



# **CODE OF PRACTICE ON ASSESSMENT**

## **APPENDIX D ANNEXE 4**

### **Academic Misconduct Policy and Procedures**

**2024-25**

Applicable to all cohorts

In the Code of Practice on Assessment and all Appendices the term “student” includes apprentices on degree apprenticeship programmes

## **Academic Misconduct and Procedures**

### **1 Introduction**

- 1.1 The University takes academic misconduct very seriously and expects all students to conduct themselves in accordance with the ethical values of an academic community. The University seeks to ensure that the arrangements for managing academic misconduct are appropriate to the high academic standard of its teaching, that the exam experience for all students is fair and consistent, and that opportunities for cheating or other academic misconduct are minimised
- 1.2 The Policy and Procedure supports maintaining high academic standards whilst allowing the University to provide a swift and appropriate response to suspected cases of academic misconduct.
- 1.3 No student with an outstanding academic misconduct matter against them can graduate, including those students who have registered an intention to appeal against a disciplinary decision taken against them.
- 1.4 All communication with the student will be sent by electronic copy to their University e-mail address unless they request otherwise. It is the student's responsibility to check their e-mails regularly whilst there is an ongoing Disciplinary process.

### **2 Scope**

- 2.1 This Policy and Procedure applies to both formal invigilated examinations that are completed in examination venues under timed restrictions, and in class tests which are run by Schools and Departments under invigilated exam conditions.
- 2.2 This Policy and Procedure does not apply to allegations of non-academic misconduct. This will be dealt with via the [Student Conduct Policy](#) and accompanying Procedures.
- 2.3 All other forms of academic misconduct other than that which occurs during formal invigilated exams and in class tests under invigilated conditions will be dealt with via the Academic Integrity Policy.
- 2.4 The Policy and its Procedure apply to all taught students throughout their period or registration with the University including:
  - Students studying for a University of Liverpool award who spend any time off campus (such as placement, year abroad/in industry, off-site research).
  - Students studying for a University of Liverpool award wholly online including those studying with our online partners.
- 2.5 The Policy and Procedure apply to students who have completed their programme of study and who have graduated.
- 2.6 The term "student" includes apprentices on degree apprenticeship programmes.
- 2.7 The exam misconduct procedures for students studying for a single University of Liverpool award or a joint or dual award of the University with one or more institutional partners, under a specific collaborative agreement, will be made explicit in that agreement and students will be informed of these arrangements when they register.

### **3 Assessing the Level of Academic Misconduct**

- 3.1 Each case is different, and judgement will need to be exercised in assessing the seriousness of an allegation or incident of academic misconduct. The Student Conduct, Complaints and Compliance Team can advise on this.
- 3.2 The Student Conduct, Complaints and Compliance Team will ensure consistency of treatment between cases and can advise about what is a proportionate penalty and in keeping with past precedent.
- 3.3 Factors to consider when determining a penalty and its proportionality include the following:
- The student's level of study: the more advanced and experienced the student, the more serious the offence,
  - The student's previous history: any subsequent offence, occurring after a student has already received a reminder of the regulations for the Conduct of Examinations, warning or a penalty for academic misconduct, is more serious than a first offence,
  - Evidence of premeditated action and intention, such as hidden notes.
- 3.4 Allegations of academic misconduct must be reported as soon as possible and normally within 15 working days of detection to ensure that the student's case is heard in a timely manner and that any penalty applied is proportionate to the student's academic standing at the time of the offence.

### **4 Stages of Action**

- 4.1 The University has 2 stages for managing alleged academic misconduct:
1. Board of Discipline – Chair's Action
  2. Board of Discipline – Full Hearing
- 4.2 Table 1 below provides a structure for decision-makers and students regarding the stages at which allegations of academic misconduct are usually considered, and identifies indicative sanctions which could be applied at each stage if misconduct is proven. The table is intended to be illustrative and not exhaustive, and the University anticipates that there will be circumstances when alternative sanctions are appropriate.
- 4.3 The University recognises that academic misconduct processes can be difficult for students. In many cases where the student admits to academic misconduct they will be given the option for the matter to be dealt with by Chair's Action. Students who do not admit an allegation of academic misconduct, or where the allegation is deemed more serious in line with paragraph 3.3, will proceed to an Investigation, which may result in a Full Hearing.
- 4.4 Board of Discipline – Chair's Action; allows the University to deal with academic misconduct in an efficient way which will support the student in gaining a resolution to the allegation in a timely manner and without the need to go through an Investigation and potentially, a Full Hearing.
- 4.5 Board of Discipline – Full Hearing; allows the University to deal with more serious cases of academic misconduct. This process is typically used for examination offences that if proven could result in an unfair advantage and/or a student has previous history of academic misconduct.

