The Academic Regulations Appendix 8: Procedures Relating to Academic Malpractice

2023-2024



Appendix 8: Procedures Relating to Academic Malpractice

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Summary

Appendix 8 describes the process by which the University details, investigates and deals with allegations of academic malpractice. We define academic malpractice as 'an attempt to gain an advantage over other students by the use of unfair and/or unacceptable methods'. Malpractice undermines academic integrity and is a serious academic offence that could result in your withdrawal from the University.

Glossary of Terms

There are no surprising terms in this procedure.

Purpose

Students at Edge Hill are expected to maintain specific standards of academic integrity throughout their university career. This document

sets out the University's approach to dealing with academic malpractice. Its aim is to ensure that students are fully aware of the process to follow in cases where academic malpractice is suspected or committed.

About this document

This regulation is for 'you' as a student at Edge Hill University. Any reference in the procedure to 'we' means the University, which includes the Student Casework team, faculties and departments, unless specified. Any reference in this procedure to named officers also refers to their nominated delegate.

Regulations

1. Definition of malpractice and procedure overview

We define academic malpractice as 'an attempt to gain an advantage over other students by the use of unfair and/or unacceptable methods'. We regard malpractice as a serious academic offence that we record and detail on your final transcript. At worst it could result in your withdrawal from the University.

'Unfair means' includes all forms of cheating, influencing and any other activity likely to undermine academic integrity. Section 5 of this appendix provides more detailed information on our definitions of academic malpractice.

These procedures are applicable to the preparation, presentation and submission of all assessed work irrespective of the element, method or format of the assessment concerned.

The following definitions apply for the purposes of this document:

 'Coursework' refers to any form of assessment which does not constitute a formal examination. This includes time-limited assessments, also known as TLAs. 'Formal examinations' refers to examinations that are timed and subject to ongoing invigilation

These regulations apply to all Edge Hill students, except those studying on postgraduate research programmes who are subject to Research Degree Regulations.

2. Availability of information

Through the University's academic induction processes, you are shown how to develop good academic writing skills and maintain academic integrity. We also provide courses on this and specific topics such as academic referencing to refresh your skills or provide support. This training is available through <u>UniSkills</u>.

This procedure is published on the University's website. Information about academic malpractice and the penalties that apply is also available in the terms and conditions provided at the start of each programme and in course, programme and local handbooks.

3. Your responsibilities

You are responsible for reading the relevant information and attending the induction sessions to ensure you maintain academic integrity. It is also your responsibility to understand the different types of malpractice and the consequences of offending.

The University does not distinguish between intentional and unintentional malpractice. You are responsible for guarding your work against unauthorised access by others both before and after assessment.

Ignorance of these procedures or guidelines on referencing is not an acceptable defence for malpractice.

4. Overview of the process

If you are suspected of malpractice, an assessment board will not determine your assessment result until the outcome of any investigation or panel meeting of inquiry has been completed and reported.

Where evidence of alleged malpractice becomes available after an assessment or award board decision, that board has the authority to reconsider its original decision. For more information please read <u>Appendix 24 – Revocation of Awards</u>.

If you are accused of academic malpractice you are judged innocent until proven guilty. You will be allowed to progress with your academic studies until the conclusion of your studies, unless professional body regulations preside.

Where these procedures are invoked, this appendix sets out the process we will follow until the case is concluded. This is irrespective of any concurrent activity for example, if you voluntarily withdraw from the University or submit a Personal Circumstances application. For more information please read Appendix 7 – Personal

<u>Circumstances.</u> Please note that the outcome of a malpractice investigation supersedes any local activity around personal circumstances. Therefore if you have personal circumstances which you believe mitigate your alleged malpractice, you must declare this as early as possible in the academic malpractice process.

If you are found guilty of academic malpractice, we will keep a record of this and any associated penalty on the Student Records System. If malpractice results in your withdrawal from the programme, this information will be recorded on your final transcript as such.

