

Policy Title	<b>STUDENT CONDUCT, APPEALS AND COMPLAINTS POLICY</b>
Policy Ref:	AUM-2021_15_06_21_version_1 Approved by: Academic Council
Effective Date	July 2021
Responsible Office	Provost office
Responsible Executive(s)	Provost Office, Registrar, Appeals and Complaints Committee, Students, Faculty

## **INTRODUCTION**

The purpose of the Policy is to define and clarify the responsibilities and entitlements of students that follow from the act of enrolment. In particular, it explains the standards of conduct which are expected, and specifies the procedures which are followed when misconduct is alleged. It further sets out the entitlement of the student to expect that the University will meet its own clearly stated objectives, standards and performance targets within a supportive environment. It also specifies the procedures available to students to appeal against decisions of the University and to lodge complaints where the University has not fulfilled its obligations.

### **9.2 Statement of Principles**

This Policy covering Student Conduct, Appeals and Complaints has been prepared:

- to reflect the principles of natural justice, including the assumption of innocence until guilt is determined, in the context of any matter which affects a student's educational progress and well-being;
- to ensure equality of treatment of students by providing transparent, consistent and accessible procedures;
- to ensure that appeals, complaints and disciplinary action are resolved as close as possible to their point of origin, with a minimum of formality, and as expeditiously as possible; and to ensure that, as far as is reasonably practicable, all interested parties are kept informed of progress of an investigation, appeal or complaint;
- to permit the raising of individual or collective complaints;
- to assure the identity and circumstances of all parties involved in investigations, appeals or complaints remain confidential unless disclosure is necessary to progress an investigation, appeal or complaint, in which case an identity will only be revealed judiciously to those directly involved in an investigation, appeal or complaint or with the prior approval of the subject; to ensure any student will not be disadvantaged because he/she contributes to an investigation, lodges an appeal or raises a complaint;
- to ensure that information revealed in the process of investigations, appeals or complaints will, where appropriate, inform a deliberate and expeditious improvement in a service which is within the control of the University;
- to ensure that the Regulation will not obviate a person's rights under the Laws of Malta , the legal context in which these Regulations operate for all students enrolled and enrolled with the University.

### **9.3 University Obligations**

The University's obligations to its applicants are:

- to provide information to potential applicants that will describe the applications procedure and assist them to make an informed choice of course;

- to specify the qualification awarded on the successful completion of the course and whether it is recognised as part of, or leads to, a professional qualification.
- to provide a statement of the fees payable together with an indication of any additional equipment or material costs for which the student may be liable.
- to ensure that the process of selection is conducted fairly and that the selection criteria take account of a broad and reasonable range of qualifications.
- to take all reasonable steps to provide the educational services described in the prospectus and other promotional material.

The University's obligations to its students are:

- to provide information on the aims, structure and content of the course, and an outline of the teaching and learning methods employed, with particular reference to the mix of practical, lecture and tutorial sessions together with details of sandwich and/or work placement elements where these apply.
- to provide a timetable of classes with any attendance requirements clearly specified.
- to provide clear and timely information on methods of assessment, and the scheduling of all assessments; to provide students the appropriate opportunity to express their views on the quality of teaching, academic facilities, and other support services through the University's quality control procedures;
- to attend promptly and fairly to enquiries and queries from students relating either to their course or to the range of student services offered by the University; to deal fairly and promptly with all allegations of misconduct in accordance with the Disciplinary Procedures
- to deal fair and promptly with appeals against decisions concerning academic awards and progression.
- to investigate formal complaints relating to the academic process thoroughly, fairly and without delay.
- to assure the identity and circumstances of all complainants and appeal remains confidential, unless disclosure is necessary to progress an investigation, appeal or complaint, in which case the identity of the complainant will only be revealed judiciously to those directly involved in an investigation, appeal or complaint or with the prior approval of the complainant;
- to ensure that information revealed in the process of investigations, appeals or complaints will, where appropriate, lead to timeous corrective action or inform a deliberate improvement in a service which is within the control of the University; to take all reasonable steps to minimise any disruption to educational provision, caused by circumstances beyond the control of the University such as natural disaster or industrial action.

## **9.4 Student Obligations and Conduct**

### **9.4.1 Student Obligations**

It is the obligation of each student:

- to meet any attendance requirements set by the College or laid out in the Course Document and to acknowledge that failure to do so may be taken into account by the relevant Assessment Board; to attend timetabled assessments, and to submit work for assessment within the notified time limit and in accordance with the conditions for the course to which the submission relates, or to notify the tutor or the Dean timeously of any special circumstances which may prevent him/her achieving this;

- to notify the tutor or the Dean timeously of any special circumstances which may adversely affect his/her academic performance;
- to declare, where deemed necessary by an associated professional and/or statutory body, any personal circumstances pertinent to achieving and/or retaining the membership of that body.
- to pay by the due dates all University or partner institution fees, loans, fines, rent and such other sums and return any property as may be due to the University or partner institution, and to acknowledge that, in the event of failure to do so, the University or partner institution is entitled to take appropriate action, which may include, but need not be limited to, one or more of the following:
  - suspension or discontinuation of enrolment;
  - withholding a University award;
  - to fulfil the University's published requirements for enrolment and for assessment.

### **9.5 Student Conduct**

Students are expected to behave courteously, and not to engage in behaviour which is, or is likely to be, prejudicial to the good order or to the reputation of the University.

Students are required to treat University property and equipment with respect.

Students are required to abide by all requirements for professional conduct and behaviour be they defined by the University or an associated professional and/or statutory body.

Students are expected not to attempt to gain unfair advantage in assessments and examinations.

Breaches of the above will be deemed to constitute misconduct.

### **9.6 Misconduct**

All students at the University are subject to the jurisdiction of the Provost in respect of their conduct. However, the Provost may delegate his/her powers in this respect to another senior officer of the University or the authority of the Students' Appeal and Conduct Committee.

