

## **Protocols for Academic Misconduct Panel (AMP) hearings during the COVID-19 pandemic**

<b>Responsibility for Policy:</b>	University Secretary & General Counsel
<b>Relevant to:</b>	All LJMU Staff
<b>Approved by:</b>	University Secretary & General Counsel, April 2020
<b>Responsibility for Document Review:</b>	Head of Student Governance and Academic Registry
<b>Date introduced:</b>	September 2015
<b>Date(s) modified:</b>	September 2016, November 2017, April 2020, September 2020
<b>Next Review Date:</b>	September 2021

### **RELEVANT DOCUMENTS**

NA

### **RELATED POLICIES & DOCUMENTS**

- Academic Misconduct Policy

**Liverpool John Moores University - Student Governance.**

**Protocol for Academic Misconduct Panel [AMP] hearings during the COVID-19 pandemic.**

**1. Summary**

This protocol is to enable staff to conduct Academic Misconduct Panels via video conferencing facilities during COVID-19 pandemic. This protocol is designed to

- Ensure that the student is given correct information prior to, during and after the AMP.
- Better understand the hearing process and the role of video conferencing during the hearing process.
- Reach a conclusion based on the evidence.
- Support a finding that the allegation of misconduct is Proven or Not Proven.
- Apply the LJMU penalty tariff following a proven case of academic misconduct.
- Produce an AMP report and minutes of the hearing to the correct standard.
- Report appropriately to the Board of Examiners.

**2. Key principles**

**The Academic Misconduct procedure follows the principles of natural justice:**

- The student is entitled to a hearing. A face-to-face hearing presents a health and safety risk to all participants, so whilst government guidance

on social distancing remains in place, the University is adopting a protocol for hearings to be organised by video conferencing. For privacy reasons, only Microsoft Teams or Zoom should be used for this, with all participants in the hearing logging into to either system using their LJMU usernames and passwords only. The organiser of the Academic Misconduct Panel hearing should make clear to all participants which system is to be used.

- Full disclosure of any allegations or evidence will be made to the student involved in the allegation of misconduct. All documentary evidence used during the course of the video conference hearing should be emailed to the student in advance. An email read receipt is considered verification of the receipt of documentation. Documentary evidence unseen by the student should not be used during the hearing.
- In addition to being provided with an opportunity to attend a video conference hearing, students are also given an opportunity present their case in writing (if they wish to do so).
- The Presenting Officer gives their evidence in the presence of the student. The secretary to the panel and Chair should confirm that the student is able to both hear and see the Presenting Officer as they present their evidence.
- The student response is given in the presence of the Presenting Officer. The secretary of the panel and Chair should ensure that the Presenting Officer is able to hear the student's response.
- At each stage of the procedure, students accused of academic misconduct have the right to be accompanied by a 'friend' or Liverpool John Moores University Students' Union representative. The University's *Definition of a Friend Policy* applies. When requested to do so by the student, the Chair and secretary of the Panel should facilitate the involvement of the student's friend in the video conference hearing. If required, the Chair should pause the video conference hearing for a short period to enable the student and the student's friend to confer.
- The panel making the decision must be unbiased, neither should there be any perception of bias. The membership of the Academic Misconduct Panel, as specified in the *Academic Framework*, helps to ensure this.

- The decision of the AMP will be clear, explicit and formally notified to the student in writing. It is established custom and practice that in addition to a written report, Academic Misconduct Panels make their decisions known to the student verbally following the conclusion of their deliberations. This may not always be possible with a video conference hearing.

### **3. Prior to the AMP**

Prior to convening an AMP, the matter should be referred to the Faculty Registrar to determine if there is a *prima facie* case to refer to the AMP.

Following Faculty Registrar approval of a case to move forward to AMP, the secretary of the panel should contact the student via email to discuss a suitable date and time for the AMP. If the student does not respond via email, the secretary should attempt to contact the student via the telephone numbers provided by the student on registration or reregistration.

If the secretary of the panel is unable to make contact with the student, after having made reasonable efforts to do so by email and telephone, and the student has not notified the University of any relevant illness that might prevent them from attending a hearing via video conference, the AMP will proceed.

If the University has been informed of a relevant illness, or any other impediment that would prevent the student from a full participation in the video conference hearing, the AMP should be postponed until the student is able to take an active part in the proceedings (should they wish to). In this circumstance, students should be informed that no credit will be released by the University for the module on which the summative assessment item(s) was submitted, and as a result the student will not be able to complete their target award until an Academic Misconduct Panel has taken place.