**4.6 Table 1. Stages of Action and Indicative Sanctions**

<b>Board of Discipline – Chair’s Action</b>	
<p>Examination offences that if proven are in breach of this Policy and are technical/could not result in unfair advantage (at first offence) are:</p> <ul style="list-style-type: none"> <li>- Mobile phone still being on but not on the student’s person;</li> <li>- Mobile phone off but on the student’s person/not stored correctly and the student realises and hands it in;</li> <li>- Unauthorised material in the examination room unrelated to the exam in question;</li> <li>- Communicating with others in the examination room before or after the examination, which does not cause disruption to other students in the same venue;</li> <li>- Removal of any answer books (whether used or unused), mathematical tables or other data provided for use or other item of examination stationery such as rough notes</li> <li>- Failure to comply with an invigilator’s instructions;</li> <li>- Other offences similar to the above</li> </ul>	<p>Typical sanctions within Chair’s Action for breaches of this Policy that are technical/could not result in unfair advantage (at first offence) are:</p> <ul style="list-style-type: none"> <li>- Reminder of the regulations;</li> <li>- Written guidance not to repeat the offence, which will act as a formal warning.</li> </ul>
<b>Board of Discipline – Chair’s Action</b>	
<p>Examination offences that if proven are in breach of this Policy that could result in an unfair advantage are:</p> <ul style="list-style-type: none"> <li>- Unauthorised material in the examination room related to the exam in question</li> <li>- Making use of unauthorised material in the examination room;</li> <li>- Possession in the examination room of any device, such as a mobile phone, smart watch, or other method of communication or unauthorised information storage that is not completely switched off and is on the student’s person;</li> <li>- Communicating, or attempting to communicate, in any way with anyone other than the invigilators during the examination;</li> <li>- Any other conduct which is likely to give the student an unfair advantage;</li> <li>- Causing any disruption which might impact other students in the examination;</li> <li>- Other offences similar to the above.</li> </ul>	<p>Typical sanctions within Chair’s Action for breaches of this Policy that could result in an unfair advantage are:</p> <ul style="list-style-type: none"> <li>- Any of the above indicative sanctions</li> <li>- If a student has passed the examination, the mark will be reduced. This can include reducing it to the pass mark or, if the student is not in their final year, to within the compensatable range, and there will be no resit opportunity</li> <li>- If a student does not pass the examination and a right to resit is available, any resit attempt will be capped at the pass mark.</li> <li>- A mark of zero for the examination in which the misconduct occurred with no right of resit</li> <li>- A mark of zero for the examination in which the misconduct occurred with a right to resit with a capped mark (if permitted to do so by their academic profile).</li> </ul>
<b>Board of Discipline – Full Hearing</b>	
<p>Types of Academic Misconduct typically dealt with by Board of Discipline:</p>	<p>Typical Sanctions following a Board of Discipline for admitted or proven breaches of</p>

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<ul style="list-style-type: none"> <li>- Allegations that have been denied by the student;</li> <li>- A repeat offence of something that has previously been dealt with by Board of Discipline – Chair’s Action;</li> <li>- Being party to any arrangement whereby a person other than the student fraudulently represents or intends to represent, the student at an examination;</li> <li>- Any other conduct which is likely to give the student an unfair advantage.</li> </ul>	<p>this Policy that could result in an unfair advantage are:</p> <ul style="list-style-type: none"> <li>- Any of the sanctions listed under Chair’s Action;</li> <li>- A mark of zero for the module in which the misconduct occurred with a right to resit with a capped mark (if permitted to do so by their academic profile).</li> <li>- A mark of zero for the module in which the misconduct occurred with no right of resit</li> <li>- A delay to graduation;</li> <li>- Suspension of studies;</li> <li>- A delay to the conferment of award.</li> <li>- Termination of studies</li> </ul>
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*The examples of misconduct and penalties in the Table above should not be considered as exhaustive and are indicative only. Alternatives may be considered and applied where it is deemed appropriate and reasonable to do so.*