Where misconduct is alleged, students shall be liable to disciplinary procedures provided for in the Disciplinary Procedure Non-Academic Misconduct. Where alleged misconduct leads to criminal proceedings the University shall not be precluded from also taking action under the Disciplinary Procedure - Non-Academic Misconduct.

Where misconduct is alleged, students shall be liable to disciplinary procedures as provided for in the Disciplinary Procedure - Academic Misconduct. Action under the Disciplinary Procedure - Academic Misconduct does not preclude action also being taken under the Disciplinary Procedure - Non-Academic Misconduct.

## **9 Enrolment**

Where a student has had their studies discontinued and an appeal is pending, the student shall be entitled to enrol temporarily as a conditional student, and shall be permitted to attend classes pending the resolution of the appeal. Any such enrolment shall in no way imply that the student's appeal will be successful. Students who have been suspended pending a disciplinary hearing shall not normally be permitted an enrolment status.

## **10 Graduation**

In the event that a student has appealed against the decision of the Assessment Board, and the appeal is not resolved prior to graduation then the appellant shall be eligible to graduate with the award confirmed at the original Assessment Board. This shall in no way prejudice the outcome of the Academic Appeal.

Where the student's appeal is upheld and leads to a higher award then the student shall be required to relinquish the lower-level award previously accepted at graduation and, after, the higher award will be issued to the student.

## **11 Disciplinary Procedure for Non-Academic Misconduct**

### *Categories of Non-Academic Misconduct*

An allegation of Non-Academic Misconduct may be made by a member(s) of staff of the University against a student(s), by a student(s) against another student(s), or by a person external to the University against a student(s). If an allegation involves misconduct by a member(s) of staff, this will be dealt with separately in accordance with the Disciplinary Procedures. This Regulation shall apply to any activities engaged in, or services and facilities enjoyed, as a student at the University, or in the vicinity of any premises owned, leased or managed by the University. Non-Academic Misconduct may involve conduct relating to (though not limited to) the following:

1. Conduct involving breaches of stated instructions or regulations issued by the University, associated professional or statutory bodies, or by authorised members of the University, that prejudice the orderly working of the University and/or contravene the requirements of associated professional or statutory bodies.
2. Conduct that bring or could bring, the reputation of the University, or associated professional or statutory bodies into disrepute.
3. Conduct that constitute unauthorised acts, including (though not limited to):
4. assault of or threatening behaviour towards any student(s) or member(s) of staff of the University;
5. damage to the property of the University, student(s) or member(s) of staff of the University; harassment on the grounds of gender, sexuality, disability, age, race or
6. religion; misappropriation or misuse of University funds or assets; (d)
7. unauthorised occupation of University land or premises;
8. behaviour which interferes with the legitimate freedom of speech, ideas, actions or enquiry of a student(s) or member(s) of staff, or which disrupts or interferes with University processes or procedures;
9. attempts to subvert University processes or procedures by means of false claims or fraudulent documents;
10. unauthorised appropriation of offensive materials and publications, in printed or electronic format.
11. Conduct that endanger the safety or well-being of others

Any action taken under the Disciplinary Procedure will take precedence over any disciplinary action being taken under other rules or regulations of the University.

### **12.1 Initial Intimation - Non-Academic Misconduct**

All cases shall be referred in the first instance to the Student Appeal, Complaint and Conduct Committee, to whom the Provost has delegated disciplinary authority. Provost shall inform the student concerned and any other relevant parties in writing of the details of the alleged misconduct and shall arrange a meeting with the student at the earliest possible opportunity and not normally later than 10 working days after the alleged complaint has been received by the

provost. The provost shall issue such notification of the date, time and venue of the meeting and the details of the alleged misconduct to the student by recorded delivery. The student shall be advised by the Student Appeal, Complaint and Conduct Committee that they may contact the Student Union for advice and support. The student shall be entitled to be accompanied by a person of his/her choosing and shall be given every opportunity to explain the circumstances of the case and to submit any mitigating evidence for consideration. If the student fails to attend without good reason a further meeting may be arranged, the arrangements for which shall also be confirmed in writing to all interested parties, and the student informed that the meeting would proceed in his/her absence if necessary, without this constituting grounds for appeal.

The Student Appeal, Complaint and Conduct Committee, shall examine the facts and interview the student, and may consult with other staff and students as appropriate.

If, as a result of the meeting with the student, the Provost, or nominee, is satisfied non-academic misconduct has not taken place, no further action against the student will be taken and the student and the original complainant shall be informed of the outcome in writing by the Head of Student Affairs Department within five working days of the meeting. A copy of the written outcome shall be retained in the College's file, in accordance with current legislation concerned with data protection, and which shall be destroyed when the student graduates or otherwise ceases to be a student of the University.

If the student admits to the misconduct, the Student Appeal, Complaint and Conduct Committee, shall prepare notes of the meeting, including the student's admission, and request the student to sign the notes as representing an accurate record of the meeting. The Student Appeal, Complaint and Conduct Committee shall decide the appropriate penalty or penalties, and taking account of the extent of the misconduct, whether wilful deception was involved, together with the student's overall record. The Student Appeal, Complaint and Conduct Committee, shall also take any mitigating circumstances into consideration, as well as any regulations, notices or announcements of the University, including those specifying the conduct and obligations of students in, in connection with, inter alia, information technology usage and security policies, or University Library, and any other such agencies within or associated with the University. The Student Appeal, Complaint and Conduct Committee shall provide the Provost with a statement of the circumstances relating to the misconduct together with written notification of the penalty or penalties imposed. The Student Appeal, Complaint and Conduct Committee shall provide the student with a copy of the signed notes of the meeting, notification of the penalty or penalties to be imposed, and advise the student of their entitlement to lodge an appeal.

