

The University's Academic Regulations: 2023-24

Graduate Academic Integrity Regulations

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GI1 General

GI1.1 These regulations may be invoked against anyone who has graduated with an award from Edinburgh Napier University where concerns over their academic integrity, prior to conferment of the award, have arisen. There is no time limit set as to when these regulations may be invoked beyond an individual's graduation date.

GI1.2 Any allegation received regarding breaches of academic integrity (academic misconduct) will be treated confidentially and will be investigated informally in the first instance to establish whether or not there is a case to answer, before any formal investigation is started.

GI1.3 The matter will be considered in terms of the relevant definitions of breaches of Academic Integrity Regulations applicable for current students, as set out in sections AC4 and AC5 and Appendix I of those regulations, and will be applied to a graduate for the purposes of this process. For the avoidance of doubt, and purposes of this process, these are as follows:

GI2 Academic Integrity Regulations

GI2.1 Definition

A breach of the Academic Integrity Regulations (see section AI4.2) by a student will be considered if it is identified or alleged that the following has occurred: -

- An act which, intended or otherwise, offers the potential for any student to gain an unfair advantage in any assessment, including examinations.
- The inclusion of content by a student in their assessment submission which is inappropriately referenced, not referenced at all or not thought to be their own work.

GI2.2 Categories of Breaches of Academic Integrity Regulations

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

GI2.3 This process will also be used to consider retrospective allegations regarding the submission of forged or fake documentation and/or information provided by any student as part of their application for a place on a programme they have since gained an award for.

GI2.4 These regulations may also be used to consider allegations where graduates are suspected to have provided forged or fake documents, such as references or award certificates, to the University or an external organisation post graduation.

GI3 Responsible Officers

GI3.1 A School Academic Integrity Officer (AIO) of a relevant School related to the graduate's studies will have responsibility for investigating the allegations of a breach of Academic Integrity Regulations.

GI3.2 The AIO shall conduct an initial informal investigation to establish the facts of the case and whether or not there is a valid case to answer.

GI3.3 If the AIO has had direct involvement in the allegation, either as module leader, marker or programme leader, another appropriate independent member of staff shall be required by the Dean of School to carry out the role of the AIO.

G13.4 The AIO shall investigate allegations relating to a graduate who has taken modules provided by the School or on a programme registered to the School, as appropriate.

G14 Investigation by Academic Integrity Officer (AIO) – Process

G14.1 The AIO should review the information which has been provided alleging the academic misconduct, identify the modules against which misconduct is alleged and obtain from the School in which the module is registered the following information where available:

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

G14.2 The AIO will review all the information available within a reasonable timescale and conclude whether or not there is a valid case to answer.

G14.3 If it is judged that there is no valid case to answer, the matter will be dropped and any material pertaining to the allegations will be destroyed.

G14.4 If the AIO decides that there is a valid case to answer, the AIO will notify the officer responsible for the management of academic integrity, who will discuss the case with the Vice Principal (Learning & Teaching) and write to inform the graduate of the allegation and notify that an initial investigation is being carried out. This will include details of a meeting which the graduate shall be entitled to attend to address the allegations. All reasonable attempts to interview or obtain evidence and statements from other relevant parties should be made ahead of this meeting.

G14.5 All communications will be sent by email and recorded delivery to the last known addresses held by the University for the graduate concerned. If it is believed that the graduate is no longer present at these addresses,

reasonable efforts will be made to obtain a current address by which they can be contacted. If, having made reasonable efforts to contact the graduate, it has not proved possible to obtain an address for them, action under these regulations may continue.

G14.6 The graduate will be given at least 10 working days' notice of the meeting being held to investigate the allegation. The graduate will only be offered another date if they contact the AIO in advance to request an alternative arrangement, failing which the meeting will take place in the absence of the graduate. If the graduate cannot reasonably attend, submissions to the meeting may be made in writing.

G14.7 The graduate may decline to engage in the University's processes, as is their right to do so. However, the investigation and action will continue in their absence and they should be aware a decision may be made that affects their award from the University.

G14.8 Based on the outcome of the investigation, the AIO may rule that the matter:

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

G14.8 The AIO will notify the graduate of the outcome of the investigation.

G15 Referral to Academic Integrity Panel

G15.1 An AIO having considered the details of the initial investigation and determined that the matter constitutes a breach of Academic Integrity Regulations shall refer the case for action to the Academic Integrity Panel.

G15.2 The senior officer responsible for the administration of academic integrity cases or their nominee will convene the Academic Integrity Panel.

G15.3 The Academic Integrity Panel will hear the allegation as soon as reasonably practicable.

G16 Constitution of Academic Integrity Panel

G16.1 The Academic Integrity Panel will comprise the Vice Principal (Learning & Teaching) or their nominee as Convenor; one Academic Integrity Officer (AIO) and one student member nominated the Edinburgh Napier Students' Association (ENSA) President. None of the committee should come from the same School as the student against whom the allegations have been made.

G16.2 The Convenor may co-opt one subject specialist member of academic staff nominated by the relevant Dean of School if appropriate.

G16.3 All members of the Panel will have no direct or previous involvement with the graduate concerned.

G16.4 The senior officer responsible for the administration of academic integrity cases or their nominee shall act as clerk and keep a record of proceedings.