**5 Board of Discipline – Membership**

- 5.1 Up to fifteen members of the academic staff of the University will be appointed to the Board of Discipline by the Senate.
- 5.2 Each will serve a period of three years and can serve an additional three years, this would normally be a consecutive appointment. After six years in post, there should be a break of at least three years prior to reappointment.
- 5.3 The Chair of the Board of Discipline will normally be the Pro-Vice-Chancellor for Education or, where they are unable to Chair a hearing or take Chair’s Action, they may nominate any member of staff who has been appointed to the Board of Discipline by the Senate.
- 5.4 The Student Representative Officers of the Guild of Students are elected by the members of the Guild each year. Exceptionally, in the event that no Student Representative Officer is available or all available Student Representative Officers have a potential conflict of interest in the case, a Guild Student Trustee may serve on the Board of Discipline in place of a Student Representative Officer. In such cases, the Secretary to the Board of Discipline will liaise with the senior staff of the Liverpool Guild of Students to identify and support this individual.
- 5.5 Board of Discipline – Full Hearing Panel shall consist of:
  - The Chair
  - One member of the pool of up to fifteen members appointed by the Senate
  - One Student Representative

The Panel will be supported by:

- A member of staff from the Student Conduct, Complaints and Compliance Team who will act as Advisor to the panel on matters of process and precedent.
- Another member of the Student Conduct, Complaints and Compliance Team or other professional services department who will act as Note-taker.

**6 Board of Discipline – Chair’s Action**

- 6.1 Upon receipt of an allegation of academic misconduct, a member of the Student Conduct, Complaints and Compliance Team will review the allegation and supporting evidence within

ten working days to determine if it can be dealt with under Chair's Action (Table 1, 4.6 above)

- 6.2 If it is decided it can be dealt with under Chair's Action, a member of the Student Conduct, Complaints and Compliance Team will write to the student within ten working days of them making this determination, detailing the allegation, the penalty and providing a copy of the evidence they have reviewed. The student will be asked if they admit or deny the allegation. They will also have the opportunity to discuss the allegation and procedure with a member of the Student Conduct, Complaints and Compliance Team should they so wish. They will have five working days to respond.
- 6.3 If the student wishes to admit the allegation, the matter will be dealt with by Chair's Action under paragraph 6.9 below. The student will be asked if they want to provide any mitigation against the implementation of the stated penalty to explain how it materially and disproportionately impacts upon them. The student is not permitted to attempt to justify their actions or the breach of regulations.
- 6.4 Examples of mitigation include any unintended impact on the student with a deteriorating health condition, substantial undue hardship or significant broader consequences, or compelling issues in their personal life which the penalty would exacerbate. This list is non-exhaustive. Any statements in mitigation must be supported by evidence. Any mitigation received will be considered before the final penalty is imposed.
- 6.5 If the student wishes to deny the allegation, they will be asked to provide an account of what occurred and explanation as to why they deny it. This will then be referred to Investigation under Section 8 below.
- 6.6 The Student Conduct, Complaints and Compliance Team will provide the Guild Advice Team with the name of the student who has an allegation of academic misconduct against them in order that they might pro-actively contact the student to offer support. No specific information about the allegation will be provided. The student will have the opportunity to inform the Student Conduct, Complaints and Compliance Team prior to them informing the Guild if they do not wish their details to be shared.
- 6.7 The student will be provided with contact details of the University's Advice and Guidance Team so they know how to access wellbeing support should they feel they need it.
- 6.8 If a student does not respond in the specified time frame, the Board of Discipline – Chair's Action process will be followed.
- 6.9 Upon receipt of the student's response or by the deadline by which the student should have responded, within five working days, a member of the Student Conduct, Complaints and Compliance Team will provide the Chair with the detail of what exam offence has taken place, the student's response (if one has been received) and make a recommendation to the Chair as to whether academic misconduct has occurred and if so, the appropriate penalty to be applied.
- 6.10 The action open to the Chair on behalf of the Board of Discipline is as follows:
- That there is no case to answer and therefore that no further action be taken
  - Any of the sanctions noted in Table 1 at 4.6 under the heading "Board of Discipline – Chair's Action"
- 6.11 The outcome of the Chair's Action will be communicated in writing to the student within five working days of the Chair's decision. Confirmation that any mitigation submitted by the student has been considered and assessed will be included in this outcome.
- 6.12 Should the student remain dissatisfied with the outcome of the Board of Discipline – Chair's Action, they are permitted to appeal against the decision to the Board of Discipline Appeal Panel

under Sections 17 and 18 of this policy. Any appeal will be limited to the penalty imposed, as per paragraph 18.2

## **7 Board of Discipline Full Hearing**

- 7.1 If the academic misconduct cannot be dealt with via Chair's action due to severity of the allegation, if it is a repeat offence or if the student has denied the allegation(s) against them, an Investigating Officer will be appointed within five working days and will follow the steps below.

