

# The Academic Regulations Appendix 8: Procedures Relating to Academic Malpractice

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Edge Hill  
University

# The Academic Regulations

## Appendix 8: Procedures Relating to Academic Malpractice

### Contents

Purpose.....	3
Regulations .....	3
1) Preface.....	3
2) Definition of Malpractice .....	5
3) Procedure for dealing with Academic Malpractice in coursework.....	8
4) Procedure for dealing with Academic Malpractice in a timed examination..	16
5) Malpractice Panel of Inquiry .....	18
6) Authorised Penalties and Guidance on Sanctions/Outcomes .....	20
7) Appeals .....	26
Key to Relevant Documents .....	28
Annexes .....	29
End matter.....	30

## Purpose

The purpose of this document is to set out the University's approach to dealing with academic malpractice. It is for staff so that they are aware of the process to follow, and for students so that there is complete transparency about the University's approach.

## Regulations

### 1) Preface

- 1.1 The University regards the use or attempted use of unfair means to enhance performance or to influence the standard of award obtained as a serious academic offence that may constitute grounds for exclusion.
- 1.2 "Unfair means" includes all forms of cheating such as plagiarism, collusion and impersonation. Section Two of this Appendix provides more information on the University's definition of academic malpractice.
- 1.3 These procedures are applicable to the preparation and presentation of all assessed work irrespective of the University's form of assessment for the element of assessment concerned. For the purposes of this document, 'coursework' is used to describe any form of assessment (including 'time-limited assessment') which does not constitute a formal examination. 'Formal examinations' are examinations that are timed and subject to ongoing invigilation.
- 1.4 The University aims to educate students on how to develop good academic writing skills. Advice and guidance on how to avoid common forms of malpractice will be made available to students through academic induction processes.
- 1.5 The University will provide information on the regulations governing academic malpractice, and the penalties that apply, at the commencement of the programme in our guidance about 'Terms and Conditions'. Further, relevant sections of this document will be published to students in central guidance and/or local handbooks and will be available on the University's web pages. It is a student responsibility to engage with the advice provided by the University by reading the published literature and attending induction sessions.
- 1.6 Ignorance of the University's procedures or guidelines on referencing will not of itself constitute a defence to an accusation of infringement as the University does not distinguish between intentional and unintentional malpractice, e.g. between deliberate copying and those who simply do not understand the referencing and bibliographic systems that students are required to follow. However, this does not impact upon the ability of the Head of the relevant Department/Programme Area to classify plagiarism as naïve providing the criteria to be considered naïve is met (see 3.2.iii). If a student is in any doubt as to how to reference material they must consult with a member of academic staff.

- 1.7 It is the responsibility of the student to take reasonable precautions to guard against unauthorised access by others to their work, both before and after assessment.
- 1.8 Where malpractice is suspected, an Assessment Board shall not determine a student's assessment result until all the facts have been established and a report of the outcome of the investigation has been received from the appropriate local officer or Panel of Inquiry. Where evidence of alleged malpractice becomes available subsequent to a decision of an Assessment/Award Board, the Board has the authority to reconsider its original decision. Appendix 24 of the Academic Regulations provides information on the protocol for the Revocation of Awards.
- 1.9 Students accused of academic malpractice shall be innocent until judged to be guilty. Students will be allowed to progress with their academic studies until the conclusion of procedures aside from where professional body regulations preside.
- 1.10 Where Malpractice procedures are invoked, the process set out in this Appendix will be followed until the case is concluded irrespective of any concurrent activity such as the student's voluntary withdrawal or submission of an Exceptional Mitigating Circumstances notification. Whilst details of Mitigating Circumstances may be presented by the student to an investigating officer, the outcome of the Malpractice Investigation supersedes any local activity around Exceptional Mitigating Circumstances.
- 1.11 Where a student is found guilty of academic malpractice a record will be kept of this activity and any associated penalty will be recorded on the Student Records System.
- 1.12 Resolved malpractice (i.e. malpractice for which the student has subsequently passed the module) will appear on the final transcript with the standard recommendation for a candidate that has passed after reassessment. In cases where the outcome is a withdrawal from the programme due to malpractice, this information will be recorded on the final transcript.
- 1.13 These regulations apply to all University students, except those students studying on postgraduate research programmes who are subject to the Research Degree Regulations. Administrative processes and timescales may vary slightly in cases where there is collaborative provision; the University/collaborative partner will endeavour to make reasonable adjustments in these cases to ensure that the process is fair to all parties.
- 1.14 Each autumn term the Associate Dean for Academic Development and Quality Assurance, or equivalent, will submit an annual Faculty review of all first offences of plagiarism to the Head of Student Casework. Should there be any matters of concern, the Head of Student Casework will report these to the Learning and Teaching Committee.

## 2) Definition of Malpractice

2.1 Malpractice may be broadly defined as an attempt to gain an advantage over other students by the use of unfair and/or unacceptable methods. However, it is important to note that the definitions and descriptions in this Appendix are indicative, not exhaustive, and the University reserves the right to deem that malpractice has occurred in instances that are not explicitly defined in this document, where appropriate.

