

## **Academic Misconduct Panel (AMP) Hearings Protocol**

<b>Responsibility for Policy:</b>	Registrar and Chief Operating Officer
<b>Relevant to:</b>	All LJMU Staff and students
<b>Approved by:</b>	Academic Registrar
<b>Responsibility for Document Review:</b>	Head of Student Governance and Assistant Academic Registrars
<b>Date introduced:</b>	September 2015
<b>Date(s) modified:</b>	September 2016, November 2017, September 2021, September 2022
<b>Next Review Date:</b>	September 2023

### **RELEVANT DOCUMENTS**

NA

### **RELATED POLICIES & DOCUMENTS**

Academic Misconduct Policy  
Protocols for Academic Misconduct Panel (AMP) Hearings Protocol for when an in-person hearing is impractical

## **Protocol for Academic Misconduct Panel [AMP] hearings**

### **1. Summary**

This protocol is to enable staff involved in an Academic Misconduct Panel (AMP) to:

- Ensure that the student is given correct information prior to, during and after the AMP.
- Better understand 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:**

- Full disclosure of any allegations or evidence will be made to students involved in the allegation of misconduct.
- The student is entitled to a hearing.
- There should not be unnecessary delay and the student must be given reasonable time in which to prepare their submission for the hearing.
- The Presenting Officer must give their evidence in the presence of the student.
- The student response is given in the presence of the Presenting Officer.
- Students involved in an allegation of misconduct have the right to be accompanied by a friend at each stage of the procedure.
- The panel making the decision must be unbiased, neither should there be any reasonable perception of bias.
- The decision of the AMP will be clear, explicit and formally notified to the student in writing.

### **3. Prior to the Academic Misconduct Panel**

Prior to convening an AMP, the matter should be referred to the relevant Assistant Academic Registrar (or nominee) to determine if there is a *prima facie* case of academic misconduct to refer to the AMP.

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 [notification of an AMP](#), the statement from the Presenting Officer and all evidence that will be considered by the panel.

- The date, time and location of the AMP, and whether the student has any disability/access requirements.
- The link to the LJMU Academic Misconduct Regulations C5. <https://www.ljmu.ac.uk/about-us/public-information/academic-quality-and-regulations/academic-framework>
- The link to the LJMU Academic Misconduct Policy. <https://www.ljmu.ac.uk/about-us/public-information/student-regulations/academic-misconduct>
- That they may present their response to the AMP in writing or in person.
- That if they choose not to attend the AMP, the hearing will proceed in their absence, but the panel may draw adverse inferences from the failure of a student to use the opportunity to defend their work
- That if they do attend, they may be accompanied by a 'friend', who may be a JMSU advisor. The [\*Definition of a Friend and Representative in Student Governance Procedures\*](#) defines the role of a friend.
- That they should present any evidence they wish to be considered to the AMP, and that this evidence must be submitted in advance of the hearing. Students should be given a deadline for the submission of evidence, to enable the panel members reasonable time to read the evidence prior to the hearing. Students should be advised that evidence submitted after the deadline may not be considered.
- That if they intend to call any witnesses, they must make their own arrangements for this.
- The advisability of contacting JMSU for advice: <https://www.jmsu.co.uk/advice-service/advice-service/university-issues/academic-misconduct>

#### 4. **Viva Voce examinations for academic misconduct**

Whilst marking a piece of work submitted by a student for assessment, a marker may suspect that the work is not entirely the student's own, but on further investigation cannot find any textual evidence to substantiate their suspicions. In such cases (i.e., where it is strongly suspected that academic misconduct has been committed but where no direct evidence can be produced), a *viva voce* examination may be held to determine the authorship of the work.

The holding of an academic integrity *viva voce* examination must be authorised by an Assistant Academic Registrar.

The aim of the *viva voce* is to give the student the opportunity to demonstrate that the piece of work is entirely their own and is held to confirm that the student:

- undertook the reading and research themselves.
- undertook all the preparatory work themselves.
- understands what they have written.
- Wrote the piece of work themselves.

The outcome report of the *viva voce* can be used as evidence to justify the convening of an academic misconduct panel (AMP) and the minutes of the *viva voce* can be used during any subsequent AMP.

If a *viva voce* is to be conducted, it should not normally take place more than 30 calendar days after the assessment feedback.

### Protocols for an academic misconduct viva voce examination

All viva voce examinations must be completed by two members of academic staff, at least one of which should have suitable subject expertise.

The student should be given at least 5 working-days' notice and invited to attend an academic misconduct viva voce examination in writing, using a standard template letter.

Students should be advised of the anticipated length of the examination (note: these should aim to be relatively short, no more than 30-60 minutes)

Students should be advised to bring with them evidence of preparatory work relating to the submission such as drafts, sources, feedback.

Immediately prior to the viva voce examination, a student's identity should be confirmed against their student ID card to ensure that no impersonation is attempted to circumvent the viva process. Unless the panel are confident of the identity of the student, the *viva voce* should be suspended pending investigations.

Only the piece of work in question will be the subject of the *viva voce*.

A student has the right to be accompanied by a friend at the *viva voce* examination. The student's friend is there to accompany the student during the examination and is not allowed to speak on behalf of the student. See the University's *Definition of a Friend and Representative in Student Governance Procedures* for further details.