## **8 Board of Discipline Full Hearing - Investigation Procedure**

- 8.1 Once appointed, the Investigating Officer will e-mail the student within five working days of being allocated the case to advise them of the allegation, enclosing any evidence that has been provided. Students may submit a statement at this stage within five working days of receiving their initial e-mail from the Investigating Officer should they wish to. A copy of this Policy and Procedures will also be provided to the student.
- 8.2 The Student Conduct, Complaints and Compliance Team will provide the Guild Advice Team with the name of the student who has an allegation of academic misconduct against them in order that they might pro-actively contact the student to offer support. No specific information about the allegation will be provided. The student will have the opportunity to inform the Student Conduct, Complaints and Compliance Team prior to them informing the Guild if they do not wish their details to be shared.
- 8.3 The student will be provided with contact details of the University's Advice and Guidance Team so they know how to access wellbeing support should they feel they need it.
- 8.4 The role of the Investigating Officer is to obtain statements of facts and any evidence relating to the allegation which has been made against a student.
- 8.5 The student is entitled to be accompanied at the investigation meeting by one other person acting as their friend. Whilst this can be a family member, it is not always advisable as the most effective support for a student attending a University hearing is provided by someone who understands the University's procedures. The Guild of Students' Advice Centre has trained advisors who can provide this support and students are encouraged to use them.
- 8.6 A person accompanying a student to an investigation meeting as their friend may act as the student's representative and speak on their behalf, or the student may present their own case and have the other person present merely for moral support.
- 8.7 The Investigating Officer may hold one or more meetings with the student and any witnesses, provided that they are willing to attend such meetings. A minimum of three working days' notice will be given for each meeting.
- 8.8 Following each meeting, normally within five working days, the student will be provided with a copy of notes from the meeting and asked to verify them; they will be asked to confirm accuracy of the notes, or to request any amendments within five working days of receipt of the notes.
- 8.9 If the student requests amendments to the notes, the Investigating Officer will either agree these and provide a revised version to the student or disagree with the amendments, in which case copies of both the original notes and the student's suggested amendments will be included in any subsequent evidence base.
- 8.10 In conducting their investigation and reaching their determination, the Investigating Officer shall maintain an impartial view of the case, based solely on the evidence gathered. The Investigating Officer will not make any judgement on the likely outcome of any disciplinary action to be taken following their determination and will not consider any previous record of

misconduct on the part of the student in reaching their determination.

- 8.11 On conclusion of the investigation, the Investigating Officer will produce an investigation report and evidence base and will make a recommendation to the Head of Student Conduct, Complaints and Compliance or nominee, that:
- There is no case to answer, no further action should be taken but a note of the investigation should be kept on the student's record until they graduate in case of complaint or further allegation(s), or
  - The student, in the course of the investigation, has admitted to breaching the regulations and the breach falls within a category normally dealt with by Chair's Action, the recommendation will be for Chair's Action rather than a full hearing. In this instance, the Procedure from 6.2 onwards will then be followed, or
  - There is evidence to suggest a breach of the Academic Misconduct Policy has likely occurred, but the potential breach falls within a category normally dealt with by Chair's Action and thus may recommend Chair's Action rather than a full hearing.
  - There is evidence to suggest a breach of the Academic Misconduct Policy has likely occurred, and the potential breach is of a serious nature such that it should be referred to the Board of Discipline for a full hearing.
- 8.12 The Head of Student Conduct, Complaints and Compliance, or nominee, will review the Investigating Officer's investigation report, evidence base and recommendations and will do one of the following within five working days of receiving the report:
- Write to the student informing them no further action is to be taken but that a note of the investigation will be kept on the student's record for twelve months in case of complaint or further allegation(s).
  - Write to the student to inform them their case will be referred to Chairs Action.
  - Write to the student to inform them their case is being referred to a Board of Discipline Hearing.
  - In all cases provide a copy of the evidence base and Investigating Officer's report (redacted as necessary) to the student.
- 8.13 The Head of Student Conduct, Complaints and Compliance, or their nominee, may require the Investigating Officer to do further investigations, if this is considered necessary.