2.2 Types of Malpractice:-

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

- i) communicating with or copying from any other student during an examination, except in so far as the rubric may specifically permit e.g. in-group assessments;
- ii) communicating during an examination with any person other than a properly authorised invigilator or another authorised member of staff;
- iii) introducing any written or printed material into an examination room, unless expressly permitted by the regulations for the module or course assessment;
- iv) introducing any electronically stored information into an examination room unless expressly permitted by the regulators for the module or course assessment;
- v) gaining access to any unauthorised material relating to an examination during or before the specified time;
- vi) providing or helping to provide in any other way false evidence of knowledge or understanding in examinations.

2.2.2 **Plagiarism** is broadly described as an attempt to pass off work as one's own which is not one's own. It includes the representation of work, written or otherwise, of any other person, including another student, or any institution, as the candidate's own. It may take the form of:

- i) verbatim copying or insertion of another person's work (published or unpublished and including material freely available in electronic form) without appropriate acknowledgement;
- ii) the close paraphrasing of another person's work by simply changing a few words or altering the order of presentation, without appropriate acknowledgement;
- iii) unacknowledged quotation of phrases from another person's work;

- iv) the deliberate and detailed presentation of another person's concept as one's own;
- v) **submitting the same piece of work twice for more than one coursework assessment unless authorised by the module leader. Such activity will be regarded as an offence of 'self-plagiarism'.**

2.2.3 **Collusion** may include instances where a student:-

- i) knowingly submits as entirely his/her own work that was undertaken in collaboration with another person without official approval;
- ii) collaborates with another student in the completion of work which he/she knows is intended to be submitted as the other student's own unaided work;
- iii) knowingly permits another student to copy all or part of his/her own work and to submit it as that student's own unaided work.

2.2.4 **Contract Cheating** is a specific form of academic malpractice, where a student submits work for assessment having used one or more of a range of services provided by a third party where such input is not permitted. Such services are often paid for by the student as part of a contract with a third party. Contract Cheating may incorporate other cheating, plagiarism and collusion as defined by the University.

2.2.5 **Falsifying data or material** includes;

- i) falsifying the data or material presented in reports or any other assessment.
- ii) falsely purporting to have undertaken experimental or experiential work or to have obtained such data by unfair means.
- iii) the fabrication of references or a bibliography.

2.2.6 **Impersonation** is the assumption by one person of the identity of another person with intent to deceive.

2.2.7 **Ethical issues in contravention of the University's "Memorandum of advice to Faculties and Departments"**

2.2.7.1 Ethical Approval for Undergraduate and Postgraduate Submissions may be subject to referral to a malpractice panel for issues such as:

- i) evasion of ethical responsibilities

- ii) failure to gain ethical approval and misconduct caused by careless and irresponsible research practice.

More information on Ethical Approval can be viewed at

<https://www.edgehill.ac.uk/research/governance>

2.2.7.2 Heads of Department are required to report directly to the Associate Dean of Faculty with responsibility for Teaching, Learning & Assessment on all investigations into potential ethical misdemeanour.

2.2.8 Other forms of dishonest academic practice not falling within the above definitions may also amount to malpractice. The University does not hold an exhaustive list although examples include:-

- i) Attempting to obtain special consideration by offering or receiving inducements or favours;
- ii) Providing false information when submitting an Exceptional Mitigating Circumstances claim, Academic Appeal or any similar application for dispensation;
- iii) Ensuring the non-availability of books or journal articles in the University Library by removing the relevant article or chapter from the material, or by deliberately misshelving them so that other students cannot find them.

### 3) Procedure for dealing with Academic Malpractice in coursework

#### 3.1 Establishing a Case

- i) Where the marker of a piece of assessed work suspects that an infringement has occurred they will immediately advise the Module Leader (or equivalent role) who will, if in agreement with the suspicion, institute a second marking procedure to be carried out by an appropriate member of academic staff.

Notes:

.1 in some cases the nature of assessment, for example a presentation, may render second marking impracticable – in such cases as many stages as possible under ‘establishing a case’ will be followed.

.2 the emergence of ‘Contract Cheating’ across the Higher Education Sector has led to detailed information being published by the UK Quality Assurance Agency regarding how to address the use of third party services. Detailed guidance on how to detect Contract Cheating is available in section 6 of the QAA publication ‘Contracting to Cheat in Higher Education, *How to Address Contract Cheating, the Use of Third-Party Services and Essay Mills*’<sup>1</sup>. The QAA guidance is available to assist staff; where the University has adopted any element of the guidance which ‘must’ be followed, the University’s regulations have been updated accordingly.

- ii) Where it is considered that the use of an oral investigation would be an appropriate aid to assist in investigating a suspected case of academic malpractice, the Head of Department may institute such a course of action. Note that vivas are especially useful where there is reasonable doubt that a submission is a student’s own (for example, where there is a suspicion of Contract Cheating and/ or a submission so inconsistent with previous performance as to suggest that it has not been produced by the student concerned) but the sources from which the work might have been derived cannot be located. If it is agreed that such an investigation is required, the following principles should be observed:

.1 Typically, the viva participants would be the student, a Student Friend<sup>2</sup>, the chair and an academic subject expert (normally the person making the allegation);

.2 The viva should be conducted under the normal fair and collegiate departmental arrangements for such meetings, except that the meeting should be chaired by an appropriate person who is independent of the allegation;

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<sup>1</sup> [contracting-to-cheat-in-higher-education-2nd-edition.pdf \(qaa.ac.uk\)](https://www.qaa.ac.uk/quality-assurance/contracting-to-cheat-in-higher-education-2nd-edition.pdf)

<sup>2</sup> See Appendix 23 for the ‘Role of a Student’s Friend in Academic Conduct Procedures’.