If the student denies the misconduct and Student Appeal, Complaint and Conduct Committee is satisfied the alleged misconduct merits investigation, he/she shall prepare notes of the meeting, including the student's denial, and request the student to sign the notes as representing an accurate record of the meeting. The Student Appeal, Complaint and Conduct Committee shall immediately refer the case to the Provost, providing a copy of the signed notes of the meeting. The Student Appeal, Complaint and Conduct Committee shall then endorse the commencement of an investigation and decide whether it is appropriate to make a recommendation to the Provost to suspend the student in question.

## **12.2 Suspension of a Student Pending a Disciplinary Hearing**

A student who is the subject of an allegation of non-academic misconduct or against whom a criminal charge is pending or who is the subject of police investigation may be suspended by the Provost pending the meeting of the investigating Committee, or the trial, or the outcome of the police investigation, as appropriate. In the absence of the Provost a nominee, to whom the Provost

has delegated the authority, shall exercise the powers of the Provost in relation to the suspension of students. Any decision taken by the nominee to suspend a student shall be reported in writing to the Provost. If the Provost disagrees with the recommendation from the Student Appeal, Complaint and Conduct Committee to suspend a student, the meeting of the Investigating Committee shall proceed.

Suspension involves a total prohibition or selective restriction on attendance at or access to the University and/or its resources and facilities, and on any participation in University or Student Union activities; but it may be subject to qualification, such as permission to attend for the purpose of an examination.

The student should not be suspended unless he/she has been given an opportunity to make representations in person to the Provost or the nominee. Where it is not possible for the student to attend in person, he/she shall be entitled to make written representations. In all correspondence the Provost or nominee shall ensure the student is advised in writing of the date, time and venue of the meeting, issuing such notification by recorded delivery.

In cases of great urgency, the Provost/or nominee shall be empowered to suspend a student with immediate effect. However, in these cases the student should be given an opportunity to make representations to the Provost or nominee, as appropriate, following the suspension decision.

Where a student has been suspended, such suspension should be subject to review by the Principal or nominee in the light of any developments and of any representations made by the student or anyone else on his/her behalf.

### **12.3 Investigating Committee - Non-Academic Misconduct**

The Student Appeal, Complaint and Conduct Committee shall meet normally within 10 working days of the allegation being received by the Provost. The Committee shall consist of a minimum of three and a maximum of five members of staff nominated and shall also include a university management member. The members of the Committee shall be chosen from staff of the College concerned with the alleged misconduct.

The student shall receive written notification from the Provost not less than five working days before the meeting of the Student Appeal, Complaint and Conduct Committee of the allegation(s) to be considered and of the date, time and venue of the meeting. The Student Appeal, Complaint and Conduct Committee shall issue such notification by recorded delivery.

The Student Appeal, Complaint and Conduct Committee shall examine the facts and shall interview the student. The student may present documentation and/or supporting evidence and may be accompanied by one other person, who may be a legal agent. The Committee shall interview members of staff and students as appropriate and shall decide on the evidence presented, whether the circumstances involved non-academic misconduct. In the event of the Committee being unable to establish that on the balance of probabilities non-academic misconduct was involved, the presumption shall be that the student is innocent of the misconduct.

If the student fails to attend without good reason a further meeting may be arranged, the arrangements for which shall also be confirmed in writing to all interested parties, and the student informed that the meeting would proceed in his/her absence, if necessary, without this constituting grounds for appeal.

### **12.4 Student Conduct Appeals and Complaints**

Where non-academic misconduct is established, the Committee shall take account of the extent of the misconduct, together with the student's overall record. The Committee shall also take any mitigating circumstances into consideration. The Committee shall determine the appropriate penalty, as well as any regulations notices or announcements of the University, including those specifying the conduct and obligations of students in, or in connection with inter alia, information technology usage and security policies, University Library, or the Student Union and any other such agencies within or associated with the University. Following a third proven case of non-academic misconduct, there shall be an automatic recommendation to the Provost for the immediate and permanent exclusion from the University's facilities and properties, and withdrawal of enrolment and all corresponding rights of the student.

The Student Appeal, Complaint and Conduct Committee shall issue a written notification of the outcome and penalty, if appropriate, to the student normally within five working days of the meeting. In addition, he/she shall notify the student of his/her right to submit an appeal against the decision and/or penalty. Furthermore, the Student Appeal, Complaint and Conduct Committee shall prepare notes of the meeting and request the student sign the notes.

Where such misconduct may also constitute a criminal offence, and the police or other appropriate authority are involved, this shall be reported to the Provost (or nominee in his/her absence) who shall decide, whether disciplinary proceedings under the Disciplinary Procedure should be deferred pending possible criminal proceedings. However, the student may still be suspended pending the outcome of any proceedings. Where alleged misconduct leads to criminal proceedings the University shall not be precluded from also taking action under the Disciplinary Procedure

### **12.5 Penalties - Non-Academic Misconduct**

Penalties for non-academic misconduct shall be in accordance with the provisions of of this Regulation.

### **12.6 Recording of Misconduct and Penalties - Non-Academic Misconduct**

Where the Student Appeal, Complaint and Conduct Committee concludes that non-academic misconduct has not been established, no record of the investigation shall be held in the Student Affairs Department student file, though a central record shall be retained by the Academic Registrar, in accordance with current legislation concerned with data protection, and which shall be destroyed when the student graduates or otherwise ceases to be a student of the University.

In all instances where the Student Appeal, Complaint and Conduct Committee concludes that non-academic misconduct has been established, the Student Appeal, Complaint and Conduct Committee shall lodge a copy of the written notification in the Student Affairs Department student file and shall distribute a copy to the Academic Registrar. Copies of the written notifications of outcomes shall only be distributed to those central Departments to which the case relates. The Academic Registrar shall maintain a central record of all disciplinary cases and penalties in accordance with current legislation concerned with data protection. All cases of non-academic misconduct shall be reported by the Student Affairs to the Academic Council.

