

J Academic Offences

J1 Introduction

- J1.1 The University has a public duty to ensure that the highest standards are maintained in the conduct of assessment. Thus, the legitimate interests of the students and the University's reputation are safeguarded. Alleged academic offences which would compromise these standards will be investigated thoroughly. If confirmed, an offence will lead to the imposition of severe consequences, including the possibility of termination of registration and enrolment, i.e. expulsion.
- J1.2 An "academic offence" has been committed when a student tries to gain improper advantage for themselves by breaking, or not following, the Academic Regulations concerning any part of the assessment process. This procedure applies to all students engaged in any University assessment activity whether on or off site including collaborative programmes.
- J1.3 The student may be required to demonstrate ownership of authorship during an investigation into an alleged academic offence. The student may be asked to undertake a viva or another appropriate assessment at any step during the process.
- J1.4 This procedure is intended to help students to reach a clear understanding of Academic Regulations and to put minor misunderstandings right before they become serious.
- J1.5 Students who are subject to this procedure are encouraged to take advantage of the advice and support available to them from the Union of Students. At all stages of this procedure students have the right to be accompanied by a friend who is not acting in a professional capacity and, if the student is under 18 years of age, their parent or guardian.
- J1.6 Certain professional bodies impose their own standards of professional conduct. If a student does not keep to those rules or standards they may not gain the professional recognition regardless of learning achievement.
- J1.7 Where the term "relevant Research Committee" appears in this document, it relates to either a College Research Committee (or other similar body) or the University Research Committee, as appropriate to the issue involved for a postgraduate research student.*
- J1.8 Where roles are specified in this document for relevant Deans or Directors, in instances where that Dean or Director might themselves have been directly involved in the teaching, supervision, assessment or examination of the student concerned, the matter will be referred to a different Dean or Director.

J1.9 An academic offence could be 'confirmed' where evidence supports misconduct in any of the following categories. Where evidence strongly supports that the offence was committed on the 'balance of probability' (i.e. more likely than not) a student maybe confirmed as having committed an academic offence. The University also reserves the right to review work retrospectively.

J2 Categories of Academic Offence

J2.1 Plagiarism:

- (i) An offence occurs when a student submits as work of their own, work of which they are not the author.
- (ii) Plagiarism has occurred when the student:
 - Does not acknowledge the work of another person or persons, *or*
 - Has not identified the source or cited quotations in any work presented for assessment, *or*
 - Has used images, music, video, patents or other creative materials without acknowledgement of their provenance, *or*
 - Has copied another student's work without their knowledge, *or*
 - Has submitted the same piece of their own work for assessment and award of credit in two (or more) modules.
- (iii) If a student's work is found to contain verbatim (or near verbatim) quotation from the work of others without acknowledgement, then plagiarism has been committed.
- (iv) If the student has engaged a third party to significantly or partially create a piece of work on their behalf, then plagiarism has been committed. Third party engagement can take the form of paid or unpaid work.

J2.2 Collusion:

- (i) Where there is a requirement for the submitted work to be solely that of an individual student, collaboration is not permitted. Students who improperly work together in these circumstances and/or who permit the copying of their work by others are guilty of collusion.
- (ii) Where students are permitted or instructed to work together to achieve common outcomes, such group activity is regarded as approved collaboration. There may be a requirement for each student to identify their own contribution

J2.3 Impersonation:

- (i) A student who is substituted by another person in an examination, or who submits by substitution the work of another person as their own, is guilty of deception by impersonation. The offence of impersonation can be applied both to the student and the impersonator.

J2.4 Improper conduct in formal examinations:

- (i) An offence is committed when a student possesses unauthorised paper, material or electronic devices such as mobile phones, programmable calculator or electronic dictionaries, or communicates with another student during an examination.
- (ii) If on entry to the examination room students find themselves inadvertently in possession of any such material or device they must declare and surrender it immediately prior to the start of the examination.
- (iii) An offence is also committed if there is evidence of the use of unauthorised material in a student's response(s) to examination questions.
- (iv) Students will be deemed to be aware of all regulations governing the conduct of examinations (Section H). Breaches of any of these regulations will constitute an academic offence.