If you are found guilty of academic malpractice and subsequently pass the module, your final transcript will show the term 'resolved malpractice' with the standard recommendation that you passed after reassessment.

Each autumn term, each faculty will submit an annual review of all first offences of plagiarism to the Head of Student Casework. Should there be any matters of concern – for example indications of a systemic issue – these will be reported to the Learning and Teaching Committee.

5. Types of malpractice

Please note, the definitions and descriptions in this appendix are indicative, not exhaustive. Where appropriate, the University reserves the right to deem that malpractice has occurred in instances that are not explicitly defined in this document.

Cheating is an infringement of the rules governing conduct in examinations or other formal, time-constrained assessment. It includes the following:

- Communicating with or copying from any other student during an examination, except where specifically permitted eg in-group assessments
- Communicating during an examination with any person other than an authorised invigilator or other authorised member of staff
- Possession of any unauthorised material, whether written, printed or electronically stored in an examination room, unless expressly permitted by the regulations for the module or course assessment
- Gaining access to any unauthorised material relating to an examination during or before the specified time
- Providing or helping to provide in any other way, false evidence of knowledge or understanding in examinations

Plagiarism is broadly described as presenting another's work or ideas as your own. It includes the representation of the work of another, including another student or institution, as your own. Plagiarism may take any of the following forms:

 Verbatim copying or insertion of another's work without appropriate acknowledgement. This includes published or unpublished work and material freely available in electronic form

- The close paraphrasing of another's work by simply changing a few words or altering the order of presentation, without appropriate acknowledgement
- Unacknowledged quotation of phrases from another's work
- The deliberate and detailed presentation of another's concept as your own
- Submitting the same piece of work that you have already submitted for another assessment, when this is not permitted. This is known as 'self-plagiarism'

Collusion is where you are working with someone else on an assessment which is intended to be your own work. It also includes the following:

- Collaborating with another student to complete work which you know they intend to submit as their own work
- Knowingly permitting another student to copy all or part of your work and allowing them to submit that work as their own unaided work

Contract cheating is a specific form of academic malpractice where you submit work for assessment having used one or more of a range of services provided by a third party, where such input is not permitted. You would usually pay for such services as part of a contract with a third party. Contract cheating may incorporate other cheating, plagiarism and collusion as defined by the University.

Falsifying data or material includes the following:

- Falsifying the data or material presented in reports or any other assessment
- Falsely purporting to have undertaken experimental of experiential work or to have obtained such data by unfair means
- The fabrication of references or a bibliography

Impersonation is when you arrange for someone else to impersonate you by sitting your examination.

Breaches of research and ethical policies, for example

- Evasion of ethical responsibilities
- Failure to gain ethical approval
- Careless and irresponsible research practice
- Conducting research without appropriate permissions
- Any other ethical issues which contravene the University's Research Ethics Policy

Where ethical misconduct is suspected, the Head of Department will report directly to the Associate Dean of Faculty with responsibility for teaching, learning and assessment on all investigations into potential ethical misconduct.

Other forms of academic malpractice not listed above which may include (but are not limited to) the following:

- Submitting fraudulent mitigating circumstances claims or falsifying evidence in support of mitigating circumstances or academic appeal claims. This may also be considered a non-academic disciplinary matter
- Attempting to obtain special consideration by offering or receiving inducements or favours; that is, bribery
- Ensuring the non-availability of books or journal articles in the University library by removing the relevant article or chapter from the material, or deliberately mis-shelving them so that other students cannot find them

6. Dealing with academic malpractice in coursework

Establishing a case

Where the marker of a piece of assessed work suspects academic malpractice has occurred they will immediately advise the Module Leader or equivalent. If in agreement, a second marking process will be conducted by an appropriate member of academic staff.

Where a second marking is impractical (eg if the assessment was a presentation) as many of the following stages as possible will be conducted.

If contract cheating is suspected, the staff member will follow the guidance available from the QAA publication 'Contracting to Cheat in Higher Education'.