## **12 Appeals Procedure-Now-Academic Misconduct**

A student found guilty of non-academic misconduct by Student Appeal, Complaint and Conduct Committee shall be entitled to submit an appeal against the decision and/or the penalty or penalties to the Student Appeal, Complaint and Conduct Committee. No person involved in the original decision shall be a member of the Student Appeal, Complaint and Conduct Committee

which has the appeal. The Student Appeal, Complaint and Conduct Committee may hear more than one appeal at the same meeting, and does not require to be convened separately for each.

Any such appeal must be submitted in writing to the Provost normally within 10 working days of the student receiving notification of the decision of the Committee indicating whether the appeal refers to the decision and/or the penalty. The Committee shall inform in writing to the student the date, time and venue for the Committee at least 20 working days prior to the meeting issuing the correspondence by recorded delivery. The student shall be entitled to appear before the Committee, and to be accompanied by one other person, who may be a legal agent, and to call witnesses in support of his/her case as appropriate. The Committee shall have the authority to call witnesses as appropriate if the student fails to attend without good reason a further meeting may be arranged, the arrangements for which shall also be confirmed in writing to all interested parties, and the student informed that the meeting will proceed in his/her absence if necessary, without this constituting grounds for appeal.

Having considered the appeal against the decision, the Committee shall determine that the appeal be dismissed, the decision of the Student Appeal, Complaint and Conduct Committee be confirmed and the penalty be confirmed or modified; or that non-academic misconduct has not been established, and that the penalty be cancelled. Having considered the appeal against the penalty, the Committee shall determine either: that the appeal be dismissed and that the penalty be confirmed; or that the appeal be sustained and that a lesser penalty be substituted.

The Student Appeal, Complaint and Conduct Committee shall issue a written notification of the outcome to the student within five working days of the Appeal Hearing. In respect of the University's internal Disciplinary Procedure for Non-Academic Misconduct, the decision of the Student Appeal, Complaint and Conduct Committee shall be final.

### **13.1 Recording of Misconduct and Penalties - Appeals (Non-Academic Misconduct)**

Where the Student Appeal, Complaint and Conduct Committee concludes that non-academic misconduct has not been established, no record of the investigation shall be held in the Student Affairs Department student file, though a central record shall be retained by the Academic Registrar, in accordance with current legislation concerned with data protection, and which shall be destroyed when the student graduates or otherwise ceases to be a student of the University.

In all instances where the Student Appeal, Complaint and Conduct Committee concludes that non-academic misconduct has been established, Student Appeal, Complaint and Conduct Committee shall lodge a copy of the written notification in the Student Affairs Department student file and shall distribute a copy to the Academic Registrar. Copies of the written notifications of outcomes shall only be distributed to those central Departments to which the case relates. The Academic Registrar shall maintain a central record of all disciplinary cases and penalties in accordance with current legislation concerned with data protection.

### **13.2 Categories of Academic Misconduct**

Academic Misconduct is defined as any attempt by students to gain an unfair advantage in assessments. An allegation of academic misconduct may be made by a member(s) of staff of the University against a student(s). Academic misconduct or cheating may include (though not be limited to): plagiarism; falsifying or fabricating data, collusion; bribery or attempted bribery; personation; or any other activity intended to provide an unfair advantage such as: the taking of any unauthorised material into an examination; the unauthorised use of programmable calculators and dictionaries in examinations; obtaining copy of "unseen" papers in advance of an examination; communicating or attempting to communicate in any way with another student

during an examination; copying or attempting to copy from another student during an examination or in the production of coursework; wilful deception in any element of an assessment.

**Plagiarism** is the practice of presenting the thoughts, writings or other output of another or others as original, without acknowledgement of their source(s). All material used to support a piece of work, whether a printed publication or from electronic media, should be appropriately identified and referenced and should not normally be copied directly unless as an acknowledged quote. Text translated into the words of the individual student should in all cases acknowledge the source.

**Falsification** or fabrication of data consists of the misrepresentation of the results of experimental work or the presentation of fictitious results.

**Collusion** involves two or more students working together, without the prior authorisation of the Course Leader, tutor or supervisor, to produce the same piece of work, and then attempting to present this work as entirely their own work. Collusion may also be suspected when one student copies work from another student, without the knowledge of the first student.

**Bribery** is the paying, offering or attempted exchange of an inducement for information or material intended to advantage the recipient in an assessment.

**Personation** consists of a substitute taking the place of a student in an examination or undertaking an assessment on behalf of another.

A student who aids and abets a fellow student to commit academic misconduct shall be deemed to have committed academic misconduct and will be dealt with accordingly.

### **13.3 Initial Intimation - Academic Misconduct**

When a case of suspected academic misconduct has been identified, the Provost shall be informed in the first instance. The Course Leader, the tutor, the student concerned and any other relevant parties are informed in writing of the details of the alleged misconduct, and shall arrange a meeting with the student and Course Leader at the earliest possible opportunity and not normally later than 10 working days after the alleged complaint has been received by the Provost. The Provost shall issue such notification of the date, time and venue of the meeting and the details of the alleged misconduct to the student by recorded delivery. The student shall be advised by the Provost that they may contact the Student Union for advice and support.

The student shall be entitled to be accompanied by a person of his/her choosing and shall be given every opportunity to explain the circumstances of the case and to submit any mitigating evidence for consideration.

If the student fails to attend without good reason a further meeting may be arranged, the arrangements for which shall also be confirmed in writing to all interested parties, and the student informed that the meeting would proceed in his/her absence if necessary, without this constituting grounds for appeal.

The Student Appeal, Complaint and Conduct Committee and Course Leader shall examine the facts and interview the student, and may consult with other staff and students as appropriate. If, as a result of the meeting with the student, Student Appeal, Complaint and Conduct Committee and Course Leader are satisfied that no academic misconduct has taken place, no further action against the student will be taken and the student and the original complainant shall be informed of the outcome in writing by the Student Appeal, Complaint and Conduct Committee within five

working days of the meeting. A copy of the written outcome shall be retained in the Student Appeal, Complaint and Conduct Committee 's file, in accordance with current legislation concerned with data protection, and which shall be destroyed when the student graduates or otherwise ceases to be a student of the University.