## **9 Board of Discipline – Full Hearing Arrangements**

- 9.1 A suitable member of the Student Conduct, Complaints and Compliance Team will make the arrangements for the Board of Discipline Hearing. They will convene the panel in accordance with the panel membership detailed in 5 above and will act as Advisor to the panel during the hearing.
- 9.2 The student will be invited to the hearing by letter sent via e-mail and given a minimum of ten working days' notice of the date of the hearing. All evidence that will be considered by the panel will be sent at the same time as the invitation.
- 9.3 In addition to the evidence they have already received, should any party wish to submit any supplementary evidence and/or statements to be considered by the panel, they must do so at least five working days before the hearing but earlier if possible. This additional information will be circulated to all parties except witnesses at least five working days before the hearing.
- 9.4 Late submission of supplementary evidence and/or statements by any party will not normally be



included and it is not normally permitted for papers to be tabled at the meeting. Exceptions to this will be at the Chair's discretion

- 9.5 The papers will be circulated to the panel ten working days prior to the hearing with any additional supplementary evidence and/or statements circulated five working days prior to the hearing.

## **10 Board of Discipline Full Hearing - Right to Representation**

- 10.1 The student is entitled to be accompanied at the hearing by one other person acting as their friend. Whilst this can be a family member it is not always advisable as the most effective support for a student attending a Board of Discipline hearing is provided by someone who understands the University's procedures. The Guild of Students' Advice Centre has trained advisors who can provide this support.
- 10.2 A person accompanying a student to a hearing as their friend may act as the student's representative and speak on their behalf, or the student may present their own case and have the other person in attendance for support.
- 10.3 A student who wishes to be accompanied, must inform the person arranging the hearing at least five working days before the hearing date and provide contact details of the accompanying person to be included in the circulation of the papers. If the student does not provide this information by the deadline, it will be at the discretion of the Chair of the Board of Discipline whether or not the student may still be accompanied at the hearing.
- 10.4 The University will also ensure that reasonable adjustments are in place should any student require them and will seek advice from the Disability Advice and Guidance team if required.

## **11 Board of Discipline Full Hearing – Witnesses**

- 11.1 In the event that a student denies the allegation(s), witnesses may be called by both the student and the University (if applicable). Students must ensure that the names and contact details of all their respective witnesses are communicated to the person arranging the hearing not later than five working days before the hearing.
- 11.2 Each party calling witnesses must also ensure that their respective witnesses are informed of the date, time, and place of the hearing and are able and willing to attend. It is the responsibility of each party to ensure that the witnesses are ready to appear when they are called. A Board of Discipline hearing will not be postponed or re-arranged due to a witness being unavailable.
- 11.3 Witnesses should be informed that they will be required to wait in a waiting room (physical or online) until they are called. It is not possible to provide a time within the hearing when witnesses may be required. After they have given evidence, witnesses will be required to retire to the waiting room if any need to recall them is anticipated by either party. Otherwise, the Chair of the Board of Discipline may ask them to leave as soon as they have finished giving their evidence. Witnesses are not permitted to remain to observe the hearing after they have given their evidence, or to take any further part in the hearing unless they are recalled.
- 11.4 Witnesses will not be called if a student admits an allegation.

## **12 Board of Discipline Full Hearing - Attendance at the Hearing**

- 12.1 The University believes that it is in the best interests of the student for them to attend a hearing of the Board of Discipline so they are normally expected to be present.
- 12.2 The University believes that it is in the best interests of the student for the Board of Discipline to take place as soon as possible after the alleged misconduct. If the student can provide good

reason (with supporting evidence where necessary) that they cannot attend e.g. ill health, academic commitments they may request a postponement. In any request for a postponement, the student should also indicate their earliest availability.

- 12.3 Students may not normally request a postponement because of the non-availability of any person who they wish to accompany them to the hearing or of a witness. The Guild Advice Team will be provided with the pre-scheduled dates of when the Board of Discipline will meet to facilitate the availability of advisors.
- 12.4 Postponement of a hearing shall be at the discretion of the Advisor who is arranging the hearing on consideration of the student's request. Under normal circumstances any re-scheduling of a hearing would take place within three months at the latest and the student will not be permitted more than one request to postpone.
- 12.5 In the event that a student is unwilling to attend a hearing and a postponement is either not requested or not granted, the hearing shall proceed on the date set and the student must decide whether or not to attend, to nominate someone to attend and represent them at the hearing or to be unrepresented at the hearing.
- 12.6 If the student indicates that they do not wish to attend the hearing, they must provide the Advisor arranging the hearing with a statement which clearly sets out whether they wish to admit or deny the allegation and, if they wish to deny the allegation, their case for doing so. A decision by a student not to attend the hearing shall not be regarded as valid grounds for subsequent appeal against a decision of the Board of Discipline Panel.
- 12.7 If the student fails to attend the hearing, having either previously indicated their intention to do so or having failed to respond to requests from the Advisor to confirm their attendance, the Board is entitled to reach a decision in their absence, provided that the Board is satisfied that the Advisor has made every reasonable attempt to communicate the date and time of the hearing to the student, in accordance with the requirements in this Policy. It will be assumed that if the hearing proceeds in the absence of the student under these circumstances, the student has admitted the allegation(s) and the procedures will be followed accordingly. Non-attendance by the student at the hearing when they have either failed to attend or failed to respond to the Advisor shall not be regarded as valid grounds for subsequent appeal against a decision of the Board of Discipline Panel.