As part of the investigation process the Head of Department may consider an oral investigation or 'viva' is appropriate to ascertain whether malpractice occurred. A viva may be used where there is reasonable doubt that your submission is your own work. The principles of a viva meeting are detailed in Annexe A

The outcome of the above investigation(s) will be that a case either has or has not been established. The next stage in the process is to classify the offence.

Classification of offence

The Head of Department along with the module/programme leader or equivalent will classify the offence using the one of the following classifications:

First naïve

• First or subsequent: minor

• First or subsequent: major

First or subsequent: grave

Examples of each of these classifications is listed in Annexe B.

Please note that classification is a matter of academic judgement in relation to the alleged offences. The department or faculty will check whether this act is a first or subsequent offence. This may impact on how your offence is classified.

Communicating with you

Instances classed as First Naïve are dealt with informally at a local level. You will be notified of the associated sanction in writing

First Minor and more serious offences require you to attend a departmental meeting with the Module or Programme Leader and the first marker.

In exceptional circumstances the meeting may proceed in the absence of these staff providing are at least two members of academic staff, who are fully conversant with the case details, attend in their place

The meeting will proceed as follows:

- You will be given sufficient prior notice of the meeting and advised of the purpose of the meeting. You will also be advised of your right to be accompanied by a friend. Please read <u>Appendix 23 – Role of the Student's</u> Friend for more details
- Where reasonably possible, we will send you copies of any evidence in advance of the meeting.
- The Chair of the meeting will explain their suspicions, provide a copy of the evidence and give you the opportunity to respond to the allegations.
- After the meeting you will be notified of the outcome in writing. This may be a sanction applied by the department (see Annexe C) or referral to a formal panel of inquiry
- If you are dissatisfied with the outcome of the meeting or any locally agreed sanction, you may refer the matter directly to a panel of inquiry

The department will complete a record of the meeting.

If you do not attend the meeting or ask for it to be rearranged, it may proceed in your absence. Similarly, if you make unreasonable attempts to delay or further delay the meeting it may proceed in your absence, with authorisation from the Head of Department.

The Faculty Assistant Registrar may attend the meeting to provide regulatory advice.

Sanctions

When you have left the meeting, the departmental representatives will agree on whether or not you have committed an offence. In making their decision they will take into account all relevant discussion at the meeting and any evidence presented.

If it is agreed that no offence was committed, we will inform you of this outcome in writing. The letter will confirm that no further action will be taken.

If the departmental representatives agree that malpractice was committed, they will establish the level of offence and refer to the table at Annexe C. They will determine the most appropriate sanction and follow up actions.

With the exception of Grave offences, the department may take into account any personal circumstances when determining the most appropriate sanction.

The Head of Department must agree on the application of any sanction recommended by the departmental representatives.

Head of Department discretions

The Head of Department has the discretion to make the following decisions:

- To agree a lesser sanction than that recommended in the table at Annexe C
- Whether a subsequent offence may be dealt with locally instead of automatically referring it to panel of inquiry
- Whether an offence is deemed so serious that the appropriate sanctions may only be applied by a panel of inquiry. In making this decision, the Head of Department will consider the following:
 - Whether local action has been exhausted and the case requires escalation
 - o The seriousness of the offence
 - The period of time elapsed since the first offence was committed and any pattern of reoffending
 - An aggravating factors, for example, blatant disregard to previous warnings
 - Any mitigating circumstances

Requesting an academic malpractice panel of inquiry

If you do not accept the local sanction agreed by the Head of Department, you have the right to appear in person before a panel of inquiry. Please refer to Section 8 for details of how a panel of inquiry proceeds.

To request an academic malpractice panel of inquiry you should complete an application form and submit this to the Head of Student Casework within 10 days of receiving notification of your sanction.

Reassessment limits

The Academic Regulations detail the limit on the amount of reassessment you can undertake as the result of academic failure. Proven malpractice is regarded as academic failure. If you fail to meet the pass threshold at your final attempt –

whether due to academic malpractice or not – you will be subject to the overarching principles on reassessment opportunities.