G17 Academic Integrity Panel Hearing

G17.1 The graduate will be notified of the Academic Integrity Panel Hearing no less than 10 working days in advance of the Hearing and shall be entitled to attend the Hearing, accompanied by a person who can provide support and guidance to the graduate, but who must not have been involved in the matter under investigation. The University must be notified in advance of the identity of any such accompanying person.

- G17.2** Prior to the Hearing, the graduate will be provided with the basis for the allegation and, where appropriate, copies of any documentary evidence.
- G17.3** The graduate may call witnesses on their behalf and submit relevant documentary evidence provided the intention to do so is notified to the Convenor at least 48 hours in advance of the Hearing.
- G17.4** The Panel will receive and consider a report of the current investigation (including any evidence) and any previous findings from the AIO. The graduate will be invited to comment on the presented report and evidence. If the graduate refutes the allegations, they will be invited to present evidence in support of this.
- G17.5** The graduate shall have the opportunity to put any relevant extenuating circumstances to the Panel, although its primary focus shall be on establishing whether or not there were academic integrity issues.
- G17.6** Failure by the graduate to attend at the time specified, except for a written reason acceptable to the Convenor of the Panel, shall not normally preclude the Panel from considering the allegation and reaching a decision.

G18 Academic Integrity Panel Decision

- G18.1** Based on the outcome of the Hearing, the Panel may rule that the matter:
- i) does not constitute a breach of Academic Integrity Regulations and no further action will be taken.
 - ii) constitutes a breach of Academic Integrity Regulations, and will consider and determine what action, if any, is appropriate other than (iii) below.
 - iii) constitutes a breach of Academic Integrity Regulations, and will recommend that the award be revoked by Academic Board

- G18.2** The outcome of the hearing will be sent by the Clerk to the graduate no later than 5 working days after the meeting, providing details of the right to appeal where the decision falls under G18.1 (ii) or (iii). If the matter has been referred to the Convenor of Academic Board (on behalf of Academic Board members) for final decision under G18.1(iii) the graduate should be informed of this, and the approximate date by which they will be informed of the final decision.
- G18.3** If the decision is to recommend revocation of an award under G18.1 (iii) a proposal detailing the background to the case and reason for the recommendation will be submitted to the Convenor of Academic Board to consider and make a final decision.
- G18.4** The final decision of the Convenor of Academic Board will be notified to the graduate no later than 5 working days after the meeting. In this case the right to appeal will only apply once the final decision of the Convenor of Academic Board has been notified.
- G18.5** Where a decision is taken to revoke an award, this shall not be actioned by the University until the right to appeal has been exercised or timed out in line with the timescales outlined in this policy.

G19 Right of appeal to Chair of Court

- G19.1** The graduate may appeal against the final decision of the Convenor of Academic Board, in writing, within 10 working days of receipt of the final decision, to the Chair of Court.
- G19.2** The appeal process is not a re-hearing of the original case, therefore the appeal may only be made on the following grounds:
- i) There was a procedural irregularity in the conduct of the investigation and/or any hearings which materially influenced the outcome;

- ii) New evidence is now available which might have caused the Academic Integrity Panel to reach a different conclusion, but could not have been made available at the time of the hearing; or
- iii) The appellant can substantiate a claim that the penalty imposed was unreasonable.

GI9.3 The Chair of Court upon receiving the appeal, will consider if it meets the valid grounds as set out in GI9.2. This may include reviewing documents, hearing from the Academic Integrity Panel convenor; with each case considered on its own circumstances whilst being mindful it is not a re-hearing.

GI9.4 Thereafter the Chair of Court may reject the appeal and confirm the decision or, if the Chair of Court allows the appeal, they may set aside any decision or penalty made under 8.1(ii) or (iii).

GI9.5 The outcome of the appeal will be sent to the graduate no later than 20 working days after receipt of the appeal.

GI9.6 The decision of the Chair of Court will be final.

GI9.7 Where a decision to revoke an award has been upheld at appeal by the Chair of Court, this action will be undertaken at this point in the policy with appropriate changes being made to the University's official records. Action may also require notification to external parties, such as the Home Office, for international students due to the implications for graduate visas.

GI10 Independent External Review

GI10.1 Once the processes outlined in section GI9 above have been completed, should the graduate remain dissatisfied they are entitled to ask the Scottish Public Services Ombudsman (SPSO) to look at the matter. The SPSO considers matters from individuals who remain dissatisfied at the

conclusion of the University's procedures. The SPSO looks at issues such as service failure and maladministration (administrative fault) as well as the way the University has implemented its regulations and procedures. The SPSO will not consider matters that concern the exercise of academic judgment.

G110.2 The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes any dissatisfaction following the completion of a university's internal procedures. If anyone remains dissatisfied with a university or co-operative after fully engaging with an internal procedure, they can ask the SPSO to look into the matter. The SPSO cannot normally look at matters:

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

The Scottish Public Services Ombudsman may be contacted as follows:

- i) via its website at www.spsso.org.uk
- ii) by telephone on 0800 377 7330
- iii) by writing to: Freepost SPSO.
- iv) in person: Bridgeside House, 99 McDonald,
Road Edinburgh, EH7 4NS