.3 If it is felt appropriate, and practical, the external examiner for the area may be consulted;

.4 The student should be provided with information about the purpose and format of the oral examination to enable them to prepare appropriately for it;

.5 Where oral investigations are used, they are a method of investigating whether malpractice may have taken place and to provide evidence for further investigations only – oral investigations are not malpractice panels and are a means for investigation only;

.6 No sanction can be applied directly as the result of an oral investigation. Where an oral investigation does not resolve any local concerns pertaining to academic malpractice, the procedures set out from 3.2 should be followed.

- iii) A case will only be considered as ‘established’ once the aforementioned investigation(s) has been conducted with the outcome being that the department has established a case.

### 3.2 Classification of Offence

- i) Once a case has been established, the Head of Department together with the Module/Programme Leader (or equivalent post) should classify the offence using one of the Classifications set out under 3.2.3.
- ii) Departmental/Faculty records should be consulted in order to determine if the act is a First or Subsequent offence. Note that ‘Subsequent’ refers to the occurrence of any second offence (other than a subsequent Naïve act) and does not necessarily have to be the second instance of the same type of offence. The second instance of a Naïve act should be classified as a First Minor.
- iii) Classification is a matter of academic judgement in relation to alleged offences, but will be informed by the guidance set out in the following table:-

<b>Classification</b>	<b>Example</b>
First Naïve	<p>Inappropriate referencing, where this is not deemed acceptable under the University’s referencing policy, as a result of misunderstanding referencing requirements or carelessness.</p> <p><b>nb this classification may only be applied in the case of first year undergraduates, Stage One students or those studying modules on a stand alone basis.</b></p> <p><b>Note that a second Naïve act should be considered as a First Minor offence.</b></p>

First or Subsequent: Minor	<ul style="list-style-type: none"> <li>i) unattributed graphic images</li> <li>ii) several sentences of direct copying without acknowledgment of the source</li> <li>iii) inappropriate paraphrasing</li> <li>iv) poor referencing</li> <li>v) unattributed quotations</li> <li>vi) incorrect or incomplete citations</li> <li>vii) Subsequent/second Naïve act</li> </ul>
First or Subsequent: Major	<ul style="list-style-type: none"> <li>i) copying multiple paragraphs in full without acknowledgment of the source</li> <li>ii) copying some of the work of a fellow student with or without their knowledge or consent</li> </ul>
First or Subsequent: Grave	<ul style="list-style-type: none"> <li>i) taking an essay or multiple essays from the Internet without revealing the source</li> <li>ii) copying much of the work of a fellow student with or without their knowledge or consent</li> <li>iii) any form of cheating in a formal examination</li> <li>iv) suspected Contract Cheating</li> </ul>

### 3.3 Communication with the student

3.3.1 Instances classed as First Naïve do not require a formal meeting with the student. See Sanctions (section 3.4.3) for information on the appropriate action to take and details of the advice that must be provided to students in these cases.

3.3.2 Instances classified as a First Minor or more serious offence require the student to be invited to attend a departmental meeting and for the department to adhere to the following procedure;

- i) The student should be invited to attend a meeting with the Module or Programme Leader and the first marker. In exceptional circumstances the meeting may proceed in the absence of these specific members of staff providing there are at least two members of academic staff in attendance that are fully conversant with the case details.
- ii) The student should be given sufficient prior notice of this meeting and must be advised of the purpose for the meeting and of their right to be accompanied by a 'friend.'<sup>3</sup>

<sup>3</sup> See Appendix 23: *The Role of a Student's Friend in Academic Conduct Procedures* for full guidelines.

- iii) Where reasonably possible, any departmental artefacts of evidence should be presented to the student in advance of the meeting.
- iv) The Chair of the meeting should advise the student of their suspicions, provide a copy of any evidence in support of the case and allow for the student to respond to the allegations. Note that the department should provide the student with a sufficient amount of time to digest the case information at the meeting prior to expecting a response.
- v) The student should be informed that they will be written to and provided with an outcome which might be a sanction applied/invoked by the department or a referral to a formal University Panel of Inquiry.
- vi) The student should be informed that if they are dissatisfied with any locally agreed sanction they may refer the matter directly to a Panel of Inquiry.
- vii) A record of the meeting should be documented by one of the members of staff.
- viii) If the student does not attend, and does not ask for the meeting to be adjourned, the meeting may proceed in their absence. Equally so, if the student does not give a reasonable explanation for non-attendance or in the view of the department unreasonably attempts to delay or further delay the meeting, the meeting may proceed providing this has been authorised directly by the Head of Department.
- ix) The Faculty Assistant Registrar has right of attendance at any such departmental meeting to provide advice on the Academic Regulations.