### **13 Board of Discipline – The Hearing**

- 13.1 The meeting will commence with the Chair introducing those in attendance and explaining the scope of the Board.
- 13.2 The student and any representatives or friends will be asked to introduce themselves and clarify the role of each person.
- 13.3 The Chair will ensure all attendees have received the evidence base submitted to the panel along with a copy of the relevant policy and procedures.
- 13.4 The Chair will read out the allegation(s) and ask the responding student whether they admit or deny the allegation(s).
- 13.5 If the student admits the allegation(s) Procedure A will then be followed. If the allegation(s) is denied, in full or in part, procedure B will be followed.

### **14 Board of Discipline Full Hearing - Procedure A: Follow if the student admits the allegation**

- 14.1 The Chair will invite the Investigating Officer to present the University's case.

- 14.2 The Chair will invite the student to make a statement.
- 14.3 The Chair will invite the student to make a plea in mitigation against the implementation of the potential penalty. At the Chair's discretion, members of the Board may question the student but only in relation to the plea in mitigation, not in relation to the facts of the case itself.
- 14.4 The Board will receive evidence from the Advisor of any record of previous misconduct on the part of the student.
- 14.5 All parties except members of the Board, the Advisor and any Note-taker, will be asked to withdraw from the room whilst the Board considers its finding regarding any penalty to be imposed.
- 14.6 The student and their friend/representative (if present) will be invited to return, and the Chair will announce the decision of the Board in respect of any penalty to be imposed and, where appropriate, issue a warning regarding the consequences of any further breaches of the Academic Misconduct Policy and Procedures. The student will be informed of their right to appeal.
- 14.7 The Chair will close the hearing.
- 14.8 Post hearing, an outcome letter is sent via e-mail to the student (see Procedures for after a Board of Discipline – Full Hearing), which will also include details of the appeals procedures.

**15 Board of Discipline Full Hearing - Procedure B: Follow if student denies all or part of the allegation(s):**

- 15.1 The Chair will invite the Investigating Officer to present the University's case.
- 15.2 The Investigating Officer will call any witnesses, as appropriate.
- 15.3 Members of the Board will be permitted to ask questions of the Investigating Officer and any witnesses to clarify their understanding of the events.
- 15.4 The student will then be permitted to respond to the evidence presented.
- 15.5 The student will be invited to make a statement regarding the allegations, and to call any witnesses to support their case. The members of the Board may ask questions of the student and any witnesses in order to seek clarification of events
- 15.6 Once questioning has finished witnesses will be asked to leave the room.
- 15.7 The Chair will invite the Investigating Officer to sum up their case.
- 15.8 The Chair will invite the student to sum up their case.
- 15.9 Once the Chair is satisfied that the Board has completed its questioning and that the student has had a full opportunity to convey information to them, the Chair will ask the student, their friend or representatives as well as the Investigating Officer to withdraw, so that the Panel may consider its findings about the allegation(s).
- 15.10 If for any reason the Panel requires further clarification of any aspect of the case from any participant, then where applicable the relevant parties and the student, will be invited back into the meeting while the questioning takes place. They will then leave the meeting again.
- 15.11 Once the Panel has agreed their findings, the Investigating Officer and the student (and friend/representative accompanying them if applicable) will be invited to return to hear the Panel's determination as to whether it finds the allegations to be proven or not proven.
- 15.12 If the allegation is not proven the student will be informed of this finding, and the reasons for that decision and will then be asked to leave.

- 15.13 If the allegation is proven, in full or in part, the student will be informed of this finding and the reasons for that decision.
- 15.14 The Advisor will present evidence of any previous record of misconduct.
- 15.15 The student will be invited to make a statement including any mitigation against the implementation of a potential penalty. At the Chair's discretion, members of the Board may question the student but only in relation to the plea in mitigation, not in relation to the facts of the case itself
- 15.16 The student and their friend/representative (if present) will be asked to withdraw for the Panel to consider what sanctions to impose.
- 15.17 The student and their friend/representative (if present) will be invited back into the meeting to hear the Panel's decision in respect of any penalty to be imposed and, where appropriate, issued a warning regarding the consequences of any further breach of the Academic Misconduct Policy and Procedures. The student will be informed of the right to appeal. The outcome will also be sent to the student by email.