J2.5 Contract Cheating:

- (i) Where a student has employed a third party, to create an entire piece or part of academic work with the intention of submitting this as their own piece of work.

J2.6 Invention of data (fabrication)

- (i) Invention of data occurs where a student effectively misrepresents data (through fabrication or falsification) to make it appear that the data has been derived by appropriate measurement in the field, in the laboratory or other setting.
- (ii) Thus the reader is deceived with regard to the true information and the researcher may use the invented data to substantiate a favoured hypothesis.
- (iii) This is regarded as deception and is a very serious academic offence

J2.7 Any other form of misconduct:

- (i) Any action through which students seek to gain an unfair advantage in assessment constitutes an academic offence.

- (ii) Failure to meet ethical, legal and professional obligations such as breach of confidentiality or abuse of research subjects or materials.

J3 Procedures for Dealing with Academic Offences

J3.1 Breaches of examination room regulations

Following report to the Assessment and Awards Manager by the invigilator, a fixed penalty in accordance with 4.1(iii) will apply unless the breach of exam room regulations may be shown to have resulted in the student gaining an unfair advantage when the case will be referred to the relevant Dean or Director for consideration (step 2).

J3.2 All other offences

J3.2.1 Step 1

Programme leader/Chair of relevant Research Committee or nominee meeting

Where a tutor suspects that an Academic Offence has taken place they report it to the programme leader/Chair of relevant Research Committee or nominee (except in the case of deception or invention of data, which will be reported to the relevant Dean or Director (Step 2) by any member of staff).

- (i) The programme leader/Chair of relevant Research Committee or nominee holds a meeting with the student in order to establish whether an offence has been committed or not, whether the offence has arisen from inexperience or misunderstanding, and the effect of the offence on academic standards.
- (ii) If the offence was committed as a result of inexperience or misunderstanding the outcome of this meeting is an advisory note placed on the student's file clarifying academic regulations.

Any action to be taken to address the issues identified will be noted within the advisory note and subsequently monitored by the programme leader/Chair of relevant Research Committee or nominee.

A copy of the advisory note will be given to the student and a copy held in the Students Policy and Regulations Team, in the Centre for Quality Assurance on the student file for reference in any future investigation.

- (iii) If the offence is judged not to be the result of inexperience and misunderstanding, the student will be referred to the relevant Dean or Director with overall responsibility for their programme or module (Step 2). The student will be informed of this in writing.

- (iv) If the offence has been committed by a postgraduate research student and might reasonably be deemed potentially to be an instance of scientific misconduct within the meaning of the University's policy relating to this**, the referral to the Dean will include the possibility of proceedings being taken under that policy. The student will also be informed of this in writing.
- (v) If the offence is one of plagiarism which has been admitted by the student, the programme leader/Chair of relevant Research Committee or nominee will determine whether there are any factors that make it a significant threat to academic standards. These would include an element of collusion, impersonation, systematic and widespread plagiarism or repeat offending.

If the offence amounts to a serious threat to academic standards, the student will be referred to the relevant Dean or Director with overall responsibility for their programme or module (Step 2). The student will be informed of this in writing.

- (vi) Where a student admits the offence of plagiarism, but there are none of the factors outlined in 3.2.1(v), the programme leader/Chair of relevant Research Committee or nominee will implement a penalty in line with 4.1 (ii) and 4.1(iii).

J3.2.2 Step 2:

Meeting with the relevant Dean or Director

- (i) The relevant Dean or Director or nominee, holds a meeting with the student in order to consider the evidence and to determine the appropriate course of action.

Where the offence being investigated is felt to be systematic and widespread, representation of an experienced independent person from outside of the College/Department will be sought. Details of the meeting will be recorded by a relevant officer.

- (ii) The student will be given written notice of the time and place of the meeting, a clear statement of the nature of the alleged academic offence, and supporting evidence. The period of notice will be at least 5 working days but may be reduced or increased with the agreement of the student, in the interests of natural justice.