### 3.4 Sanctions

3.4.1 Following the student's departure from the meeting the departmental representatives should agree on whether an offence has or has not been committed taking into account any relevant discussion at the meeting. If it is concluded that no offence has occurred, the student should be written to and informed of this outcome and advised that no further action will be taken.

3.4.2 On agreement that an offence has occurred, the departmental representatives should establish the level of offence and undertake follow up actions as appropriate to the classification of the offence set out in 3.4.3 (unless the offence has occurred in the student's final opportunity for reassessment in which case see 3.4.5). With the

exception of Grave offences the department may exercise its judgement on the extent to which verifiable mitigating circumstances impacted on the actions of the student when determining a sanction. Provided the Head of Department is in agreement, the department may apply a lesser sanction than recommended for the offence in 3.4.3 **so long as the penalty is in accordance with those available under 6.4.**

### 3.4.3

Classification	Recommended Sanction	Action
Naïve	student is allowed to resubmit for the full mark	<p>Department should deal with the matter informally by awarding the piece of work a zero and requesting that the student resubmit the assessment with the relevant issues remedied. Upon re-submission the full mark will be awarded and this whole activity will be considered as one attempt for the student under the Academic Assessment Regulations.</p> <p>Student should be written to and informed of this decision. Student must be informed of where they can acquire study skills help and advised that if they are uncertain about how to avoid subsequent allegations they should contact their tutors.</p> <p>The letter must make it clear that any further offence will be classified as second offence and thus will be automatically be classified as at least a Minor offence.</p>
First Minor	the offending sections of the work are set aside and a mark ascribed to the remainder	Warning letter to be issued to the student by the Head of Department.

		<p>This letter should give the student details of the infringement and sanction applied, advise them of where they can acquire study skills help and advise them that if they are uncertain about how to avoid subsequent allegations they should contact their tutors. The letter should also warn of the consequences of any subsequent offences.</p> <p>A copy of this letter should be sent to the Head of Student Casework and the Faculty Assistant Registrar.</p>
First Major	<p>Deem the student to have failed in the specific element of assessment in which the malpractice occurred and require the student to undertake reassessment at the next assessment point.</p> <p>Upon successful resubmission the student will be capped at the pass mark for the whole module.</p>	<p>Warning letter to be issued to the student by the Head of Department.</p> <p>This letter should give the student details of the infringement and sanction applied, advise them of where they can acquire study skills help and advise them that, if they are uncertain about how to avoid subsequent allegations, they should contact their tutors. The letter should also warn of the consequences of any subsequent offences.</p> <p>A copy of this letter should be sent to the Head of Student Casework and the Faculty Assistant Registrar.</p>
Grave	<p>Refer to a Panel of Inquiry for further investigation – see section 5</p>	<p>Refer to a Panel of Inquiry – application form for a panel to be convened available at <a href="https://go.edgehill.ac.uk/display/academicregistry/Academic+malpractice">https://go.edgehill.ac.uk/display/academicregistry/Academic+malpractice</a></p> <p>HoD to write to student to inform them that the matter has been referred to a Panel of Inquiry and that the Regulation, Assurance and Governance Unit will</p>

		administer the process from this point on and will make all arrangements for the administration of the panel.
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*Footnote: Where an offence is ‘subsequent’ the Head of Department holds the discretion to determine how to proceed, and whether to refer the matter to a Panel of Inquiry. Please see Annex 1 for guidance.*

Where a student commits a subsequent offence within a course registration, the Head of Department should consider whether the matter can be dealt with locally or whether a referral to a University panel of inquiry is necessary.

Referrals to central panels will normally be made when the Head of Department determines that it is not appropriate to deal with the matter locally. This may be because the allegation is so serious that the sanctions which are potentially appropriate are reserved for University level panels (eg withdrawal from the University) or because in the Head of Department’s view, local action has been exhausted, and the case requires escalation.

When determining whether a case requires escalation, the Head of Department should have regard to

- the seriousness of the offence
- the period of time elapsed since the first offence was committed and any pattern of offending
- any aggravating factors, for example a student’s blatant disregard to previous warnings
- any mitigating circumstances

3.4.4 Where a student does not accept a local sanction agreed by the Head of Department they will have the right to appear in person before a Malpractice Panel of Inquiry. Should a student wish to follow this process the case will be considered under the common procedure in Section Five. Any student wishing to invoke this procedure should make an application in writing to the Head of Student Casework outlining the full circumstances surrounding the request.

3.4.5 Under the University’s Academic Regulations there is a limit on the amount of reassessment that can be undertaken as the result of academic failure. Proven malpractice is construed to be academic failure and any candidate that fails to meet the pass threshold at their final attempt, whether due to academic malpractice or not, will be subject to the overarching principles on reassessment opportunities. In all cases of

proven malpractice in the student's final attempt the Faculty Assistant Registrar will liaise with the Chair of the Progression/Award Board and Head of Student Casework in order to ensure that the ordinary process for considering academic failure is followed and that the student is informed of the outcome.