## **16 Board of Discipline - Procedures after a Hearing**

- 16.1 Following a University Disciplinary hearing, the Note-taker will prepare the minutes of the hearing for approval by the Chair.
- 16.2 Following the approval of the minutes, a member of the Student Conduct, Complaints and Compliance Team will notify the student of the outcome of the hearing and of their right to appeal, setting out clearly requirements and procedures for submitting an appeal
- 16.3 A copy of the letter to the student shall also be sent to the student's Academic Advisor, the student's Head of Department/School or Institute (as appropriate) the relevant Executive Pro-Vice- Chancellor and School/Institute Manager, and such other persons as may need to know the outcome.
- 16.4 If the student is studying on a dual or joint award programme or is studying at the University of Liverpool on an exchange programme, relevant staff at the student's other institution may also be sent a copy of the letter. Except where an allegation against a student is found not proven, the letter shall be placed on the student's central record and shall be referred to should the student appear on any further occasion before the Board of Discipline.
- 16.5 The outcome letter will be sent by email only to the student's University email address. It can also be copied to an alternative email address at the request of the student. If the student does not have access to their University email address the outcome letter will be sent to an alternative email address as agreed with the student.
- 16.6 If the student does not choose to exercise their right of appeal within the deadline set out in these procedures, the matter will be deemed closed. At the student's request, a Completion of Procedures letter may be issued by e-mail by a member of the Student Conduct, Complaints and Compliance Team and will explain that the student has not completed the internal processes, but that they are now too late to do so, and so there is there are no further steps that they can take internally.
- 16.7 All decisions of the Board of Discipline shall be reported to the Senate and the Council annually on an anonymised basis.

## **17 How to Appeal**

- 17.1 Any appeal must be submitted in writing to the Director of Student Experience and Enhancement, with a copy sent to [appeals@liverpool.ac.uk](mailto:appeals@liverpool.ac.uk), within ten working days of

receipt by the student of the outcome letter. For the purposes of this deadline, the date of receipt shall normally be taken to be the date on which the letter was sent to the student's University or other agreed email address.

- 17.2 Where the student exercises their right of appeal, any decision by the Board of Discipline including any penalties, will remain in force until the outcome of the appeal. This means that any registration or immigration implications for the student will still apply during the appeal process.
- 17.3 The written appeal, which may be submitted electronically, must include the following:
- The student's name and ID number
  - The date of the hearing of the Board of Discipline
  - The date on which the student received the outcome letter
  - A clear statement of the grounds on which the student is making the appeal (see section 18 below), and all supporting evidence must be submitted with the appeal.
- 17.4 Late submission of supporting evidence may not be accepted

## **18 Grounds for Appeal**

- 18.1 The student shall have a right of appeal against the finding of a Board of Discipline and/or a penalty imposed by them by either the Board of Discipline or via Chair's Action.
- 18.2 Where the student has admitted an allegation, they may only appeal against the penalty.
- 18.3 Where the student submits an appeal against the finding of the Board of Discipline, the grounds on which such an appeal may be submitted are as follows:
- That new information exists which, for good reason\*, was not available at the time of the Board of Discipline Hearing and which could have had a material bearing on the finding itself
  - That there were material irregularities in the conduct of the Board of Discipline investigation and/or hearing.
- 18.4 Where the student submits an appeal against the penalty imposed by the Board of Discipline, the grounds on which such an appeal may be submitted are as follows:
- That new information exists which, for good reason\*, was not available at the time of the meeting of the Board of Discipline and which could have ordinarily been considered by the Board of Discipline when it determined the penalty imposed.
  - That there is compelling evidence that the penalty imposed was disproportionate to the offence.

\*The student will be expected to demonstrate, with evidence, why the information was not available at the time of the Board of Discipline or when Chair's Action was taken. Sensitive personal, family or cultural reasons will not be considered to be a good reason. Examples of good reason include hospitalisation, mental or physical ill-health preventing engagement with the process or services, and circumstances outside of the student's control where action has been attempted in a timely manner. This list of examples is non-exhaustive.

