

ACADEMIC AWARD REGULATIONS

Procedure for Dealing with Breaches of Assessment Regulations – Academic Misconduct

Name of regulation :	Procedure for Dealing with Breaches of Assessment Regulations – Academic Misconduct
Purpose of regulation :	To define academic misconduct, determine procedures for the investigation of academic misconduct at Staffordshire University and the sanctions that can be applied if a student has found to have breached these regulations
Approval for this regulation given by :	Academic Board
Responsibility for its update :	Director of Student and Academic Services
Regulation applies to :	To all students registered on Staffordshire University awards
Date of Approval :	July 2016
Proposed Date of Review :	July 2017

1. Introduction

- 1.1 Assessment, in any form, is the means by which the University tests whether a student has achieved the objectives of a programme of study and the standards of an award. It is fundamentally important that students are assessed fairly and on equal terms with each other for the same award. Any attempt by a student to gain unfair advantage over another student in the completion of assessment, or to assist someone else to gain an unfair advantage, is cheating.

- 1.2 The University has a duty to ensure that the highest academic standards are maintained in the conduct of assessment and the proper discharge of this duty is essential to safeguard both the legitimate interests of its students and the University's reputation. Alleged academic misconduct which threatens the integrity of the University's assessment procedures and the maintenance of its academic standards, is viewed as a serious offence and will be thoroughly investigated.
- 1.3 In certain cases, where students are registered on a programme with professional recognition or accreditation, the professional body may require the student to adhere to principles or standards of professional conduct. Failure to meet these standards may lead to a student not gaining professional recognition or accreditation, irrespective of the standard of his/her academic performance.
- 1.4 Should you be registered on an award where there are Fitness to Practise requirements, any incident relating to academic misconduct may be referred to the Fitness to Practise Procedure for consideration. . Information on the Fitness to Practise Procedure is available at <http://www.staffs.ac.uk/legal/policies/#generalregs>
- 1.5 Should you be registered on a Postgraduate Research award, and the allegation of misconduct constitutes research ethics infringement, this will be considered in accordance with the Code of Conduct for Research and Enterprise.

2. Definition

Academic misconduct is defined as an attempt by a student to gain an unfair advantage in any assessment.

Examples of academic misconduct include, although this is not an exhaustive list, the following:

- i) **Aiding and abetting** a student in any form of dishonest practice.
- ii) **Bribery:** paying or offering inducements to another person to obtain an advance copy of an unseen examination or test paper or to obtain a copy of a coursework assignment in advance of its distribution to the students concerned.
- iii) **Collusion:** where two or more students collaborate to produce a piece of work which is then submitted as though it was an individual student's own work. Where students in a class are specifically instructed or encouraged to work together in the preparation or submission of an assignment, such group activity is regarded as approved collaboration and this will be clearly stated. Where there is a requirement for the submitted work to be solely

that of the individual, collaboration is not permitted. Students who improperly collaborate will be deemed to have colluded.

- iv) **Commissioning** another person to complete an assignment which is then submitted as your own work or making your work available for commissioning, whether or not for monetary or other gain.
- v) **Computer fraud:** the use of the material of another person stored electronically as if it were your own.
- vi) **Duplication:** the inclusion in coursework of any material which is identical or similar to material which has already been submitted for any other assessment within the University or elsewhere, for example submitting the same piece of coursework for two different modules.
- vii) **False declarations** in order to receive special consideration by an Assessment/Award Board.
- viii) **Falsification of data,** Manipulating research materials equipment or process or changing or omitting data such that the research is not accurately represented.
- ix) Fabrication of data, making up data or results and recording or reporting them
- x) **Misconduct in examinations or tests,** such as:
 - taking crib notes or other unauthorised material (including electronic devices) concealed in any manner into an examination or test, whether or not they could be used to gain advantage and whether used or not;
 - obtaining an advance copy of an 'unseen' written examination or test paper;
 - communicating or trying to communicate in any way with another student during an examination or test;
 - copying or attempting to copy from another student sitting the same examination or test;
 - being party to impersonation, where another person sits an examination or test in the place of the actual student or a student is knowingly impersonated by another;
 - leaving the examination or test venue to refer to concealed notes;
 - taking rough notes, stationery, scripts or examination or test papers which indicate that they are not to be removed, from the examination or test venue;
 - continuing to write after the invigilator has announced the end of the examination period.