#### 4) Procedure for dealing with Academic Malpractice in a timed examination

- 4.1 Where an invigilator suspects that any form of cheating has occurred in an examination she/he will;
- i inform the student of her/his suspicions and of her/his intention to report the incident;
  - ii confiscate any relevant evidence (i.e any unauthorised material);
  - iii where possible have steps i and ii witnessed by a second invigilator;
  - iv annotate the student's script and endorse the front cover at the point at which the alleged cheating was identified;
  - v return the script to the student and permit him/her to continue with the examination and to conclude at the normal stipulated time;
  - vi record this activity on examination report form.
- 4.2 Where an invigilator/marker uncovers a case of suspected cheating after an examination has been completed the invigilator will follow as many steps identified in 4.1 as soon as possible. The standard procedure identified in 4.4 will then be followed in so far as possible with the exception that the formal report on the matter should be submitted within one day of the case being established rather than within one day of the examination.
- 4.3 Where the procedure outlined in 4.1 leads to an unreasonable disturbance or disruption to examination conditions or where the procedure is invoked against a student for a second time in that examination, the invigilator has the authority to expel the student from the examination room and to make such adjustments to the duration of the examination for other candidates as she/he considers to be appropriate. The invigilator will record the action taken in their report of the examination so that the tutors marking the scripts are aware of any disturbance or disruption to the other students.
- 4.4 Not later than one working day after the conclusion of the examination, the invigilator will submit a written report to the Head of Student Casework and the Head of the relevant department. The report should provide an account of the incident, including the time of the incident and the student's response to the allegation, and be accompanied by any relevant supporting evidence including any confiscated materials. Where possible, the report should include the comments, and signatures, of other invigilators who were present at the time at which the alleged cheating took place. In this instance the examination script should be marked by the relevant marker; but should then be made available to the Panel of Inquiry if required.



- 4.5 Suspicion of Malpractice in a formal examination will be investigated as a potentially Grave offence and in all cases will be referred directly to a Panel of Inquiry. Following the submission of the invigilator/marker's report, the procedure for investigating such allegations follows the common procedure outlined in Section Five.

## 5) Malpractice Panel of Inquiry

- 5.1 On receipt of a report of alleged Grave or Subsequent Malpractice the Head of Student Casework will notify the student in writing of the allegation and will inform the student that a Panel of Inquiry shall be convened. This letter will stipulate the time, date and venue for the meeting and will be issued to provide the student with at least five days notice for the meeting.
- 5.2 Enclosed with the initial letter from the Head of Student Casework will be a copy of the regulations pertaining to Academic Malpractice which include details of the procedure to be followed and information on potential outcomes.
- 5.3 The Head of Student Casework will make all reasonable efforts to provide the student with a copy of the original work in which the student is alleged to have committed academic malpractice and of any evidence in support of the department's case prior to the hearing, however this may not always be possible due to the nature of the alleged malpractice. Where it is not practicable to post case materials in advance, students will be invited to view such materials in advance of the hearing. Any such viewing will give the student at least one calendar week before the Panel meeting.
- 5.4 The letter from the Head of Student Casework will inform the student of their right to be accompanied by a 'friend.'<sup>4</sup>
- 5.5 If the student does not attend, and does not request the panel be adjourned, the meeting will go ahead in their absence. Equally so, if the student does not give a reasonable explanation for non-attendance or in the view of the Head of Student Casework the student unreasonably attempts to delay or further delay proceedings, the meeting may go ahead in the student's absence providing this is authorised directly by the Head of Student Casework.
- 5.6 The Head of Student Casework will convene a Panel of Inquiry comprising;
  - i) Chair (a Dean<sup>5</sup> or an Associate Dean of Faculty who is not the Dean or Associate Dean of the student's Faculty, or an Academic Head of Department).
  - ii) two other members of academic staff with no previous direct involvement with the student (drawn from a list of staff nominated by the Deans of Faculty and confirmed by the Academic Board).
  - iii) an elected representative of the Students' Union.

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<sup>4</sup> See *Appendix 23: The Role of a Student's Friend in Academic Conduct Procedures* for full guidelines.

<sup>5</sup> Deans will include all Deans and not just Deans of Faculty

The Panel will be serviced by a secretary from the Regulation, Assurance and Governance Unit. The Head of Student Casework or their nominee have the right of attendance at any University Panel of Inquiry (Malpractice) to provide advice on regulatory matters. The Director of Governance and Assurance has the right to attend any student casework panel.

5.7 The terms of reference for the Panel of Inquiry are;

- i) to investigate the allegation of malpractice, having regard to the evidence presented to it by staff and the student;
- ii) to determine whether malpractice has occurred and, if so, the extent to which a student has attempted to gain an unfair advantage (i.e. the severity of the malpractice);
- iii) in cases of proven malpractice, to determine the penalty that should be applied to the malpractice in accordance with the sanctions available under 6.4;
- iv) to inform the student and the relevant Module, Progression or Award Board of their findings.

5.8 The Panel will normally conduct its hearing as follows;

- i) Panel's private deliberation.
- ii) The Chair will call for the Student and the Tutor presenting the case to enter the room.
- iii) Chair's introduction:
  - a. Welcome and introduction of persons present
  - b. Outline of the Panel's remit
  - c. Outline of procedure for the hearing
- iv) The Chair will call for the Faculty Presenting Officer to present the case and invite any persons present to ask relevant questions.
- v) The Chair will invite the student to respond and invite any persons present to ask relevant questions.
- vi) When the Chair is satisfied that all relevant information has been provided, the Chair will explain to the student that the Panel will deliberate and the outcome will be communicated to the student, in writing, within five working days.
- vii) The Chair will invite the student and the Faculty Presenting Officer to leave the meeting.
- viii) Panel's private deliberation.
- ix) Close.