In all cases of proven malpractice in your final attempt, the Faculty Assistant Registrar will liaise with the Chair of the Progression/Award Board and Head of Student Casework. Together they will ensure that the ordinary process for considering academic failure is followed and you will be notified of the outcome in writing.

7. Dealing with academic malpractice in a timed examination If an invigilator suspects that any form of cheating has occurred in an examination, they will:

- Inform you of their suspicions and intention to report the incident
- Confiscate any relevant evidence eg any unauthorised material
- Ask you to remove any unauthorised device from your desk, put it in a clear plastic bag and place it under the desk
- Where possible have the above steps witnesses by a second invigilator
- Annotate your script and state on the front cover the point at which the alleged cheating was identified
- Return the script to you and permit you to continue with the examination and conclude at the normal stipulated time
- Record this activity on the invigilator's examination report form

Unreasonable disruption to examination conditions

Should the above procedure lead to unreasonable disturbance or disruption to examination conditions, or where the procedure is invoked for a second time in the same examination, the invigilator may:

- Expel you from the examination room
- Appropriately adjust the duration of the examination for other candidates

The invigilator will record their actions in their examination report so that marking tutors are aware of any disturbance or disruption to other students.

Invigilator's report

The invigilator will submit their written report no later than one working day after the conclusion of the examination. The report will be submitted to the Head of Student Casework and head of the relevant department. The report will include the time of the incident, your response to the allegation and any relevant supporting evidence including any confiscated materials. Where possible the report should include the comments and signatures of any other invigilators present at the time of the alleged cheating. The examination script should be marked by the relevant marker and made available to the panel of inquiry if required.

Where an invigilator/marker uncovers a case of suspected cheating after an examination has been completed, they will follow the steps above as soon as possible. The standard procedure identified above will then be followed as far as possible. In such cases, the formal report on the matter should be submitted within one day of the case being established, rather than one day of the examination.

Please note, suspected malpractice in a formal examination is considered a Grave offence and in all cases will be referred directly to a panel of inquiry.

8. Malpractice Panel of Inquiry

The Head of Student Casework will notify you in writing of the allegation and the date, time and venue for the panel of inquiry. You will be given at least five days' notice of the meeting. The letter will also include a copy of these regulations and inform you of the right to be accompanied to the meeting by a friend. Please see Appendix 23 for details on the Role of a Student's Friend.

Prior to the hearing, we will make all reasonable efforts to give you a copy of the original work in which you are alleged to have committed academic malpractice. Where possible, we will also provide any evidence to support the department's case. If providing a copy is not possible, you will be invited to view such materials at least one calendar week before the panel meeting.

You are expected to attend the panel meeting whether it is held in person or virtually. In exceptional cases, eg verifiable illness, the Head of Student Casework may agree to reschedule the meeting at your request. However, if you have been given sufficient notice of the date and time of the panel and do not attend, the meeting may go ahead in your absence. The decision to continue in your absence will be made by the Head of Student Casework.

Panel composition and procedures

The panel will be convened by the Student Casework team and comprise the following:

- A senior manager of the University staff (as Chair). This includes a dean or associate dean of a faculty other than your own, or a dean of service
- Two other members of academic staff who have no previous direct involvement with you
- A representative of the Edge Hill Students' Union

The Head of Student Casework or their nominee may also attend in a regulatory capacity only. In certain cases (for example if the case is particularly complex) a note taker may also attend.

Terms of reference and panel process

The panel of inquiry has the following terms of reference:

- To investigate the allegation of malpractice, having regard to the evidence presented to it by both staff and student
- To determine whether malpractice has occurred and if so the extent to which the student attempted to gain an unfair advantage – that is, the severity of the malpractice
- Where malpractice is proved to determine the outcome that should be applied in line with the sanctions listed in Annexe C
- To inform the student and relevant module, progression or award board of their decision.