- xi) **Plagiarism** is defined as the representation of another person's work, without acknowledgement of the source, as the student's own for the purposes of satisfying formal assessment requirements. Examples of plagiarism include (this is not exhaustive):
- a) the use in a student's own work of more than a single phrase from another person's work, without the use of quotation marks and acknowledgement of the source;
 - b) the use of ideas or intellectual data of another person without acknowledgement of the source, or the submission or presentation of work as if it were the student's own, which are substantially the ideas or intellectual data of another person;
 - c) copying the work of another person;
 - d) the submission of work, as if it were the student's own, which has been obtained from the internet or any other form of information technology;
 - e) the submission of coursework making significant use of unattributed digital images such as graphs, tables, photographs, etc. taken from books/articles, the internet or from the work of another person;
 - f) allowing or being involved in allowing, either knowingly or unknowingly, another student to copy another's work, including physical or digital images.

THE ABOVE LIST IS NOT EXHAUSTIVE AND SHOULD NOT BE INTERPRETED AS SUCH BY STUDENTS.

3. Categories of Academic Misconduct

- 3.1 Academic misconduct is distinct from **poor academic practice**, which is defined as where an unacceptable proportion of the assessed work is based directly on the work of others, notwithstanding the student's correct attribution and citation of that work. In order to discourage poor academic practice and to develop students' independent learning skills, module tutors should impose a penalty by adjusting marks accordingly where acceptable levels of direct quotation or paraphrasing have been exceeded. It would not be helpful to prescribe the precise penalty to be applied in such cases and an appropriate academic judgement should be exercised. The feedback to students should indicate that marks have been adjusted in this way as a result of poor academic practice and the module tutor should notify the award leader of the action that has been taken. Such cases do not need to be referred to an Academic Misconduct Panel.

3.2 Any student who is considered to have attempted to gain an unfair advantage in the completion of an assessment will be penalised, with the scale of the penalty contingent upon whether they have committed:

- minor academic misconduct
- major academic misconduct
- gross academic misconduct

3.3 Table 1 sets out the misconduct categories, the associated standard penalty, the outline process for dealing with each misconduct category and the standard of proof that must be applied. In all cases, the burden of proof lies with the University and a higher standard of proof is required for gross academic misconduct given the severity of the possible penalties and the impact this would have on a student's studies.

3.4 The following guidance should be used by staff to make a professional judgement about which category most accurately describes the suspected academic misconduct and to apply these to the types of misconduct set out in Section 2 above. NOTE: the enumerated indicators in 3.5 – 3.7 below are independent of one another. That is, they are 'or' not 'and' lists of possible criteria.

3.5 **Minor Academic Misconduct**

- i) less than 20% of the assessed work was related to the misconduct;
- ii) the misconduct arose primarily from poorly applied citation conventions and/or a minor amount of unattributed material;
- iii) the misconduct took place early in the student's studies;
- iv) there is no indication to suggest that the student intended to gain an unfair advantage;
- v) there is no record of the student having previously committed any category of academic misconduct.

3.6 **Major Academic Misconduct**

- i) between 20% to 50% of the assessed work was related to the misconduct;
- ii) the misconduct resulted primarily from the inclusion of unattributed material, rather than solely the misuse of citation conventions;
- iii) there is evidence to demonstrate that the student should have understood academic conventions;
- iv) there is a record of the student having previously committed minor academic misconduct.

3.7 Gross Academic Misconduct

- i) more than 50% of the assessed work was related to the misconduct;
- ii) there are strong grounds to indicate that the student had sought to gain an unfair advantage;
- iii) there is a prior record of the student having previously committed major academic misconduct.