5.9 It is the responsibility of the Secretary to inform the student in writing of the outcome within five working days of the meeting and to report the Panel's findings to the relevant Module/Progression/Award Assessment Board.

## 6) Authorised Penalties and Guidance on Sanctions/Outcomes

- 6.1 If it is concluded that malpractice has not occurred, no penalty shall be applied.
- 6.2 Given the wide range of possible infringements in cases where malpractice is proven and the varying degrees of gravity of these infringements, it is appropriate that, in reaching their decision on a sanction, the Department/Panel of Inquiry is empowered to exercise discretion having regard to its findings and the circumstances surrounding the case. In making an assessment on the severity of the case and thus the appropriate sanction, the Department/Panel (as appropriate) should pay regard to the scale and extent of the act, any 'subsequent' elements to the offence and the nature of any theft of academic material.
- 6.3 Having regard to the advice set out under 6.5, the Panel and departmental officers may use their academic judgement on the extent to which verifiable mitigating circumstances impacted on the actions of the student and should therefore be taken into account when determining the sanction. In all cases where malpractice is proven, a sanction must be applied. However, in cases where there is evidence of mitigating circumstances, providing the Head of Department (in the case of malpractice determined via a departmental meeting [section 3]) or Chair of the Panel (on behalf of the Panel, in the case of malpractice determined by a panel of inquiry), is in agreement, a lesser sanction than normally recommended for the level of offence may be agreed **providing it is in accordance with the sanctions available under 6.4**. In such cases, a clear rationale for the application of this discretion must be recorded in the minutes of the meeting.
- 6.4 If a student is found to have committed malpractice the following action may be taken (where any student is found guilty of academic malpractice and is permitted to continue with their studies, an educational element around academic integrity will be incorporated to the outcome):

No:	Sanction	Authority for use
6.4.1	Allow student to resubmit for the full mark  <i>Must prescribe educational element around academic integrity</i>	Department and Panel of Inquiry.
6.4.2	Set aside plagiarised components and award a mark for remainder of content  <i>Must prescribe educational element around academic integrity</i>	Department and Panel of Inquiry

6.4.3	<p>Deem the student to have failed in the specific element of assessment in which the malpractice occurred– upon resubmission the student will be capped at the pass mark for the whole module.</p> <p><i>Must prescribe educational element around academic integrity</i></p>	Department and Panel of Inquiry
6.4.4	<p>Deem the student to have failed in all the assessments for the module/unit of a course to resubmit all components for the maximum of a pass mark across the whole module.</p> <p><i>Must prescribe educational element around academic integrity</i></p>	Panel of Inquiry only
6.4.5	<p>Deem that the student be required to resubmit and pass all elements of assessment. Upon completion, a mark of zero is allocated and will be recorded on the Academic Transcript.</p> <p>Where the module contributes to an award classification, a mark of zero will be applied in the calculation of the final Average Percentage Mark upon which the classification is based.</p> <p><i>Must prescribe educational element around academic integrity.</i></p>	Panel of Inquiry only
6.4.6	<p>Recommendation to Fail and Withdraw the candidate from the programme/module.</p>	Panel of Inquiry only
6.4.7	<p>Recommendation to Fail and Withdraw the candidate from the programme/module and deem a student to have failed all assessments taken in all modules during the assessment period in which malpractice has occurred.</p>	Panel of Inquiry only
6.4.8	<p>Revocation of an award.</p> <p>Where malpractice is determined in relation to an award already made and it is recommended that the award be revoked, the procedure outlined under Appendix 24 of the Academic Regulations should be followed.</p>	Panel of Inquiry only

6.5 Guidance on Sanctions

Offence	Classification	Recommended Sanction
<p>Inappropriate referencing, where this is not deemed acceptable under the University's referencing policy, as a result of misunderstanding referencing requirements or carelessness.</p> <p><b>n.b. this classification may only be applied in the case of first year undergraduates, Part One students or those studying modules on a stand alone basis.</b></p> <p><b>Note that a subsequent Naïve act should be considered as a First Minor offence.</b></p>	Naïve	<p>6.4.1 student is allowed to resubmit for the full mark</p> <p><i>Must prescribe educational element around academic integrity</i></p>
<ul style="list-style-type: none"> <li>• several sentences of direct copying without acknowledgment of the source</li> <li>• unattributed graphic images</li> <li>• inappropriate paraphrasing</li> <li>• poor referencing</li> <li>• unattributed quotations</li> <li>• incorrect or incomplete citations</li> <li>• Subsequent Naïve act</li> </ul>	First Minor	<p>6.4.2 the offending sections of the work are set aside and a mark ascribed to the remainder</p> <p><i>Must prescribe educational element around academic integrity</i></p>
<ul style="list-style-type: none"> <li>• copying multiple paragraphs in full without acknowledgment of the source</li> </ul>	First Major	<p>6.4.3 Deem the student to have failed in the specific element of assessment in which the malpractice</p>

