall file with the Student Casework Office a list of witnesses whom they intend to call. It is the student's responsibility to arrange for these witnesses to attend the hearing.

5. At any oral hearing before the Panel arranged under these regulations,

5.1. the student may:

- 5.1.1. Attend the hearing. The student does not need to attend the hearing and the Panel may make a decision in the student's absence, provided that the Panel is satisfied the student was informed of the date of the hearing and has not given a reasonable excuse (supported by evidence) for absence. An oral hearing will only be postponed more than once in exceptional circumstances;
- 5.1.2. Be assisted by a Friend at the hearing. The Chair of the Panel may permit the Friend to speak on behalf of the student if it would assist the running of the hearing. The student is responsible for arranging the Friend's attendance at the hearing;
- 5.1.3. See any documents relevant to the matter that the Panel has seen (whether or not the University relies on them);

- 5.1.4. Ask questions to clarify the allegations and the facts that are being alleged;
 - 5.1.5. Call witnesses. The student is responsible for arranging the witnesses' attendance at the hearing. The Panel may decline to hear a witness if their evidence is not relevant;
 - 5.1.6. Ask (via the Chair of the Panel) questions of witnesses or the person presenting the case against them;
 - 5.1.7. Make representations to the Panel;
- 5.2. The Panel shall:
- 5.2.1. Be conducted in accordance with the directions (whether given at the hearing or beforehand) of the Chair of the Panel, who may also determine the order of proceedings. Such directions may include:
 - 5.2.1.1. hearing of related allegations against two or more students at the same hearing;
 - 5.2.1.2. requiring the provision of written witness statements or summaries of the witnesses' evidence before the hearing;
 - 5.2.1.3. imposing time limits on submissions;
 - 5.2.1.4. adjourning the hearing to another time or place;
 - 5.2.2. Be conducted in private, except that members of staff may attend for training purposes, with the agreement of the student.
 - 5.2.3. Reach its decision by majority vote. In the event of a tie, the Chair of the Panel shall have a second or casting vote.
 - 5.2.4. Not be made aware of a student having previously contravened these Procedures or their predecessors unless and until the Panel finds that the present allegation has been substantiated; except where a student relies on their good character, the Panel shall be advised of any previous finding that the student has contravened these Procedures or their predecessors.
 - 5.2.5. State the reasons for the decision that it reaches, including any penalties imposed.
- 5.3. A record of the salient points of Panel proceedings shall be kept and shall be agreed by the Chair of the Panel.
- 5.4. The clerk to the Hearing shall notify the student of the decision of the Hearing and shall record the decision on the student's file