The meeting should begin by the chair and other panel member introducing themselves. The Chair will also inform all participants of the terms of reference for the Panel.

The Panel may ask questions relating to the work such as how the student approached the work, what research was carried out, what sources were used and how these were chosen, what the key concepts of the work are, how arguments and data were formulated etc. The student may also be asked to explain statements, theories or terms used within their work. The student may also be asked whether they received any help or support from any third party.

Viva voce examinations are not recorded. All viva voce examinations must be formally minuted by a secretary and the minutes made available to the student within five working days. The minutes of the meeting should state whether the panel believe that the student has demonstrated that the work is their own. In cases where the panel believes that the work submitted by the student was not written by them, the minutes should provide clear reasoning for the basis for the panel's decision.

Reasonable adjustments must be made to ensure that students with additional support needs are not disadvantaged for reasons relating to a long-term medical condition, sensory impairment, specific learning difficulty and /or disability.

The viva voce will not result in a penalty being applied if the student admits to academic misconduct; penalties can only be applied by a subsequent Academic Misconduct Panel.

Where the panel's decision is that the student wrote the work that was submitted in their name for assessment, this ends any investigation into the work, which should be marked and returned to the student as normal.

Where the panel's decision is that the student did not write the work that was submitted in their name for assessment, the case is referred to an Academic Misconduct Panel (AMP). In these circumstances, the chair of the viva voce examination is expected to be the presenting officer at the AMP.

Where a student does not attend a viva voce examination, the case may proceed to an AMP. The AMP is able to draw a negative inference from a student who fails to attend an academic misconduct viva voce examination.

In cases where the student is unable to physically attend a *viva voce*, the *viva* may be conducted electronically. Electronic meetings may be recorded for the purposes of drafting minutes. All recordings will be deleted following the chair's confirmation of the minutes. During electronic viva voce examinations, all participants in the meeting are expected to have their cameras on. It is not permissible for the *viva voce* to be conducted by audio only or by telephone.

## **5 The Academic Misconduct Panel hearing**

### **5.1 Timing of the hearing.**

Allegations of academic misconduct must be investigated and concluded with the minimum of delay. Where there may be a delay (during the vacation periods for example), this should be made clear to the student, but every effort should be made to conclude the proceedings as quickly as possible.

It is essential that the AMP is convened in a timely manner. If the hearing is unreasonably delayed, there is the potential for challenge on the basis that the process has been compromised by witnesses being unavailable, that the circumstances are now more difficult to investigate and witness memories may be unreliable.

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 requirement for a timely AMP hearing should be balanced against the student being given a reasonable amount of time to prepare their case.

### **5.2 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 and policies to the facts, as presented by the evidence. It is the responsibility of the AMP 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 allows 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/about-us/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 GDPR requirements.

The hearing must be formally minuted and the minutes made available to the student on request and within a reasonable timeframe. The [AMP outcome proforma](#) should be used.

### **5.3 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 must play no part in the panel reaching the final decision.

Members of the AMP must have undertaken an academic misconduct training session delivered by Student Governance.

### **5.4 At the AMP hearing.**

The Chair should open the proceedings by:

- Explaining who everyone is and their role in the proceedings.
- Describe what will happen during the hearing and how it will be conducted.
- Confirm for the minutes that the student, if unaccompanied, was advised of their right to be accompanied by a friend.
- If the student is accompanied, the Chair should clarify the role of the friend in the proceedings.
- Emphasise the independence of the panel.
- Ensure that everyone has the relevant papers.
- That the contact and programme details of the student are confirmed.
- The Chair should confirm with both parties whether they intend to call any witnesses.

The Chair should ensure that proceedings are conducted in a dignified manner.

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 AMPs to 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 they will be formally notified of the outcome within five working days. The Chair will ask both the student and the Presenting Officer to leave so the Panel may begin their deliberations.

Academic Misconduct Panels are not recorded. The hearing will be formally minuted, the minutes approved by the Chair and made available to relevant parties. 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.

## **6 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/appeals-and-complaints>

**7 AMP Report/Minutes and notification letter to the student**

The Chair is responsible for approving the AMP minutes, outcome report 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.
- State whether the allegation of misconduct is proven or not proven and the reasons why.
- Whether the panel were unanimous in their decision.
- 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 academic misconduct penalty tariff as specified in the [Academic Misconduct Policy](#).
- 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 academic misconduct penalty tariff in the [Academic Misconduct Policy](#).
- Reference to the appeals process.

## Appendix 1:

### Panel checklist: Key proceedings issues for the AMP

Introductions	
Chair checks Presenting Officer and student have panel papers	
Chair checks student had opportunity to bring a 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 disciplinary 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 the Presenting Officer the type, weighting and nature of assessment	
Panel clarifies with the Presenting Officer the actual percentage of alleged plagiarism or collusion (where relevant) 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 the 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 the Presenting Officer on how students are advised about the support services and separate procedures	
Questions to student from Presenting Officer	
Presenting Officer's closing statement	
Student's closing statement	
Presenting Officer, student, and anyone accompanying either party, leave the room	
Panel deliberations and rationale for decision confirmed	
Decision communicated to Presenting Officer and student	