To ensure a fair and consistent meeting, the University has a set process which all panels follow. This process, in the form of an agenda, is detailed in Annexe D.

You will be notified in writing of the panel's decision outcome within five working days of the meeting. We will also report the panel's decision to the relevant module/progression/award assessment board.

9. Authorised sanctions

If a panel concludes that no malpractice occurred, no penalty or sanction shall be applied.

Academic malpractice constitutes a wide range of possible infringements, levels of gravity and possible sanctions. It is therefore appropriate that, in deciding the severity and sanction, the department and panel members consider the circumstances surrounding the case. They should pay regard to the following:

- the scale and extent of the act
- any subsequent elements to the offence
- the nature of any theft of academic material
- the extent to which any verifiable mitigating circumstances may have impacted on the student

In all cases where malpractice is proven, a sanction must be applied. However, where there is evidence of mitigating circumstances, a lesser sanction than normally recommended for the level of offence may be imposed. This decision may only be made by the Head of Department (see Section 6, Head of Department Discretions) or the Chair of a panel of inquiry. In such cases, the sanction must remain in accordance with the list of sanctions at Annexe C. Clear rationale for the application of this discretion must be recorded in the minutes of the meeting.

All sanctions will include a prescribed educational element around academic integrity. This may be provided via UniSkills.

Malpractice within a regulated programme

In some circumstances it is possible that a single proven instance of academic malpractice may prevent you from obtaining the relevant award.

If you are on a regulated programme and are found guilty of academic malpractice, the normal sanction for that offence will be applied.

However, in certain circumstances, the relevant professional, statutory or regulatory body may need to be informed before any University sanction is imposed. Such a sanction may result in a recommendation to the relevant progression or award board that you are withdrawn from the programme. Note that this may not preclude you from registration on a non-professional programme at the University.

Reassessment after malpractice

If you are failed in a module, you will not normally have the right to a standard reassessment as detailed in the Academic Regulations. However, in exceptional circumstances the department or panel of inquiry may, at their discretion, permit you to be reassessed.

All candidates/students are subject to the extant Academic Regulations for the maximum number of reassessment opportunities. Therefore, if malpractice occurs in your final attempt at assessment you will not be permitted a further reassessment. This applies even if the department or panel's opinion is that reassessment is the most appropriate sanction for the level of offence.

The above regulation is important for ensuring equitable treatment for those students who simply fail at the final attempt and are, through due process, automatically failed from the programme.

In all cases where reassessment is recommended, the submission date for reassessment should always align with the standard arrangements for reassessment in that cohort. If you are found guilty of malpractice you will not be allowed to resubmit before those students undertaking standard reassessment in that cohort.

If you refuse or fail to resubmit the element(s) of work as requested under any level of academic malpractice sanction, a mark of zero will be awarded for the whole module.

Withdrawal

If you are withdrawn from a programme as a direct result of the recommendation of a panel of inquiry, the decision will be ratified by the Vice-Chancellor.

If you are withdrawn from your studies directly as a result of academic malpractice, you may not be readmitted to the University for at least two years. This is on line with the Academic Regulations (I6.3).

10. Appeals

You have the right to submit an academic appeal against the outcome of a malpractice panel of inquiry.

Your appeal must meet one or more of the University's grounds for academic appeal. These are:

- Procedural irregularity in the process
- Bias or perception of bias
- Personal circumstances, the details of which were, for good reason, not previously available to the panel of inquiry

Disagreement with a decision made by a panel of inquiry is not, of itself, a ground for appeal.

In addition, you must submit your appeal by the deadline stipulated in the letter confirming the panel of inquiry's decision.

For full details, please refer to Section K of the <u>Academic Regulations</u> and <u>Appendix</u> 22 of the Academic Regulations – Academic Appeals.

Office of the Independent Adjudicator (OIA)

If you remain dissatisfied with the outcome of your appeal, you have the right to refer the matter to the OIA. The OIA will only consider complaints relating to academic malpractice where procedural irregularity is the ground for appeal. Matters concerning academic judgement are not normally accepted by the OIA.