Following an allegation of Academic Misconduct, the student must be informed in writing of;

- The nature of the allegation and the evidence that will be brought to support the allegation. This should include the AMP Proforma 1, a statement from the Presenting Officer and all documentary evidence that will be considered by the Panel.
- The URL for the Microsoft Teams or Zoom-based hearing, and instructions for use of Microsoft Teams/Zoom video conferencing facilities.
- The URL for the LJMU *Academic Framework Regulations* <https://www.ljmu.ac.uk/about-us/public-information/academic-quality-andregulations/academic-framework>
- The URL to the LJMU *Academic Misconduct Policy*: <https://www.ljmu.ac.uk/about-us/public-information/student-regulations/academic-misconduct>
- The URL to Appeal against the judgement of an Academic Misconduct Panel <https://www.ljmu.ac.uk/about-us/public-information/student-regulations/student-appeals>
- That they may present their response to the AMP via video conferencing, in writing, or both.
- That if they choose not to respond, choose not to attend the AMP video conference, or choose not to provide any form of written statement, a hearing will proceed in their absence.
- That if they do attend, they may be accompanied by a 'friend' during the AMP video conference, who may be a Liverpool JMSU representative. If the student wishes to be accompanied by a friend, they should inform the secretary and Chair of the panel *in advance of the video conference hearing*, providing the full name of their friend, details of the friend's relationship to the student, and their friend's email address. Following receipt of this information, the secretary should provide the student's friend with the URL for the Microsoft Teams/Zoom based hearing. Before the commencement of proceedings, the Chair of the panel should confirm the identity of the friend.

- That the video conference hearing will proceed irrespective of whether the student or the friend are present.
- That they should provide any evidence they wish to be considered by the AMP in advance of the video conference hearing. Students should be given a deadline for the submission of evidence, to enable Panel members' reasonable time to read the evidence prior to the hearing.
- That any evidence submitted after the deadline may not be considered or admissible.
- The advisability of contacting Liverpool John Moores University Students' Union for advice Telephone: 0151 231 4900, Email [jmsuadvice@ljmu.ac.uk](mailto:jmsuadvice@ljmu.ac.uk) Webpage: <https://www.jmsu.co.uk/new-website-home/advice-service/advice-service>

#### **4. The Academic Misconduct Panel Hearing**

##### **4.1. Timing of the Hearing.**

Allegations of academic misconduct must be investigated and brought to a conclusion with the minimum of delay. Where there may be a delay, this should be made clear to the student and every effort should be made to conclude the proceedings as quickly as possible. If the hearing is unreasonably delayed, there is the potential for challenge on the basis that the process has been compromised. Unreasonable delay may also enable an argument that, irrespective of the outcome of the allegation of misconduct, the student has been put under undue stress due to the length of time taken to consider the allegation. The desire for a prompt hearing must be balanced against the student being given a reasonable amount of time to prepare their case.

##### **4.2. Purpose of the Hearing.**

The purpose of the AMP hearing is to examine the allegation of academic misconduct following a procedure that satisfies the accepted standards of fairness: by applying the regulations / policies to the facts, as presented by the evidence. It is the responsibility of the Academic Misconduct Panel to be aware of the relevant

regulations, to assess the evidence available and make a finding based on that assessment.

It is essential to ensure that the hearing process is fair and transparent. Failure to observe the basic requirements of fairness will allow any decision to be challenged.

Section C5.52 of the Academic Framework Regulations states the terms of reference and operation of Academic Misconduct Panels

<https://www.ljmu.ac.uk/aboutus/public-information/academic-quality-and-regulations/academic-framework>

**The burden of proof is on the individual making the allegation, in this context, the Presenting Officer.**

The standard of proof is the civil standard - the balance of probabilities i.e. more likely than not, based on the available evidence, not the criminal standard of beyond reasonable doubt.

All information provided regarding an allegation of misconduct will remain confidential for use within the AMP process and is subject to the requirements of the data protection legislation.

The Hearing must be formally minuted and the minutes made available to the student within a reasonable timeframe. See Section 6. Template Document is available at

<https://www.ljmu.ac.uk/about-us/public-information/student-regulations/academic-misconduct>

The recording function of Microsoft Teams/Zoom should **not** be used to store a recording of the Academic Misconduct Panel.

#### **4.3. Composition of the Academic Misconduct Panel**

Section C5.5.3 of the Academic Framework Regulations refers. The Director of School must ensure appropriate composition of the Panel:

- Three members of academic staff, two of whom [including the Chair], must not be significantly associated with the student.
- At least one member will be independent of the programme team.
- Any potential conflict of interest between a proposed member of the AMP, the Presenting Officer and the student should be resolved prior to the AMP by the Director of School or nominee.

The Presenting Officer is NOT a member of the panel and plays no part in reaching the final decision.

Members of the AMP Panel must have undertaken AMP Panel Training sessions delivered by Student Governance and Faculty Registrars.

