

EDINBURGH NAPIER UNIVERSITY

GRADUATE ACADEMIC MISCONDUCT PROCEDURE

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GM1 General

GM1.1 Any allegation received will be treated confidentially and will be investigated informally in the first instance to establish whether or not there is a case to answer, before any formal investigation is started.

GM1.2 The matter will be considered in terms of the relevant definitions of breaches of Academic Conduct Regulations and misconduct in force for current students, as set out in sections SC7 & SC8 and Appendix II of those regulations, and will be applied to a graduate for the purposes of this process. For the avoidance of doubt, and purposes of this process, these are as follows:

GM2 Academic Conduct Regulations

GM2.1 Definition

Any attempt by a student to gain an unfair advantage in any assessment, including examinations will be regarded as a breach of Academic Conduct Regulations.

GM2.2 Categories of Breaches of Academic Conduct Regulations

Breaches of Academic Conduct Regulations will be taken to include acts of plagiarism (including self plagiarism), cheating, collusion, falsification or fabrication of data, personation or bribery, all as defined in Appendix II.

GM3 Responsible Officers

GM3.1 The relevant School Academic Conduct Officer (ACO) will have responsibility for investigating the allegations of breach of Academic Conduct Regulations.

GM3.2 The ACO shall conduct an initial investigation to establish the facts of the case and whether or not there is a valid case to answer.

GM3.3 If the ACO has had direct involvement in the allegation, either as module leader, marker or programme leader, another appropriate member of staff shall be required by the Dean of School to carry out the role of the ACO.

GM3.4 The ACO shall investigate allegations relating to a graduate who has taken modules provided by the School or on a programme registered to the School, as appropriate.

GM4 Investigation by Academic Conduct Officer (ACO) – Process

GM4.1 The ACO should review the information which has been provided alleging the academic misconduct, identify the modules against which misconduct is alleged and obtain from the School in which the module is registered:

- i) Module descriptor including the assessment details;
- ii) Copies of the submitted piece(s) of work (assuming extant);
- iii) Any appropriate evidence.

GM4.2 The ACO will review all the information available within a reasonable timescale and conclude whether or not there is a valid case to answer.

GM4.3 If it is judged that there is no valid case to answer, the matter will be dropped and any material pertaining to the allegations will be destroyed.

GM4.4 If the ACO decides that there is a valid case to answer, the ACO will notify the Principal, who will write to inform the graduate of the allegation, and that an initial investigation is being carried out, including details of a meeting which the graduate shall be entitled to attend to address the allegations. The ACO should make all reasonable attempts to interview or obtain evidence and statements from other relevant parties ahead of this meeting.

GM4.5 All communications will be sent by recorded delivery to the last known address held by the University for the graduate concerned. If it is believed that the graduate is no longer present at this address, reasonable efforts will be made to obtain a current address by which they can be contacted. If, having made reasonable efforts to contact the graduate, it has not proved possible to obtain an address for them, the procedure may continue.

GM4.6 The graduate will be given at least 10 working days notice of the meeting to investigate the allegation. The graduate will only be offered another date if s/he contacts the ACO in advance to request an alternative arrangement, failing which the meeting will take place in the absence of the graduate. If the graduate cannot reasonably attend, submissions to the meeting may be made in writing.

GM4.7 Based on the outcome of the investigation, the ACO may rule that the matter:

- i) does not constitute a breach of Academic Conduct Regulations
- ii) constitutes a breach of Academic Conduct Regulations, and will then refer the case for action by the Academic Conduct Panel.

GM4.8 The ACO will notify the graduate in writing, by recorded delivery mail, of the outcome of the investigation.

GM5 Referral to Academic Conduct Panel

GM5.1 An ACO having considered the details of the initial investigation and determined that the matter constitutes a breach of Academic Conduct Regulations shall refer the case for action by the Academic Conduct Panel.

GM5.2 The Assistant University Secretary or his/ her nominee will convene the Academic Conduct Panel.

GM5.3 The Academic Conduct Panel will hear the allegation as soon as reasonably practicable.

GM6 Constitution of Academic Conduct Panel

GM6.1 The Academic Conduct Panel will comprise the Vice Principal (Academic) or his/her nominee as Convener; one academic member of the Senior Managers' Forum (not from the School in which the graduate concerned was matriculated), one Academic Conduct Officer and one student member nominated by the President of Napier Students' Association.

GM6.2 The Convener will co-opt one subject specialist member of academic staff nominated by the relevant Dean of School if appropriate.

GM6.3 All members of the Panel will have no direct or previous involvement with the graduate concerned.

GM6.4 The Assistant University Secretary or his/her nominee shall act as clerk and keep a record of proceedings.