## **19 Board of Discipline - Powers and Membership of the Appeal Panel**

- 19.1 The Panel has the authority to confirm, set aside, increase, decrease or otherwise vary any penalty imposed by the Board of Discipline or via Chair's Action.

- 19.2 The Panel has the authority to impose an appropriate penalty in line with those set out in Table 1, at paragraph 4.6 above.
- 19.3 The Panel membership will be the same composition as stated in Section 5.5 above. No Panel members who were involved in the original hearing shall take part in the appeal hearing.

## **20 Board of Discipline - Procedures Prior to an Appeal Hearing**

- 20.1 Following receipt of an appeal, the Director of Student Experience and Enhancement, or nominee, will determine whether the grounds of appeal have been met.
- 20.2 If the grounds for appeal have not been met, the student will be issued with a Completion of Procedures letter via e-mail explaining why the grounds have not been met so that they can refer their case to the Office of the Independent Adjudicator for Higher Education if they so wish.
- 20.3 If the grounds for appeal have been met, the appeal will be referred to the Board of Discipline Appeal Panel and the procedures set out below will be followed.
- 20.4 The Advisor to the Board of Discipline Appeal Panel will schedule a meeting and notify all relevant parties of the date, giving a minimum of ten working days' notice.
- 20.5 No less than five working days prior to the meeting the Advisor shall provide all parties with the appeal documentation. This will include:
- The new information or evidence provided by the student which for good reason was not available at the time of the Chair's Action or Board of Discipline hearing.
  - The statement of appeal and the grounds on which the appeal has been accepted.
  - All information considered by the Chair before approving Chair's Action, or Board of Discipline at the original hearing.
  - The rationale for Chair's Action, or minutes of the Board of Discipline hearing.
  - Any subsequent report completed by an Investigating Officer (if appropriate).
- 20.6 If the student admitted an allegation at the Board of Discipline, witnesses may only be called if there is new material evidence which, with good reason, could not have been provided at the time of the hearing.
- 20.7 If the student denied the allegation(s) at the Board of Discipline, witnesses may be called by both the student and the University.

## **21 Board of Discipline - Procedures during an Appeal Meeting**

- 21.1 The Chair will introduce the members of the Panel and invite all present to introduce themselves
- 21.2 The Chair will summarise the findings noted as part of Chair's Action or of the Board of Discipline, and the reasons for those findings.
- 21.3 The Chair will explain the grounds for appeal, referencing the new evidence or arguments put forward by the student.
- 21.4 The Chair will invite the student (or their representative) to make a statement. Following the statement, the Panel will be invited to question the student (or their representative).

- 21.5 Witnesses nominated by the student will be called and questioned by the panel. Once the Chair is satisfied that there are no further questions, the witness will be asked to depart.
- 21.6 The Chair will invite the student (or their representative) to make a closing statement, if they wish to.
- 21.7 The Chair shall ask all parties except the members of the Panel, the Advisor and the Note-taker to withdraw from the meeting whilst the Panel considers the appeal and whether any changes should be made in relation to the findings of and/ or penalty imposed.
- 21.8 Those that were asked to leave the room will be invited to return and the Chair will announce the finding of the Panel in respect of whether the appeal is upheld and the decision of the Panel in respect of any penalty to be imposed.
- 21.9 The Chair will close the meeting.

## **22 Board of Discipline – Procedures after an Appeal Meeting**

- 22.1 The outcome of the Appeal will normally be communicated to the student within ten working days. This will be sent to the student's University e-mail address.
- 22.2 The outcome letter will include a Completion of Procedures so that the student can refer their case to the Office of the Independent Adjudicator if they wish to.

## **23 Office of the Independent Adjudicator (OIA)**

- 23.1 All higher education institutions in England and Wales are required to comply with the rules of the OIA, whose role is to review individual complaints by students against universities. The OIA website contains information for both students and universities.
- 23.2 Once a student has completed the University's internal procedures, the University will issue a Completion of Procedures Letter via e-mail to the student. The letter will set out clearly what has been considered and the University's final decision. The student will also be advised of their right to refer to the OIA.

## **24 Oversight and Monitoring**

- 24.1 Senate will regulate and oversee the academic conduct of students and exercises this authority through those persons and bodies identified within this Policy. The Academic Quality and Standards Committee shall have oversight of this Policy and its Procedures and may approve minor changes and updates as required from time to time or as the result of a review of the Policy and its Procedures. Any major changes to this Policy and its Procedures shall be approved by the Senate and the Council.
- 24.2 A report will be provided annually to Senate detailing all cases that have been dealt with under this policy and the subsequent action taken.