Key to Relevant Documents Research Degree Regulations

Appendix 24 - The Revocation of Awards: 2022/23 - Edge Hill University

<u>Appendix 7 - Procedures for the Submission of Personal Circumstances: 2022/23 - Edge Hill University</u>

Research Ethics Policy - Edge Hill University

'Contracting to Cheat in Higher Education'

<u>Appendix 23: The Role of a Student's Friend in Academic Conduct Procedures -</u> Edge Hill University

Academic Regulations 2022/23 - Edge Hill University

Annexe A – The principles of oral investigation(viva)

A viva is a method of investigating whether malpractice may have taken place and provides evidence for further investigations only. It is held at a local level and is not the same as a malpractice panel of inquiry.

The meeting will be conducted under the normal fair and collegiate departmental arrangements for such meetings.

Participants in the viva will normally be

- The student
- The students' friend (please refer to information on the role of a student's friend)
- The Chair of the meeting who will be independent of the investigation
- An academic subject expert usually the person making the allegation

Where appropriate and practical, the external examiner for the area may also be consulted.

The student will be given information about the purpose and format of the oral examination to enable them to prepare for it.

No sanction may be applied directly as a result of a viva.

Should the concerns of academic malpractice be unresolved by the viva, the normal procedure for classifying the offence (Section 6) will be followed.

Annexe B – Classifications and examples of offences

Classification	Example
First Naïve Applies only to • first year undergraduates • stage one students • those studying modules on a standalone basis	Inappropriate referencing as a result of carelessness or misunderstanding referencing requirements. This applies where this is not acceptable under the University's referencing policy. Note: a second Naïve offence is considered a First Minor offence
First or Subsequent: Minor	 This includes a second Naïve offence unattributed graphic images several sentences of direct copying without acknowledgement of the source inappropriate paraphrasing poor referencing unattributed quotations incorrect or incomplete citations
First or Subsequent: Major	This includes
First or Subsequent: Grave	 This includes taking an essay or multiple essays from the Internet without revealing the source copying much of the work of a fellow student with or without their knowledge or consent any form of cheating in a formal examination suspected contract cheating

Annexe C – Sanctions

Note: all sanctions must include a prescribed educational element around academic integrity. This is usually provided via <u>UniSkills.</u>

Classification: First Naïve

Offence	Sanction	Authority for use
Inappropriate referencing as a result of carelessness	Student is allowed to resubmit for the full mark	Department and
or misunderstanding referencing requirements.		panel of inquiry
 This classification is only applicable to first year undergraduates stage one students those studying modules on a standalone basis 		

Classification: First or subsequent: Minor

Offence	Sanction	Authority for use
 This includes a second Naïve offence unattributed graphic images several sentences of direct copying without acknowledgement of the source inappropriate paraphrasing poor referencing unattributed quotations incorrect or incomplete citations 	The offending sections of the work are set aside and a mark ascribed to the remainder	Department and panel of inquiry