GM7 Academic Conduct Panel Hearing

GM7.1 The graduate will be notified in writing, by recorded delivery, of the Academic Conduct Panel Hearing no less than 10 working days in advance of the Hearing and shall be entitled to attend the Hearing, accompanied by a person who can provide support and guidance to the graduate, but who must not have been involved in the matter under investigation. The University must be notified in advance of the identity of any such accompanying person.

GM7.2 Prior to the Hearing, the graduate will be provided with the basis for the allegation and, where appropriate, copies of any documentary evidence.

GM7.3 The graduate may call witnesses on his/her behalf and submit relevant documentary evidence provided the intention to do so is notified to the Convener at least 24 hours in advance of the Hearing.

GM7.4 The Panel will receive and consider a report of the current investigation (including any evidence) and any previous findings from the ACO. The graduate will be invited to comment on the presented report and evidence. If the graduate refutes the allegations s/he will be invited to present evidence in support of this.

GM7.5 The graduate shall be encouraged to put any relevant extenuating circumstances to the Panel.

GM7.6 Failure by the graduate to attend at the time specified, except for a written reason acceptable to the Convener of the Panel, shall not normally preclude the Panel from considering the allegation and reaching a decision.

GM8 Academic Conduct Panel Decision

GM8.1 Based on the outcome of the Hearing, the Panel may rule that the matter:

- i) does not constitute a breach of Academic Conduct Regulations and no further action will be taken.
- ii) constitutes a breach of Academic Conduct Regulations, and will consider and determine what action, if any, is appropriate other than (iii) below.
- iii) constitutes a breach of Academic Conduct Regulations, and will recommend that the award be revoked by Academic Board

GM8.2 The outcome of the hearing will be sent by the Clerk to the Panel in writing, by recorded delivery, to the graduate no later than 5 working days after the meeting, providing details of the right to appeal where the decision falls under GM8.1 (ii) or (iii). If the matter has been referred to the Academic Board for final decision under GM8.1(iii) the graduate should be informed of this, and the approximate date by which s/he will be informed of the final decision.

GM8.3 If the decision is to recommend revocation of an award under GM8.1 (iii) a proposal detailing the background to the case and reason for the recommendation will be submitted to the next available meeting of the Academic Board to consider and make a final decision.

GM8.4 The final decision of the Academic Board will be notified to the graduate by the Principal in writing, by recorded delivery, no later than 5 working days after the meeting. In this case the right to appeal will only apply once the final decision of the Academic Board has been notified.

GM9 Right of appeal to Court

GM9.1 The graduate may appeal against the final decision of the Academic Board, in writing, within 10 working days of receipt of the final decision, to the Chair of Court.

GM9.2 An appeal may be made on the following grounds:

- i) There was a procedural irregularity in the conduct of the investigation and/or any hearings which materially influenced the outcome;
- ii) New evidence is now available which might have caused the Academic Conduct Panel to reach a different conclusion, but could not have been made available at the time of the hearing; or
- iii) The appellant can substantiate a claim that the penalty imposed was unreasonable.

GM9.3 The Chair of Court, upon receiving the appeal, will consider if it meets the valid grounds as set out in GM9.2, and if so, will convene an Appeal Panel drawn from the membership of Court.

GM9.4 Court will be requested to delegate its authority in full to this panel to make a final decision.

GM9.5 The Chair of Court will write to the appellant within 15 working days of receipt of the appeal, by recorded delivery, to advise if the appeal is valid and, if so, to advise that a Panel will be convened as soon as is reasonably practical to consider the appeal.

GM9.6 The Panel may reject the appeal and confirm the decision or, if the Panel allows the appeal, it may set aside any decision or penalty made under 8.1(ii) or (iii).

GM9.7 The outcome of the appeal will be notified in writing and sent by recorded delivery to the graduate no later than 5 working days after the Panel's meeting.

GM9.8 The decision of Court's Appeal Panel will be final.

GM10 Independent External Review

GM10.1 Once the processes outlined in section GM9 above have been completed, should the graduate remain dissatisfied they are entitled to ask the Scottish Public Services Ombudsman (SPSO) to look at the matter. The SPSO considers matters from individuals who remain dissatisfied at the conclusion of the University's procedures. The SPSO looks at issues such as service failure and maladministration (administrative fault) as well as the way the University has implemented its regulations and procedures. The SPSO will not consider matters that concern the exercise of academic judgment.

GM10.2 The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes any dissatisfaction following the completion of a university's internal procedures. If you remain dissatisfied with a university or co-operative after fully engaging with an internal procedure, you can ask the SPSO to look into the matter. The SPSO cannot normally look at matters:

- where you have not gone all the way through the university's specific procedure to deal with the matter, or
- that have been or are being considered in court.

The Scottish Public Services Ombudsman may be contacted as follows:

- i) via its website at www.spsso.org.uk
- ii) by telephone on 0800 377 7330
- iii) by writing to: Freepost SPSO.
- iv) in person: 4 Melville Street, Edinburgh, EH3 7NS