Table 1: Academic misconduct categories and associated arrangements

Category of misconduct	Associated standard penalty	Dealt with by	Burden & standard of proof
Minor Academic Misconduct	Ranges from reduced marks of: i) <u>Undergraduate</u> 40% (pass), 30% (compensatable fail); 20% (compensatable fail) or 0% (non-compensatable fail) awarded for the component of assessment and a written warning ii) <u>Postgraduate</u> 50% (pass), 40% (compensatable fail) or 0% (non-compensatable fail) awarded for the component of assessment and a written warning	Module tutor and senior member of Faculty staff	The University to establish proof on the balance of probabilities
Major Academic Misconduct	Zero marks for the component of assessment, with opportunity to be reassessed at the next opportunity (subject to assessment regulations)	Faculty Academic Misconduct Panel	The University to establish proof on the balance of probabilities
Gross Academic Misconduct	Ranges from failure of a module with an entitlement to reassessment to failure of the module with no entitlement to reassessment	University Academic Misconduct Panel	The University to establish proof beyond reasonable doubt.

4. Academic Misconduct Penalties

4.1 The following outlines the penalties which should normally be applied to each category of academic misconduct.

4.2 Minor Academic Misconduct

The mark for the assessment component should be reduced in proportion to the extent and importance of the misconduct in the affected assessment. The **maximum** permitted penalty is award of zero marks for the assessment component and the minimum permitted penalty is the award of a mark of 40% for undergraduate modules or 50% for postgraduate modules. The student should also receive a written warning, be directed towards written and other available guidance, including the Study Skills Centre, and a note made on the student's record on Thesis.

4.3 Major Academic Misconduct

Zero marks for the component of assessment, with a recommendation to permit an opportunity to be reassessed (eligibility to be determined by the Award Board in accordance with award regulations). The student should also receive a written warning, be directed to written and other available guidance, including the Study Skills Centre, and a note made on the student's record on Thesis.

4.4 Gross Academic Misconduct

Failure (grade point 0) of the module with a right to reassessment at the next available opportunity.

OR

Failure (grade point 0) of the module with no right to reassessment

A student who is found to have committed gross academic misconduct on two occasions will be withdrawn from the programme permanently.

In all cases, a note will be made on the student's individual record on Thesis.

4.5 In all instances you may be asked to complete an online module relating to academic misconduct. The purpose of the module is to ensure that repeat offences do not occur. Where instructed to do so, completion of this module is mandatory

5. Responsibilities

5.1 Faculties should take responsibility for ensuring that all students registered on awards in their Faculty are made aware of these regulations, the definitions contained therein and the penalty tariff. All Award Handbooks should include clear advice to students on this matter and must be cross-referenced to these Regulations.

5.2 Students who are unclear about any of the above definitions should seek advice from their tutor, Student Guidance Advisor or the Students' Union Advice Centre.

5.3 A lack of awareness or understanding of these regulations will not constitute grounds for a case of academic misconduct to be dismissed by an Academic Misconduct Panel.

6. Procedure to Consider Suspected Cases of Academic Misconduct

6.1 As soon as an academic offence is suspected in relation to **assessment by coursework**, the evidence will be given preliminary consideration by the module tutor and a senior member of staff from the relevant Faculty (see 6.7 – 6.12).

6.2 Any candidate suspected of contravening the **examination regulations** in a formal written examination, open book examination or other in-class test must be approached at the time by two invigilators, whenever possible, and any unauthorised materials confiscated. The candidate's examination answer book should be endorsed at that point with the exact time, date and signature(s) of the invigilator(s).

6.3 Except where the candidate is causing a disturbance likely to affect other candidates, the suspected candidate should be permitted to complete the examination.

6.4 Before leaving the examination room, the candidate should be informed that the incident will be reported to the Director of Student and Academic Services. The candidate should also be instructed to attend any remaining examinations as normal.

6.5 A full report of the incident must be written immediately after the examination by the invigilator(s) and submitted to the Examinations Section in the Student Information Centre at the appropriate site of the University.

6.6 Upon receipt of such a report the Director of Student and Academic Services will inform the appropriate Faculty Dean or nominee and ask for the evidence to be given preliminary consideration by the Chief Invigilator and a senior member of staff from the relevant Faculty, normally drawn from the Faculty Senior Management Team.

6.7 The evidence considered at the preliminary meeting should be as comprehensive as possible. In the case of coursework, even where Turnitin evidence is available, this should always be supported by a short report from the module tutor indicating why academic misconduct is suspected. It might also include other evidence such as extracts from the student's work which clearly identify changing writing

styles or where the writing style is clearly different from that in other previously submitted work.