Where the student admits to the academic misconduct, the Student Appeal, Complaint and Conduct Committee shall prepare notes of the meeting, including the student's admission, and request the student to sign the notes as representing an accurate record of the meeting. The Student Appeal, Complaint and Conduct Committee shall decide the appropriate penalty or penalties, and taking account of the course stage, the extent of the misconduct, whether wilful deception was involved, the extent to which the assessment would have contributed to the final award, together with student's overall record. The Student Appeal, Complaint and Conduct Committee shall also take any mitigating circumstances into consideration, as well as any regulations, notices or announcements of the University, including those specifying the conduct and obligations of students in, or in connection with, inter alia, information technology usage and security policies, University Library, and any other such units within or associated with the University. The Student Appeal, Complaint and Conduct Committee shall provide the Provost with a statement of the circumstances relating to the misconduct together with written notification of the penalty or penalties imposed. The Student Appeal, Complaint and Conduct Committee shall provide the student with a copy of the signed notes of the meeting, notification of the penalty penalties to be imposed, and advise the student of their entitlement to lodge an appeal.

Where the student denies the allegations but the Course Leader and Student Appeal, Complaint and Conduct Committee consider that there is a case to be answered, the Student Appeal, Complaint and Conduct Committee shall prepare notes of the meeting and request the student to sign the notes as representing an accurate record of the meeting. The Student Appeal, Complaint and Conduct Committee shall provide a copy of the signed notes of the meeting to the Provost and the student concerned. In such a case a formal investigation shall be established to investigate the evidence and to determine any action to be taken.

#### **13.4 Investigating Committee - Academic Misconduct**

The Student Appeal, Complaint and Conduct Committee to meet normally within 10 working days of the provost being informed. The Committee shall consist of a minimum of three and a maximum of five academic staff of the Faculty as nominated by the provost. The members of the Committee shall be chosen from staff unconnected with the course concerned with the alleged misconduct and shall be convened by the Student Appeal, Complaint and Conduct Committee.

The student shall receive written notification from the Provost, not less than five working days before the meeting of the Committee, of the allegation(s) to be considered and of the date, time and venue for the meeting. The Provost shall issue such modification by recorded delivery.

If the student fails to attend without good reason a further meeting may be arranged, the arrangements for which shall also be confirmed in writing to all interested parties, and the student informed that the meeting will proceed in his/her absence if necessary, without this constituting grounds for appeal.

The Student Appeal, Complaint and Conduct Committee shall examine the facts and shall interview the student. The student may present documentation and/or supporting evidence and may be accompanied by one other person, who may be a legal agent. The Committee shall interview members of staff and students as appropriate and shall decide, on the evidence presented, whether the circumstances involved academic misconduct. In the event of the

Committee being unable to establish that on the balance of probabilities academic misconduct was involved, the presumption shall be that the student is innocent of the misconduct.

Where academic misconduct is established, the Committee shall take account of the course stage, the extent of the misconduct, whether wilful deception was involved, the extent to which the assessment would have contributed to the final award, together with the student's overall record. The Committee shall also take any mitigating circumstances into consideration. The Committee shall determine the appropriate penalty, specifying the conduct and obligations of students or in connection with, inter alia, information technology usage and security policies, University Library, and any other such units within or associated with the University

The Student Appeal, Complaint and Conduct Committee, shall issue a written notification of the outcome and penalty, if appropriate, to the student normally within five working days of the meeting. In addition, he/she shall notify the student of his/her right to submit an appeal against the decision and/or penalty. The student shall also be advised that a report will be made the Assessment Board at its next scheduled meeting. The Student Appeal, Complaint and Conduct Committee shall retain the report and ensure it is submitted to the Assessment Board. Furthermore, the Student Appeal, Complaint and Conduct Committee, shall prepare notes of the meeting and request the student sign the notes as representing an accurate record of the meeting. Where there is insufficient time for an allegation of misconduct to be investigated prior to a meeting of an Assessment Board, a decision on the student's progress shall be deferred. Where evidence of academic misconduct becomes available subsequent to the recommendation of an Assessment Board, the Board may consider the matter retrospectively. Following a third proven case of academic misconduct, there shall be an automatic recommendation to the Provost for the immediate and permanent exclusion from the University's facilities and properties, and withdrawal of enrolment and all corresponding rights of the student.

### **13.5 Appeals Procedure - Academic Misconduct**

A student found guilty of academic misconduct by Student Appeal, Complaint and Conduct Committee, or who has admitted academic misconduct, shall be entitled to submit an appeal against the decision and/or the penalty or penalties as appropriate to the Student Appeals and Conduct Committee. No person involved in the original decision shall be a member of the Student Academic Appeals and Conduct Committee which hears the appeal. The Student Academic Appeals and Conduct Committee may hear more than one appeal at the same meeting, and does not require to be convened separately for each case.

Any such appeal must be submitted in writing to the Student Appeal, Complaint and Conduct Committee normally within 10 working days of the student receiving notification of the decision of the Investigating Committee, indicating whether the appeal refers to the decision and/or the penalty, and confirming his/her address for correspondence. The Student Academic Appeals and Conduct Committee shall confirm in writing to the student the date, time and venue for the Committee at least 10 working days prior to the meeting, issuing the correspondence by recorded delivery. The student shall be entitled to appear before the Student Academic Appeals Committee, and to be accompanied by one other person, who may be a legal agent, and to call witnesses in support of his/her case as appropriate. The Committee shall have the authority to call witnesses as appropriate.

If the student fails to attend without good reason a further meeting may be arranged, the arrangements for which shall also be confirmed in writing to all interested parties, and the

student informed that the meeting will proceed in his/her absence if necessary, without this constituting grounds for appeal.

Having considered the appeal against the decision, the Committee shall determine either:

- that the appeal be dismissed, the decision of the Committee be confirmed and the penalty be confirmed or modified; or
- that academic misconduct has not been established, and that the penalty be cancelled.