Classification: First or subsequent: Major

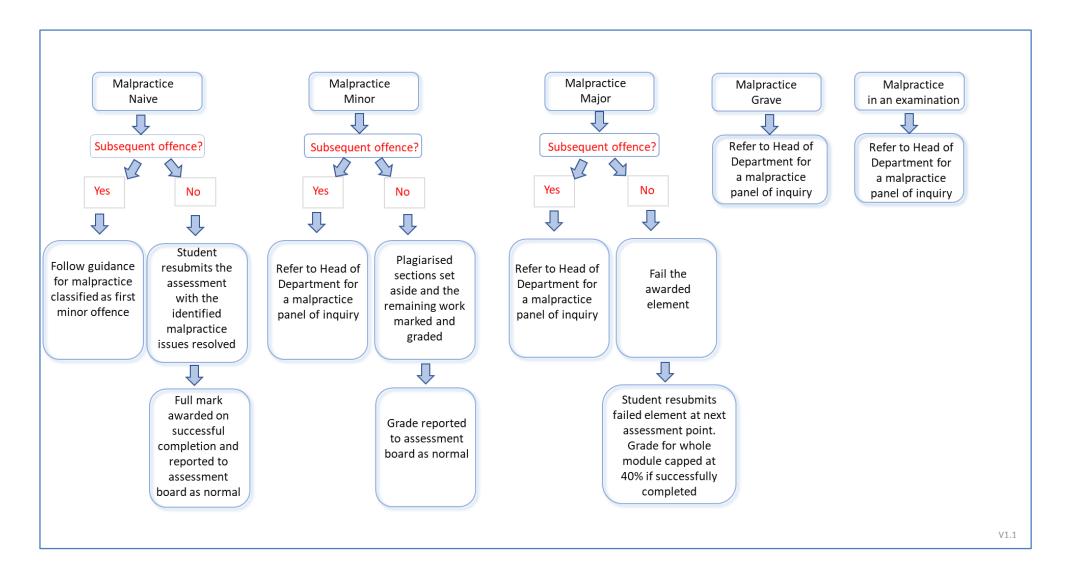
Offence	Sanction	Authority for use
This includes	3. The student is deemed to have failed in the specific	Department and
 copying multiple paragraphs in full without acknowledgement of the source 	element of assessment in which the malpractice occurred. Upon resubmission the student will be capped at the pass mark for the whole module.	panel of inquiry
 copying some of the work of a fellow student with or without their knowledge or consent 		

Classification: First or subsequent: Grave

Offence	Sanction	Authority for use
This includes taking an essay or multiple essays from the Internet without revealing the source	4. The student is deemed to have failed in all assessments for the module/unit of a course. Upon resubmission, the student will be capped at the pass	Panel of inquiry only.
 copying much of the work of a fellow student with or without their knowledge or consent any form of cheating in a formal examination 	mark across the whole module 5. The student is required to resubmit and pass all elements of assessment. Upon completion, a mark of zero is allocated and will recorded on their Academic Transcript	Recommended withdrawal from a programme is subject to ratification by the Vice-Chancellor.
suspected contract cheating	6. Recommend withdrawal from the programme	
	7. Recommend withdrawal from the programme and deem a student to have failed all assessment taken in all modules during the assessment period in which malpractice occurred	
	8. Invoke procedure for the revocation of an award.	

Note: Where a student refuses or fails to resubmit the element(s) of work as requested, a mark of zero will be awarded for the whole module.

Overview of malpractice classifications and procedures



Annexe D – Agenda for academic malpractice panel meetings

Prior to the formal commencement of the meeting, panel members will deliberate in private to discuss the case and highlight any areas which they believe require discussion with the student.

- 1. The Chair will call for the student and tutor presenting the case to enter the room and will
 - a. Welcome the student and tutor to the meeting and introduce each member of the panel
 - b. Outline the panel's remit and the procedure which will be followed
- 2. The Chair will invite the tutor to present the case and then invite questions from anyone in attendance.
- 3. The Chair will invite the student to respond, and then invite questions from anyone in attendance.
- 4. When the Chair is satisfied that all relevant information has been provided, they will explain the next steps to the student. That is, the panel will deliberate and the student will be notified of the outcome in writing within five working days of the panel taking place.
- 5. The Chair will then invite the student and tutor to leave the meeting.
- 6. The panel will recount the evidence heard and discuss whether academic malpractice occurred, and if so, to what extent.
- 7. Where academic malpractice has occurred, the panel will discuss and decide the sanction to impose, in line with the information detailed in Annexe C.
- 8. The meeting will close.

Endmatter

Title	Appendix 8: Procedures Relating to Academic Malpractice
Policy Owner	Director of Governance and Assurance
Policy Manager	Head of Student Casework
Approved by	
Date of Approval	
Date for Review	