In the event that the student fails to respond to a request to meet with the Dean/Director the meeting will be concluded in the student's absence on the basis of any information available.

- (iii) The student is entitled to bring a friend who should be a member of the University or the Union of Students' representative and, if the student is under

18 years of age their parent or guardian. The friend may make representations on the student's behalf with permission of the Dean/Director.

Details of anyone accompanying the student must be notified to the Dean/Director at least 4 working days before the meeting.

This process is internal therefore it is not expected that students will bring legal representation to such meetings.

- (iv) Copies of any written material to be submitted to the meeting by the reporting Programme/Module Leader/Chair of relevant Research Committee or nominee and the names of any witnesses to be called by the Dean/Director or nominee holding the meeting must be made available to the student at least 4 working days before the meeting unless these time periods are reduced with the agreement of the student.
- (v) The Programme/Module Leader/Chair of relevant Research Committee will present a summary of the investigation to date.
- (vi) The student is entitled to call witnesses and to present evidence to the meeting. Copies of any written material to be submitted to the meeting, and the names of witnesses to be called by the student, must be made available to the Dean/Director or nominee holding the meeting at least 4 working days before the meeting unless the Dean/Director agrees to reduce this time period or accept information at the meeting.
- (vii) Witnesses will be asked to leave the meeting once their evidence has been presented and questioned. Once all the evidence has been heard, the Dean/Director or nominee holding the meeting may ask the student and their friend (and parent or guardian) to leave the meeting whilst a decision is reached.
- (viii) The Dean/Director or nominee will make themselves aware of current guidance available and may impose one of the consequences set out in section J4.1i-vii.

The outcomes of the meeting will normally be communicated to the student immediately after the meeting. This will also be notified to the student in writing, with a copy placed on file and copied to the Assessment and Awards Manager, and may be taken into account in any subsequent offence hearings. All decisions will be reported to the relevant Assessment Board/relevant Research Committee.

In the case of termination of registration for programmes subject to a standard Undergraduate Assessment Board, a summary of the meeting resulting in the termination decision must be presented to UABEC for ratification on behalf of

Academic Board; or, in the case of a postgraduate research degree student, to the relevant Research Committee.

- (ix) If, exceptionally, the Dean/Director is unable to reach a decision without further advice/consultation they will inform the student of an anticipated date by which the decision will be given.

This will normally be no longer than 5 working days after the meeting. If the Dean/Director is still unable to reach a decision the case will be referred to be heard by an Academic Offence Panel (Step 3).

- (x) If the nature of the offence warrants it, the Dean/Director or nominee may also, depending on the nature of the offence, invoke either the University Disciplinary Procedure against the student or, if the offence has been committed by a postgraduate research student and might reasonably be deemed potentially to be an instance of scientific misconduct within the meaning of the University's policy** on this, might take proceedings under that policy.
- (xi) If the student is reasonably dissatisfied with the outcome of the meeting with the Dean/Director, an appeal may be lodged through the procedures detailed in Section J5.

J3.3 Step 3:

Formal Academic Offence panel.

A formal academic offence panel may be convened where the Dean/Director is unable to reach a conclusion.

Constitution of the Panel:

- (i) The Panel will consist of three members of the University, together with a secretary:
- Chair: The Academic Offence Panel will be chaired by a relevant Dean/Director or other senior academic manager approved by the Academic Registrar.

The Chair must not have been involved in the assessment of the student nor as Chair of the relevant Assessment Board nor in any prior investigation of the alleged academic offence.
 - Membership: Two other members drawn from Academic Board or Academic Development and Quality Committee or, in cases involving a postgraduate research degree student, including at least one member from the University

Research Committee from outside the College/Department in which the Programme or module in the case is based.

They must not have been involved in the assessment of the student, the Assessment Board/relevant Research Committee or, in the case of a postgraduate research student, the supervision of the student, nor in any prior investigation of the alleged academic offence.

- Secretary: The Assessment and Awards Manager or nominee.
- (ii) The Panel may be advised by the Chair of the appropriate Assessment Board/relevant Research Committee on assessment issues but they have no voting rights.
- (iii) The Academic Registrar or nominee is responsible for ensuring that there is proper separation of responsibilities within the panel.