- 6.8 The preliminary meeting will determine one of the following outcomes:
- i) no case to answer;
 - ii) the student has committed poor academic practice;
 - iii) minor academic misconduct may have occurred;
 - iv) major academic misconduct may have occurred;
 - v) gross academic misconduct may have occurred

Immediately following the preliminary meeting, a brief written report will be prepared outlining the nature of the case and the outcome of the preliminary investigation (clearly specifying i, ii, iii, iv or v above).

- 6.9 In those instances where the preliminary meeting concludes that there is **no case to answer**, all paperwork should be destroyed and the mark released to the student within appropriate timescales.
- 6.10 Where the preliminary meeting concludes that **poor academic practice** has occurred, the senior member of Faculty staff shall refer the matter to the module tutor to take action in accordance with the guidance in paragraph 3.1.
- 6.11 Where the preliminary meeting concludes that **minor academic misconduct** has occurred, the module tutor and a senior member of staff from the relevant Faculty shall determine the penalty in accordance with the guidance in paragraph 4.2. The student shall be formally notified of the decision by letter signed by a senior member of academic staff within seven working days of the preliminary meeting having taken place, invited to meet with the module tutor to discuss the incident and be given seven working days in which to appeal against the decision to the Faculty. Where a student chooses to appeal against the penalty applied in the case of minor academic misconduct the case shall be referred to the Faculty Academic Misconduct Panel.
- 6.12 Where the preliminary meeting concludes that **major academic misconduct** may have occurred, the case shall be referred to a Faculty Academic Misconduct Panel.
- 6.13 Where the preliminary meeting concludes that **gross academic misconduct** may have occurred, the case shall be referred to a University Academic Misconduct Panel.

7. Faculty Academic Misconduct Panel

- 7.1 In those cases where the preliminary meeting recommends that there is a possible case of major academic misconduct to consider, the Faculty shall invite the student to attend a Faculty Academic Misconduct Panel. The student should be given, in writing, seven working days notice of the meeting and receive with the invitation to

attend all the information which will be considered by the Faculty Academic Misconduct Panel. A copy of these regulations shall also be included. The student may if he/she wishes, prepare a statement regarding the alleged offence. Any such statement should be sent to the Chair of the Panel at least 48 hours in advance of the meeting of the Panel. The student also has the right to be accompanied at the Panel by a fellow student or a representative from the Students' Union.

- 7.2 If the student fails to respond to the invitation to attend the Panel meeting, then the Panel will proceed and consider the case in the student's absence.
- 7.3 If the student asks to defer the meeting of the Faculty Academic Misconduct Panel, then the Chair of the Panel will determine whether there are good grounds to do so. If there are not good grounds to defer the meeting then the Faculty Academic Misconduct Panel should consider the case in the student's absence. If there are good grounds to defer, then a further meeting should be arranged within 10 working days of the original scheduled meeting in order that the case can be considered in a timely fashion. Exceptional requests for a further deferment will be considered by the Chair of the Panel and the Director of Student and Academic Services.
- 7.4 The Faculty Academic Misconduct Panel will comprise:
- a senior member of Faculty staff (Chair), normally drawn from the Faculty Senior Management Team, and who did not participate in the preliminary investigation of the case;
 - one other member of Faculty staff, drawn from outside the programme area in which the student is studying.
- 7.5 The evidence to be considered by the Faculty Academic Misconduct Panel will normally include the following (where appropriate):
- i) the report of the preliminary investigation;
 - ii) any statement from the student;
 - iii) any confiscated materials;
 - iv) any relevant text, source material or media;
 - v) the originality report from Turnitin;
 - vi) regulations for the particular award relating to the assessment;
 - vii) regulations of any external validating body appropriate to the award;
 - viii) a copy of these procedures.
- 7.6 If the student acknowledges that he/she is guilty of academic misconduct as outlined in the report of the preliminary investigation, he/she will be asked to sign the report immediately, or return it signed within 24 hours of receipt of the report (excluding weekends and statutory bank holidays) to the appropriate Student and Course

Administration Team. The Chairs of the Assessment and Award Boards shall also receive a copy.