#### **4.4. At the AMP Video Conference Hearing**

The Chair should open the proceedings by:

- Explaining who everyone is and their role in the proceedings.
- Describe what will happen during the video conference hearing and how it will be conducted.
- Ensuring that the student, if present, is able to participate in the video conference hearing and that there are no technological impediments to the student's participation.
- Confirming for the minutes that the student, if unaccompanied, was advised of their right for a friend to participate in the video conference hearing. If the student is accompanied, the Chair should confirm the identity and clarify the role of the friend in the proceedings.
- Emphasising the independence of the panel.
- Ensuring that everyone has the relevant papers.
- Ensuring that the contact and programme details of the student are correct



- Ensuring that the Presenting Officer has confirmed that the person taking part in the video conference is the student concerned.
- That no other individual is present during the video conference hearing other than themselves (Chair), the two other members of the AMP, the secretary, the Presenting Officer, the student and the student's friend.

The Chair then asks the Presenting Officer to present the case and refer to the relevant evidence. The Panel may ask questions for clarification.

The Chair then asks the student to present their case and refer to the relevant evidence. The Panel may ask questions for clarification.

Any questions from the student or the Presenting Officer should be directed to the Chair.

Appendix 1 refers to key issues for AMP Panels to note/consider.

When the Panel is satisfied that they have no further questions, the Presenting Officer will be given the opportunity to summarise the case.

The student will then be given the opportunity to summarise their case.

The student and Presenting Officer will be advised that the University intends to formally notify of the outcome within five working days. It should be noted that staff absence through illness or other cause may prevent this from being the case.

The Chair will ask both the student, the student's friend and the Presenting Officer to leave the video conference so the Panel may begin their deliberations.

The hearing will be formally minuted, the minutes approved by the Chair and made available to relevant parties on request. The minutes must be written in such a way that they can be read by someone with no knowledge of the case, so that they would be able to understand the circumstances of the allegation of misconduct, the

relevance of the documentary and/or witness evidence, and the rationale for the final decision.

The Chair is responsible for ensuring that proceedings are conducted in a dignified manner.

## **5. Penalties.**

Where the allegation is proven, then the AMP shall apply the penalty in accordance with the LJMU tariff as defined in the Academic Misconduct Policy:

<https://www.ljmu.ac.uk/about-us/public-information/student-regulations/academic-misconduct>

## **6. AMP Report/Minutes and notification letter to the student**

The Chair is responsible for approving the AMP report/minutes and the notification letter to the student. A document template is available at

<https://www.ljmu.ac.uk/about-us/public-information/student-regulations/academic-misconduct>

The minutes must include:

- A summary of the allegation.
- That the AMP took place using video conferencing technology.
- State whether the allegation of misconduct is Proven or Not Proven and the reasons why.
- If the AMP is unable to reach a conclusion on all or part of the allegation of misconduct due to conflicting evidence, then the report should note this.
- Where the allegation is proven, then the report shall include the penalty as indicated by the LJMU tariff.
- any recommendations for further action if appropriate, for example recommendations for good practice, feedback on procedures etc.

The notification letter to the student should include:

- A summary of the allegation.
- State whether the allegation of misconduct is Proven or Not Proven and the reasons why.
- Where the allegation is proven, then the letter shall include the penalty as indicated by the LJMU tariff.
- Reference to the appeals process.

## Appendix 1:

### Panel Checklist: Key Issues for the AMP Panel to Note and Consider

Introductions. Chair ensures that only those with a right to participate in the video conference hearing are present.	
Chair checks Presenting Officer and Student have Panel Papers	
Chair checks Student had opportunity to attend and to bring Friend	
Chair explains Process to Presenting Officer and Student	
Chair confirms allegations and potential outcomes if proven (Proven, Not proven, Amendment of allegation, application or penalty tariff or referral to Student Discipline Procedures).	
Presenting Officer Statement	
Questions to Presenting Officer from Panel	
PO provided full and accurate details relating to the allegations and evidence	
Panel clarifies with PO the type, weighting and nature of assessment	
Panel clarifies with PO the actual percentage of alleged Plagiarism in comparison to the Turnitin level of similarity	
Panel clarifies what guidance and instruction was given relation to the presentation of work, citation/reference requirements and Academic Misconduct (this is a Regulatory Requirement). Panel to note evidence of this.	
Questions to Presenting Officer from Student	
Student Statement	
Questions to Student from Panel	

If personal circumstances presented, the Panel should note any supporting evidence and question the student and PO on how students are advised about the support services and separate procedures (e.g. EC, DC etc.).	
Questions to Student from Presenting Officer	
Presenting Officer Closing Statement	
Student Closing Statement	
Presenting Officer and Student Leave the Room	
Panel Deliberations and Rationale for Decision Confirmed	
Decision communicated to Presenting Officer and Student	
Notification to Student re Letter and Minutes and Expulsion Process (if applicable)	