The conduct of the Academic Offence Panel:

- (iv) Hearings will be held in order to consider evidence, decide whether an academic offence has been committed and if so the nature of its effect on academic standards, and to determine the appropriate course of action.
- (v) The student will be given written notice of the time and place of the hearing, and the names and titles of the panel members and a clear statement of the nature of the alleged academic offence.

The period of notice is at least 15 working days but may be reduced or increased with the agreement of the student and in the interests of natural justice.

The student is entitled to bring a friend who is not acting in a professional capacity, and if the student is under 18 years of age, their parent or guardian. The friend may make representations on the student's behalf with permission of the Chair.

Details of anyone accompanying the student must be notified to the Chair at least 5 working days in advance of the meeting.

In the event that the student fails to respond to a request to attend an Academic Offence Panel Hearing, the hearing will be concluded in the student's absence.

- (vi) Copies of any written materials to be submitted to the meeting by the reporting Dean/Director and the names of any witnesses to be called by the Chair of the hearing must be made available to the student at least 5 working days before

the hearing unless these time periods are reduced with the agreement of the student.

- (vii) The case will be presented by the reporting Dean/Director or nominee.
- (viii) The student is also entitled to call witnesses and to present evidence to the hearing.

Copies of any written material to be submitted to the hearing and the names of witnesses to be called by the student, must be made available to the Chair of the hearing at least 5 working days before the hearing unless the Chair agrees to reduce this time period or accept information at the hearing.

- (ix) Witnesses will be asked to leave the hearing once their evidence has been presented and questioned. Once all the evidence has been heard the Chair of the hearing may ask the student and their friend (and parent or guardian) to leave the hearing whilst a decision is reached.
- (x) The Panel will reach its decision as to whether an offence has been committed or not by simple majority vote with the Chair having a casting vote: the Secretary to the Panel is not entitled to vote.

The Panel will make itself aware of current guidance available and may invoke consequences as set out in section J4.1 (i)–(vii).

The Panel will then report its decision to the relevant Assessment Board (UABEC, Professional Qualification Board, Postgraduate Assessment Board or relevant Research Committee) and to the Assessment and Awards Manager who will communicate the outcome to the student in writing.

J4 Consequences of Committing an Academic Offence

J4.1 The following outcomes may be used when an academic offence has been found to have been committed. The severity of the penalty is dependent on details of the case.

- (i) An advisory note. This will normally include further action to be undertaken relating to study skills and/or support to address the lack of understanding/inexperience.

This will be confirmed to the student in writing, copied to the programme leader/Chair of the relevant Research Committee or nominee for implementation and monitoring.

A copy of the advisory note will be forwarded to the Student Policy and Regulations Team, in the Centre of Quality Assurance, for the central file with, in the case of a postgraduate research student, Research Office being copied in.

- (ii) A written warning stating that any further offences committed while the student is registered with the University will normally lead to termination of registration and enrolment. All formal/written warnings are issued through the Assessment and Awards Manager or, in the case of a postgraduate research student, Research Office. The outcome may be taken into account in any subsequent hearings.

A written warning will accompany the consequences listed in points (iii) to (v) below:

- (iii) Where the effect of the offence on academic standards is limited the assignment(s)/examination in which the offence occurred will be failed and a numerical grade of 0 (Zero) is recorded.

The student will be permitted to resubmit with the final assignment/examination mark limited to a minimum pass mark (40%).

The student is expected to submit the referral/sit the referral exam. If the student elects not to resubmit, the overall mark for the module they take to make up the credit deficit will be limited to 40%.

Where the offence is committed on a referral the module will be failed and the student will be allowed to retake the module (subject to programme specific regulations) with the appropriate assignment/examination mark limited to a minimum pass mark.

If the student elects to take a different module to make up the credit deficit, that module will be limited to the minimum pass mark.

- (iv) Where an offence is deemed to be more serious threatening the maintenance of academic standards, the module(s) in which the offence(s) occurred will be failed and a numerical grade of 0 (Zero) recorded.