Having considered the appeal against the penalty, the Committee shall determine either:

1. that the appeal be dismissed and that the penalty be confirmed; or
2. that the appeal be sustained and that a lesser penalty be substituted.

The Student Academic Appeals and Conduct Committee shall issue a written notification of the outcome to the student within five working days of the Appeal Hearing. The decision of the Student Academic Appeals and Conduct Committee shall be final.

### **13.16 Academic Appeals - Awards and Progression**

This Procedure shall apply to all enrolled students of the University in respect of decisions relating to student progression and/or academic awards, with the exception of those students enrolled.

The University is not obliged to review decisions relating to student progress and/or recommended academic awards, and nor has it conferred on any student the right of appeal to Academic Council. However, Academic Council shall, through the Student Academic Appeals and Conduct Committee, consider appeals against decisions relating to academic performance and/or recommended academic awards, on the following grounds:

(1) that the student's performance was adversely affected by illness or other factors which he/she was unable or, for valid reasons to the decision being made; and/or

(2) that there had been a material administrative error, or that the assessment was not conducted in accordance with the current regulations governing the course or that some other irregularity which materially affected the assessment had occurred.

Disagreement with the academic judgement of an Assessment Board cannot constitute grounds for appeal.

The Student Academic Appeals and Conduct Committee has delegated powers from Academic Council to consider and to make decisions on its behalf with regard to appeals by students against decisions of Assessment Boards affecting their academic progress and/or the academic award for which they have been recommended; such decisions by the Student Academic Appeals and Conduct Committee shall require to be ratified by the Provost, acting in his/her capacity as Chair of Academic Council, before they can be implemented.

### **13.17 Intimation of Academic Appeal (Awards and Progression)**

In the first instance, a student wishing to dispute a decision of an Assessment Board relating to his/her academic progress or to the academic award for which he/she has been recommended, should discuss their concerns with the Course Leader, who will advise on the grounds of appeal, issue the student with copy of this Regulation, and inform the student that further advice is available from the Student Affairs Department. Following this discussion, and if the student wishes to proceed with an appeal, the student shall prepare a written Statement of Appeal confirming the grounds which form the basis for the appeal.

### **13.8 Submission of Statement of Appeal to the Provost**

The student (hereafter known as the appellant) shall lodge the Statement of Appeal with the Provost, or nominee, as soon as possible after the publication of the notification of the results and normally no later than 20 working days after such publication. It shall be the responsibility of the appellant to inform the Provost of the address to which communications should be addressed or at which he/she can be contacted. All written communications to an appellant shall be sent by recorded delivery.

Where a Statement of Appeal is lodged beyond the 20 working day period after the publication of results the Provost, in consultation with the Student Affairs Department, shall decide whether failure to meet the deadline was due to verifiable circumstances of the appellant. Where the Provost find no verifiable circumstances and reach the opinion that the appeal should not, therefore, be considered they shall report their opinion to the student in writing who shall have no further right of appeal. Where he/she disagrees, he/she shall instruct that the appeal process proceed.

Should the appellant make any alteration to the grounds of his/her appeal at any time after its initial lodgement, the appeal shall be deemed invalid; an appellant shall not be permitted to lodge more than one appeal against a decision of an Assessment Board.

The date on which the Student Appeal, Complaint and Conduct Committee receives the appeal shall be taken as the date of lodgement, and the member of staff receiving the appeal shall give the appellant a signed and dated acknowledgement of receipt; it shall be the responsibility of the appellant to ensure that he/she receives such a receipt.

Immediately on receipt of the Statement of Appeal, the Student Appeal, Complaint and Conduct Committee shall pass a copy of the Statement of Appeal to the Provost.

### **14.Consideration by the Assessment Board**

Within normally 20 working days of the date of lodgement of the Statement of Appeal by the appellant, the Student Appeal, Complaint and Conduct Committee shall re-convene the internal members of the Board to consider the appellant's case. The subsequent decision of the internal members of the Board shall be subject to the immediate written approval of the External Examiner(s) concerned which may be obtained by facsimile machine or other electronic communication.

Following the Assessment Board's re-consideration the appellant shall be notified in writing by the Student Appeal, Complaint and Conduct Committee. Normally within five working days of being so notified, the appellant shall either:

- (1) accept the decision of the Board, and withdraw his/her appeal; or
- (2) confirm in writing to the Student Appeal, Complaint and Conduct Committee that he/she wishes to proceed with the appeal.

### **15.Appeals Process - Prima Facie Case**

On receipt of the appellant's confirmation that he/she wishes to proceed with the appeal, the Student Appeal, Complaint and Conduct Committee shall immediately copy this and the Assessment Board outcome to the provost together with a report of the circumstances surrounding the appeal. Thereafter, and normally within three working days the Provost, or nominee, shall confer with the Academic Registrar, or nominee, to establish whether a prima facie

case for an appeal exists. A prima facie case shall exist where evidence to support the grounds of appeal.

#### **16.Re-Consideration by the Assessment Board**

Exceptionally, where it is deemed by the Provost that a prima facie case exists following the submission of additional evidence that was not previously available to the Student Appeal, Complaint and Conduct Committee, the Provost may refer the case back to the Student Appeal, Complaint and Conduct Committee for re-consideration.

The Academic Registrar, or nominee, shall communicate the Provost's decision to the appellant in writing within 10 working days of the Provost receiving the appellant's confirmation of proceeding with the appeal and the Student Appeal, Complaint and Conduct Committee's report.

Normally within 20 working days, the internal members of the Student Appeal, Complaint and Conduct Committee shall convene to re-consider the case, and the subsequent decision shall be subject to the immediate written approval of the External Examiner(s) concerned which may be obtained by electronic communication.

#### **17.Consideration by the Student Academic Appeals and Conduct Committee**

Where it is deemed by the Provost that a prima facie case exists, the Provost shall refer the case to the *Student Academic Appeals and Conduct Committee* for consideration.