- 7.7 If the student does not acknowledge that academic misconduct occurred as indicated in the written report, the Panel shall determine its decision based upon the written evidence and also the oral statements made by the student. The Chair of the Panel will write to the student, within 5 working days of the Faculty Academic Misconduct Panel, and confirm the Panel's decision and its recommendations to the Award Board.
- 7.8 If the Faculty Academic Misconduct Panel concludes that the case should be considered as gross academic misconduct, then the matter should immediately be referred to the Director of Student and Academic Services who will arrange for a University Academic Misconduct Panel to be convened.
- 7.9 The decision of the Faculty Academic Misconduct Panel is final. The Faculty Academic Misconduct Panel will, however, make recommendations to the Award Board in order that it can determine the consequences of the Panel's decisions in terms of student progression or award.
- 7.10 If the student is registered on a professionally regulated award for which Fitness to Practise is a requirement, s/he may also be referred to the Fitness to Practise Committee.

8. The University Academic Misconduct Panel

- 8.1 In those cases where the preliminary meeting recommends that there is a possible case of gross academic misconduct to consider, the report of the preliminary investigation together with all the other evidence accumulated as part of that investigation shall be sent to Director of Student and Academic Services (or nominee) with 5 working days of the preliminary hearing. The referral will be made using the Academic Misconduct Report Form. The Director of Student and Academic Services (or nominee) will notify the student that the Faculty has recommended that a case of gross academic misconduct needs to be considered.
- 8.2 The Director of Student and Academic Services (or nominee) shall invite the student to attend a University Academic Misconduct Panel. The student should be given, in writing, seven working days notice of the meeting and receive with the invitation to attend all the information which will be considered by the University Academic Misconduct Panel. A copy of these regulations shall also be included. The student may if he/she wishes, prepare a statement regarding the alleged offence. Any such statement should be sent to the Director of Student and Academic Services (or nominee) at least 48 hours in advance of the meeting of the Panel. The student also has the right to be accompanied at the Panel by a fellow student or a representative from the Students' Union.

Staffordshire University Students' Union operates a reciprocal agreement with the Students' Union at Keele University. This is to ensure that where multiple parties in a case require Students' Union representation, this can be supported.

8.3 If the student fails to respond to the invitation to attend then the Panel will proceed and consider the case in the student's absence.

8.4 If the student asks to defer the meeting of the University Academic Misconduct Panel, then the Chair of the Panel will determine whether there are good grounds to do so. If there are not good grounds to defer the meeting then the University Academic Misconduct Panel should consider the case in the student's absence. If there are good grounds to defer, then a further meeting should be arranged within 10 working days of the original scheduled meeting in order that the case can be considered in a timely fashion. Exceptional requests for a further deferment will be considered and agreed by the Chair of the Panel and the Director of Student and Academic Services.

8.5 The University Academic Misconduct Panel will comprise:

- Member of the Faculty Senior Management Team (Chair) in which the student is based, who was not involved in the preliminary investigation;
- Member of the Academic Board or Learning, Teaching & Assessment Committee, outside the Faculty in which the student is based;
- President of the Students' Union (or nominee).

The Secretary to the Panel shall be nominated by the Director of Student and Academic Services.

8.6 The evidence to be considered by the University Academic Misconduct Panel will normally include the following (where appropriate):

- i) the report of the preliminary investigation;
- ii) any statement from the student;
- iii) any confiscated materials;
- iv) any relevant text, source material or media;
- v) the originality report from Turnitin;
- vi) regulations for the particular award relating to the assessment;
- vii) regulations of any external validating body appropriate to the award;
- viii) a copy of these procedures.

8.7 If the student acknowledges that he/she is guilty of academic misconduct as outlined in the report of the investigation, he/she will be asked to sign the report immediately, or return it signed within 24 hours of receipt of the report (excluding weekends and statutory bank

holidays) to the Director of Student and Academic Services. The Chairs of the Assessment and Award Boards shall also receive a copy.

The decision of the University Academic Misconduct Panel is final. The Panel will, however, make recommendations to the Award Board in order that it can determine the consequences of the Panel's decision in terms of student progression or award.