The student will be allowed to retake the module(s) with the final module grade limited to a minimum pass mark except where consequence J4.1 (vi) is also given. If the student elects to take a different module to make up the credit deficit, that module will be limited to the minimum pass mark.

- (v) All credits earned in concurrent modules may, at the Dean/Director or Panel's discretion, be suspended with the student being required to retake the modules in order to gain the credits necessary for the stage/award.

The grades recorded for these modules will be the lower of the original grade or that achieved on re-assessment.

- (vi) Where the offence is found to be widespread and systematic or as a result of impersonation, termination of the student's registration, cancellation of enrolment and the annulment of all assessments for concurrent modules will normally be recommended. Termination normally prevents a student from applying for further study for a period of two full calendar years. For further details Part D1.5.
- (vii) Academic Development and Quality Committee, on behalf of Academic Board, may on the basis of evidence presented to it instigate a review of credit previously obtained by students who have committed a serious offence. If the Committee concludes that any or all of such credits were not properly earned, it may recommend to Academic Board that they be cancelled.
- (viii) The record will be taken into account in any subsequent offence hearings or in giving any reference on behalf of the student and UCAS may be informed.

J4.2 Contract Cheating:

- (i) A contract cheating offence will normally result the sanction detailed in J4.1 (iv) for the students involved.
- (ii) Where the contract cheating is found to be widespread and systematic this will normally result in the sanction detailed in J4.1 (vi).

J4.3 Impersonation:

- (iii) Impersonation will normally result in the sanction detailed in J4.1 (vi) for the students involved either as the impersonator or the person knowingly impersonated.

J4.4 Repeat Offences

- (i) Where a student is found to have committed any further offence after a previous written warning a consequence of termination will normally apply to the student. This may also include failure and removal of credit of concurrent modules.

J4.5 Offences found after an Award has been made

Where an individual is found to have committed an academic offence after they have been conferred an award of the University, the University reserves the right to revoke the award. If the result of the Academic Offence Panel is to revoke the award, this recommendation will be submitted for final ratification to Academic Board.

All award documentation including the Award Certificate will become invalid, reference requests to the University and electronic records will be updated to show that no valid award exists.

Attempted use of previously issued documentation would amount to deception.

J5 Academic Offence Appeals

J5.1 Right to Appeal:

- (i) Students have the right to appeal against the outcome of a Dean's/Director's meeting, an Academic Offence Panel Hearing or fixed penalty decision.
- (ii) An appeal will only be allowed if new evidence is available and/or it can be shown that the correct procedures were not followed.
- (iii) Appeals must be submitted to the Academic Registrar, in writing, within 10 working days of written notification of the outcome following the meeting, hearing or fixed penalty decision, explaining the reasons for the appeal.
- (iv) The Academic Registrar (or nominee) will consider whether there are grounds for appeal. Where an appeal has been accepted an Offence Appeal Panel will be convened to consider the case.

J5.2 Hearing the Appeal

The Offence Appeal Panel will be constituted and operate in the same way as the Academic Offence Panel (J3.3) but will consist of different members of the University if the appeal results from a decision made by an Academic Offence Panel.

J5.3 Outcome of the Appeal:

- (i) The outcome of an appeal can be to confirm or amend the original decision and may confirm or reduce the original consequence(s).
- (ii) The appeal decision is final.

J6 Office of the Independent Adjudicator for Higher Education

In the event that the appellant rejects the outcome of the appeal, they may request an independent review of the process by the Office of the Independent Adjudicator (OIA). In order to do so the student must obtain a Completion of Procedures letter from the University. This confirms that the institution has completed consideration of the case through local procedures. In such circumstances, the student should forward a completed Scheme Application Form to the OIA, who will review the appeal independently in due course.

Scheme Application Forms are available from the OIA at: Office of the Independent Adjudicator, 5th Floor, Thames Tower, Station Road, Reading, RG1 1LX

You can contact the OIA by telephone: 01189 599813 or by Email: enquiries@oiahe.org.uk The OIA Website is: www.oiahe.org.uk