The Academic Registrar, or nominee, shall communicate the Provost's decision to the appellant in writing, together with details of the procedure to be adopted by the Student *Academic Appeals and Conduct Committee*, within 10 working days of the Dean receiving the appellant's confirmation of proceeding with the appeal and the Dean's report; the Academic Registrar, or nominee, shall also communicate the Provost's decision to the Student Academic Appeals and Conduct Committee.

#### **18.Dismissal of the Appeal**

Where it is deemed by the Provost that no prima facie case exists, the Provost shall dismiss the appeal.

The Academic Registrar, shall communicate the Provost's decision to the appellant in writing within 10 working days of the Dean receiving the appellant's confirmation of proceeding with the appeal and Student Appeal, Complaint and Conduct Committee 's report.

#### **19.Student Academic Appeals and Conduct Committee**

A meeting of the Student Academic Appeals and Conduct Committee shall be convened normally within 20 working days of notification to the appellant that a prima facie case is established. The Academic Registrar shall inform the appellant in writing of the date, time and venue of the meeting of the Student Academic Appeals and Conduct Committee at least 10 working days prior to the meeting and issuing such correspondence by recorded delivery.

If the appellant fails to attend without good reason a further meeting may be arranged, and the appellant informed that the meeting will proceed in his/her absence if necessary, without this constituting grounds for appeal.

In considering an appeal, the Student Academic Appeals and Conduct Committee shall be subject to the following conditions:

- the appellant shall be required to appear before the Committee;

- the appellant shall be entitled to be accompanied by two persons, one of whom may be a legal agent;
- the appellant and those accompanying him/her shall be entitled to address the Committee;
- the appellant shall be entitled to call witnesses;
- the Committee shall be entitled to call witnesses and to require members of academic staff of the University to attend before the Committee for the purpose of examination in connection with any matter subject to the Committee's consideration;
- the Student Appeal, Complaint and Conduct Committee shall be entitled to call witnesses. Decision of the Student Academic Appeals Committee

The courses of action available to the Student Academic Appeals and Conduct Committee shall be as stated:

- Where the Committee is not satisfied that a case has been established, it shall dismiss the appeal.
- Where the Committee is satisfied that a case has been established, it shall require the Assessment Board to re-consider its decision in the light of the evidence submitted to the Committee, and to submit to the Committee a report of its re consideration. Where it is impracticable to re-convene the Assessment Board or where, in the opinion of the Committee, the original Board unreasonably refuses to amend its decision, the Committee shall make an appropriate recommendation to Academic Council.
- Where the Committee is satisfied that case has been established and where the implications are such as to invalidate for more than one student the results of the assessment that the subject of appeal, the Committee may recommend to Academic Council that it annul the whole assessment or any part of it.

All appeal decisions by the Student Academic Appeals and Conduct Committee shall be passed to the Provost, for ratification in his/her capacity as Chair of Academic Council within three working days of the meeting. The Student Academic Appeals and Conduct Committee shall issue a written notification of the outcome to the appellant within five working days of the decision being ratified by the Provost of the University. In respect of the University's internal procedure for Academic Appeals - Awards and Progression, the decision of the Student Academic Appeals and Conduct Committee shall be final.

## **20. Recording of Academic Appeals (Awards and Progression) and Decisions**

The Convener of the Student Academic Appeals and Conduct Committee shall lodge a copy of the written notification in the Student Administration Department student file and shall distribute a copy to Academic Registrar. All academic appeals and decisions shall be reported by the Academic Registrar to the Academic Council.

### **20.1 Nature of Complaint**

A complaint may be made by a student(s) where he/she believes an aspect of the delivery of their course/programme is unsatisfactory, or believes there have been breaches of stated policies or procedures of the University. This may relate to (though not be limited to) the following:

- the teaching and learning experience of the student;
- facilities and learning resources available; provision of guidance and support.
- Complaints by a research student in respect of their research degree programme.
- Complaints by a student(s) involving an allegation of misconduct by a member(s) of staff

- Complaints by a student(s) alleging misconduct by an executive officer of the Student Union Complaints by a student(s) which involves a partner institution. The Provost shall inform the partner institution of the complaint and will be responsible for liaising directly with the partner institution during any investigation.

A complaint by a student will normally not be investigated if a period of three months has elapsed since the alleged behaviour or action, which is the basis of the complaint, occurred.

Any investigation conducted under the formal stages of the Student Complaints Procedure must be conducted in accordance with principles that ensure a balance between the interests of the complainant and of any member of staff involved. For staff, these principles include, the expectation that there will be: an assumption of "no fault" until the balance of evidence from the investigation demonstrates otherwise respect for the dignity of the individuals involved the right to be told of the complaint complainant and know of the evidence presented by the right to respond to the complaint and the evidence the right to know the outcome the right to have confidentiality preserved where there is any consequential action involving the employee.

Whilst a complainant has the right to be told of the outcome of the complaint and any compensatory decisions taken, the complainant has no right to be informed of action against or involving a member of staff.

## **20.2 Stage 1. Informal Resolution of Complaints**

It is the intention of the University that all complaints raised by students should be dealt with promptly and without unnecessary formality. Therefore, in the first instance the complaint should normally be discussed with the person to whom the complaint relates or who is responsible for the matter giving rise to the complaint. Thus, for example, an issue relating to a module or course should be raised first with the Module Co-ordinator and/or the Course Leader, and an issue relating to an administrative matter should be raised first with the officer responsible for the matter giving rise to the complaint or the appropriate line manager.

Following investigation of the circumstances of the complaint, the person to whom the complaint has been referred shall initially provide an oral response to the student normally within 10 working days of the complaint being lodged, except where good reason can be demonstrated for requiring a longer period, and inform the student of his/her right to proceed to Stage 2 of the Procedure. A record of the circumstances shall be retained by the College in the student file. This record shall indicate either any corrective or compensatory action to be taken as a form of redress, or the reason for the decision to reject the complaint. This record shall be destroyed when the student graduates or otherwise ceases to be a student at the University. The person to whom the complaint has been referred shall inform the appropriate member of staff concerned or responsible for the matter giving rise to the complaint of this outcome.