- 8.8 If the student does not acknowledge that academic misconduct occurred as indicated in the written report, the Panel Chair will invite the student concerned and at least one of the members of academic staff responsible for writing the preliminary report on the case to give evidence. Any other person considered relevant to the case may also be invited to speak. The Panel shall determine its decision based upon the written and oral evidence.
- 8.9 The Chair of the University Academic Misconduct Panel shall inform the student, in writing and within five working days of the Panel meeting, of the Panel's decision and its recommendations to the Award Board.
- 8.10 If the Panel finds that academic misconduct occurred, the Secretary will inform the Chairs of the relevant Assessment and Award Boards along with the appropriate Student and Course Administration Team of this decision and a statement of the Panel's agreed penalty.
- 8.11 In the case of collusion or plagiarism between two or more students that may have been assessed as two different categories of misconduct, the senior panel will have responsibility for considering the case. For example, if two students are referred for academic misconduct, one at major and the other at gross, the hearing would be convened as a University Academic Misconduct Panel in order for the evidence to be heard from both students at the same time. The Panel, would however, consider the major misconduct case within the major misconduct guidelines relating to both evidence and penalty.

9. Action of the Assessment/Award Board

- 9.1 As the decisions of both the University and Faculty Assessment Disciplinary Committee are final, neither the Assessment Board nor the Award Board shall re-examine the facts of the case.
- 9.2 The Award Board shall make its progression or award decision in accordance with the regulations of any external validating body and/or the University.
- 9.3 In cases where academic misconduct has been suspected but not proven, an Assessment or Award Board must not discuss suspicions or allegations.

- 9.4 Where evidence of possible academic misconduct becomes available at any time after either an award or academic credit has been conferred, the Faculty will undertake a preliminary investigation and the procedures outlined above will be followed. If a University Academic Misconduct Panel is convened and concludes, retrospectively, that gross academic misconduct had occurred, then the indicative penalty tariff will be applied. This may mean that the University Academic Misconduct Panel recommends to the Award Board that previously awarded academic credits or an award should be rescinded.

10. Disabled Students

- 10.1 We take our responsibilities to disabled students seriously. If you need us to make reasonable adjustments in order that you can attend a hearing, please let us know in advance and we will aim to meet your individual needs. This could mean us relocating the hearing to a more accessible venue and/or making arrangements for a communicator or advocate to be present at the hearing.

11. Students on Distance Learning awards, those studying at Partner Institutions in the UK and overseas, or based overseas

All partner institutions are required to follow the principles and procedures set out in these regulations, including the categories of academic misconduct and the standard penalty tariff. However, given the different organisational arrangements in partner institutions, it is recognised that application of the procedures, for example the membership of Academic Misconduct Panels, may vary from those set out in these regulations. Where a partner institution wishes to vary these procedures, this must be approved at validation.

Where appropriate, Partners should discuss implementation of these procedures with the relevant Programme Advisor and, in cases of gross academic misconduct, a copy of the decision letter to the student should be sent to the University's Student Appeals, Complaints and Conduct Manager.

12. Appeal

- 12.1 The student shall have the right to appeal the penalty applied by the Award Board in respect of a proven case of academic misconduct. The appeal will be considered in accordance with the Procedure for Review of an Award Board Decision.
- 12.2 The ONLY grounds for appealing against the penalty applied by the Award Board for a proven case of academic misconduct are:
- i) Procedural error or irregularity;
 - ii) New evidence which could not have been disclosed at an earlier stage in the process.

- 12.3 The appeal must be sent, in writing, to the Academic Regulations & Compliance Officer within 15 working days of the Award Board decision.
- 12.4 The Academic Regulations & Compliance Officer shall make an assessment of the appeal. If in the view of the Academic Regulations & Compliance Officer the appeal does not satisfy any of the approved grounds, the student will be notified, in writing, of the University's decision. The letter will also confirm that the Procedure for Dealing with Breaches of Assessment Regulations: Academic Misconduct is concluded.
- 12.5 Should the Academic Regulations and Compliance Officer consider that the student has established grounds as laid down in 12.2 the appeal will be forwarded for consideration in accordance with the Procedure for Review of an Award Board Decision.

Equality issues have been taken into account during the development of this policy and all protected characteristics have been considered as part of the Equality Analysis undertaken.