<ul style="list-style-type: none"> <li>• copying much of the work of a fellow student with or without their knowledge or consent</li> </ul>		<p>occurred– upon resubmission the student will be capped at the pass mark for the whole module.</p> <p><i>Must prescribe educational element around academic integrity</i></p>
<ul style="list-style-type: none"> <li>• taking an essay or multiple essays from the Internet without revealing the source</li> <li>• copying all of the work of a fellow student with or without their knowledge or consent</li> <li>• any form of cheating in a formal examination</li> <li>• Contract Cheating</li> <li>• all Subsequent offences (aside from a second naïve offence which is classed as a First Minor)</li> </ul>	<p>Grave and all Subsequent offences</p>	<p>Panel to use judgement on the most appropriate of the following options;</p> <ul style="list-style-type: none"> <li>i) 6.4.4 Resubmit all elements for a maximum of the pass mark</li> <li>ii) 6.4.5 Resubmit and be required to pass all elements of assessment for the module – upon completion zero will be allocated and will count towards the final APM on which the classification is based.</li> <li>iii) 6.4.6 Recommend withdrawal from programme.</li> <li>iv) 6.4.7 Recommend withdrawal from programme and deem a student to have failed all assessments taken in all modules during the assessment period in which malpractice has occurred.</li> <li>v) 6.4.8 Invoke procedure for the revocation of an Award.</li> </ul>

		<i>Where continued study is permitted, Panel Must prescribe educational element around academic integrity</i>
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- 6.6 Where a student is registered for a programme of study leading to professional registration/qualification and/or providing a licence to practice it is possible that a single proven instance of academic malpractice will prevent the student from obtaining the relevant named award. If a student on such a programme is found guilty of academic malpractice, the normal penalty for that offence will be applied; however, under certain circumstances, before that penalty is implemented, it may be necessary to invoke proceedings using specific regulations or policies for dealing with professional conduct issues and/or inform relevant Professional, Statutory and Regulatory Bodies of the proven academic malpractice. This may result in a recommendation to the relevant Progression/Award Board that the student is withdrawn from the programme although this would not of itself preclude the student from registration on a non-professional programme at the University at the earliest opportunity.
- 6.7 A student deemed to have failed in a module will not have the right to be re-assessed as expressed under the Academic Regulations for standard reassessment except where the Department/Panel of Inquiry has permitted the student to be reassessed.
- 6.8 The decision of the Panel of Inquiry is binding on the Module/Progression/Award Board except where a reassessment has been recommended yet the offence has occurred in the candidate's final opportunity for reassessment (see 6.8).
- 6.9 All candidates will be subject to the extant Academic Regulations for the maximum number of reassessment opportunities and thus if a candidate has exhausted their opportunities for reassessment (i.e. malpractice occurs in the student's final attempt) they will not be permitted a further reassessment even if in the opinion of the department/panel a further reassessment is the most appropriate sanction for the level of offence. Note that this regulation is designed solely for the purpose of equitable treatment for those students that simply fail at the final attempt and are therefore automatically, through due process, failed from the programme.
- 6.10 In all cases where it is recommended that reassessment be submitted the date for reassessment should always align with the standard arrangements for the reassessment of students in that cohort. No student found guilty of malpractice shall be allowed to resubmit in advance of those students undertaking standard reassessment in that cohort.
- 6.11 Where a student refuses or fails 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.

- 6.12 In all cases where a candidate is withdrawn from a programme as a direct result of the recommendation from a Panel of Inquiry, the decision will be subject to final ratification from the Vice-Chancellor.
- 6.13 Aligning with I6.3 of the Academic Regulations, students that are withdrawn from their studies directly as the result of academic malpractice will not be re-admitted to the University for a period of at least two years.

## 7) Appeals

Students have the right to submit an academic appeal against the outcome of a Malpractice Panel of Inquiry provided the application meets the University's grounds for appeal and is submitted in accordance with the deadline stipulated on the letter confirming the decision of the Panel.