The student may proceed to Stage 2 of the Procedure where either:

- (1) it is not possible to achieve a timeous or satisfactory resolution by informal means using Stage 1 of the Procedure; or
- (2) it is inappropriate due to the confidentiality or sensitivity of an issue to raise the complaint in accordance with Stage 1 of the Procedure.

Advice on the appropriate course of action should be sought from the University's Student Union or Student Affairs department or from the student's tutor prior to deciding whether and how to proceed.

### **20.3 Stage 2 - Formal Complaints**

The student shall submit his/her complaint formally in writing to Student Appeal, Complaint and Conduct Committee or, if it is inappropriate to submit the complaint to the Provost, to the appropriate College in which the student is enrolled. Where this complaint has previously been considered through Stage 1 of the Procedure the student should make this submission normally within 10 working days of receiving the written response. Such formal complaints must be submitted in writing, stating clearly that the complaint is being submitted, and indicating the expected outcome and, if appropriate, indicating why he/she is not satisfied with the response received from Stage 1 of the Procedure.

On receipt of the written complaint, the Student Appeal, Complaint and Conduct Committee shall determine whether it is appropriate for the complaint to be considered under the Student Complaints Procedure or whether the nature of the complaint warrants its consideration under other procedures:

if the complaint is raised by a research student in respect of their research degree programme, the Provost should refer the student to the AUM Academic Regulation Part VII: Research degrees.

- if the complaint raised by the student involves an allegation of misconduct by a member of staff, the Student Appeal, Complaint and Conduct Committee should consult the University's QA and Human Resources Department for advice and advise the student of this course of action
- if the complaint raised by a student involves an allegation of misconduct by an executive officer of the Student Union, the Student Appeal, Complaint and Conduct Committee should contact the Student Union in the first instance in order for proceedings to commence under the Union's own procedures, and advise the student of this course of action
- if the complaint is vexatious or malicious the Student Appeal, Complaint and Conduct Committee should determine whether it warrants disciplinary action, in which case a record of the circumstances shall be retained by the College in the student file.

The Student Appeal, Complaint and Conduct Committee shall provide the student with a signed and dated acknowledgement of receipt, and provide details of the action to be taken, which may include meeting with any or all interested parties, and indicative timescales. Following investigation of the circumstances of the complaint, the Student Appeal, Complaint and Conduct Committee shall provide a written response to the student, which shall be copied to the appropriate member of staff concerned or responsible for the matter giving rise to the complaint, normally within 3 working days of the complaint being lodged, except where good reason can be demonstrated for requiring a longer period. The student shall confirm in writing to the Student Appeal, Complaint and Conduct Committee within five working days whether he/she is satisfied with the response.

Within 10 working days of the Student Appeal, Complaint and Conduct Committee providing the student with the written response, the Provost shall meet with the member of staff concerned or responsible for the matter giving rise to the complaint, to consider any required corrective action, appropriate timescales and agree a future date at which progress shall be reviewed.

The student may proceed to Stage 3 of the Procedure where either:

- it is not possible to achieve a timeous or satisfactory resolution by informal means using Stage 2 of the Procedure;
- or it is inappropriate due to the confidentiality or sensitivity of an issue to raise the complaint in accordance with Stage 2 of the Procedure.

Advice on the appropriate course of action should be sought from the University's Student Affairs, the Student Union or from the student's tutor prior to deciding whether and how to proceed.

#### **20.4 Stage 3 - Formal Complaint**

The student shall submit his/her complaint formally in writing to the Student Appeal, Complaint and Conduct Committee and the President if it is inappropriate to submit the complaint to the Provost. Where this complaint has previously been considered through Stage 2 of the Procedure the student should make this submission normally within 10 working days of receiving the written response. Such formal complaints must be submitted in writing, stating clearly that the complaint is being submitted indicating the expected outcome and, if appropriate, indicating why he/she is not satisfied with the response received from Stage 2 of the Procedure.

On receipt of the written complaint, the President shall determine whether it is appropriate for the complaint to be considered under the Student Complaints Procedure or whether the nature of the complaint warrants its consideration under other procedures, if the complaint is raised by a research student in respect of their research degree programme, the Student Appeal, Complaint and Conduct Committee should refer the student to AUM Academic Regulation Part VII in the following situations:

1. if the complaint raised by the student involves an allegation of misconduct by a member of staff, the President should consult the University's Human Resources Department, QA department for advice and advise the student of this course of action;
2. if the complaint raised by a student involves an allegation of misconduct by an executive officer of the Student Union, the President should contact the Student Union in the first instance in order for proceedings to commence under the Union's own procedures, and advise the student of this course of action;

The University President shall provide the student with a signed and dated acknowledgement of receipt, and provide details of the action to be taken, which may include meeting with any or all interested parties, and indicative timescales. Following investigation of the circumstances of the complaint, the President shall provide a written response to the student, which shall be copied to the appropriate member of staff concerned or responsible for the matter giving rise to the complaint, normally within 5 working days of the complaint being lodged with the President, except where good reason can be demonstrated for requiring a longer period. This response indicate either any corrective or compensatory action to be taken as a form of redress, or the reason for the decision to reject the complaint. In respect of the University's internal Complaints Procedure, this response shall be final.

#### **21. Recording of Complaints**

The President shall lodge a copy of the written notification in the Student Affairs Department student file and shall distribute a copy to the University units in which the student is studying and the Academic Registrar. Copies of the written notifications of outcomes shall only be distributed to those central Departments to which the complaint relates. The Academic Registrar shall maintain a central record of all formal student complaints raised through Stages 2 and 3. All student complaints shall be reported by the Academic Registrar to Academic Council.