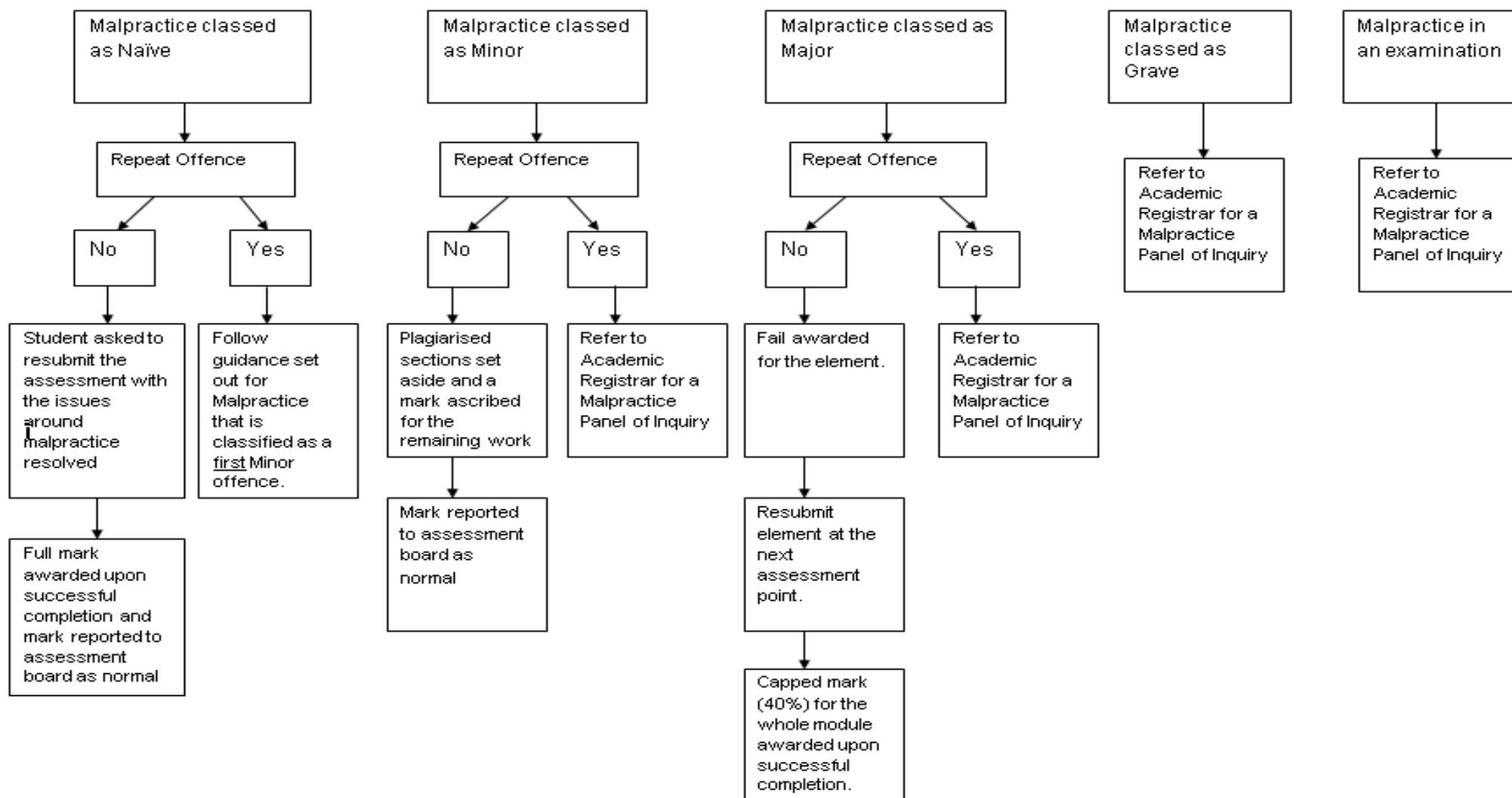
Appeals against Malpractice Panel decisions are governed by section K and Appendix 22 of the Academic Regulations.

The University's grounds for an Academic Appeal are;

- i. Procedural Irregularity in the Process
- ii. Bias or Perceptions of Bias
- iii. Exceptional Mitigating Circumstances, details which were, for good reason, not previously available to the appropriate Assessment Boards (Panel of Inquiry).

Disagreement with a decision made by a Panel of Inquiry shall not, of itself, form grounds for an appeal.

Full details of the Appeals process can be viewed under Appendix 22 of the Academic Regulations and relevant excerpts will be included in all Panel decision letters. This will include the right to refer the matter to the Office of the Independent Adjudicator (OIA) following the conclusion of the Academic Appeals process. It should be noted that the OIA will only consider complaints relating to academic malpractice where they relate to matters of procedure; complaints solely in relation to a finding that the student has used "unfair means" in the assessment concerned are matters of academic judgment which the OIA will not normally review.



All offences committed for reassessed work will be bound by the relevant academic regulations in relation to discretionary further attempts and the limit on reassessment.

## Annex 1:

### Subsequent Offences

Where a student commits a subsequent offence within a course registration, the Head of Department should consider whether the matter can be dealt with locally or whether a referral to a University Panel of Inquiry is necessary.

Referrals to central panels will normally be made when the Head of Department determines that it is not appropriate to deal with the matter locally. This may be because the allegation is so serious that the sanctions which are potentially appropriate are reserved for University level panels (eg withdrawal from the University) or because in the Head of Department's view, local action has been exhausted, and the case requires escalation.

When determining whether a case requires escalation, the Head of Department should have regard to:

- the seriousness of the offence
- the period of time elapsed since the first offence was committed and any pattern of offending
- any aggravating factors, for example a student's blatant disregard for previous warnings
- any mitigating circumstances

Where a subsequent offence is dealt with within the department, the department must, as a minimum, consider the offence in the same way as they would for a first offence of that type. Heads of Department hold the discretion to take into account the subsequent nature of any act when determining a sanction and outcome (within the overall authority available to the Head of Department).

In line with normal procedures, students retain the right to request that their case is considered by a University Panel if they are not satisfied with the departmental outcome.

## Key to Relevant Documents

Not applicable.

## Annexes

There are no annexes to this policy.

## End matter

Title	Appendix 8: Procedures Relating to Academic Malpractice
Policy Owner	Director of Governance and Assurance
Lead for Updates	Head of Student Casework
Policy Contributor	Regulations Review Sub-Committee
Approved by	Academic Board
Date of Approval	July 2020
Date for Review	July 2022 (reviewed July 2021)