

1. ACADEMIC MISCONDUCT

For students on programmes and awards validated by the University of Plymouth this section of the CAPR has been agreed by the University (as the awarding institution) as meeting its policy and regulatory requirements in relation to academic misconduct. The shaded sections below form GSM London regulatory and policy framework as applied to Plymouth University and GSM awards.

Related guidance and codes of practice can be found here:

<http://www.qaa.ac.uk/en/Publications/Documents/Contracting-to-cheat-in-higher-education.pdf>

Purpose and scope

- 1.1 This section of the Consolidated Regulations explains what 'academic misconduct' is, how the College will deal with it, and how the College will ensure fair treatment for students accused of it.
- 1.2 These regulations apply to all current and past students of the College and to any concern raised on or after 1 February 2017 regardless of the date of the event giving rise to the concern.
- 1.3 These regulations apply to any assessment that a student submits or attends as part of formal assessment towards an award.

NOTE: The College reserves the right to refer any case direct to the Academic Registrar or the most appropriate senior manager (research degrees) to decide whether immediate suspension or referral to the Fitness to Study procedure is required.

Definitions

- 1.4 'Academic misconduct' means a successful or unsuccessful attempt to achieve an unpermitted or unfair advantage over other candidates in an assessment or the deciding of results for themselves or others. It includes formal and informal situations.
- 1.5 'Poor academic practice' means an inadvertent breach of academic practice or convention, below the level of infringement, where there is no distinguishable advantage to the student and no discernible intention to deceive.
- 1.6 'Appropriate acknowledgement' means a student clearly identifies the material being used, explicitly attributes it to the author, and references the source in a way that is acceptable to the subject discipline.
- 1.7 'Assessment element' means the combined work from each assessment type within a module. This is divided by assessment type such as coursework or exams for each module. (For further information, see the definition of 'assessment component'.)
- 1.8 'Assessment component' means each assessment item such as an essay, coursework assignment or an exam paper.

'Infringement' means to do something that breaks the rule, agreement or policy or does not follow that rule, agreement or policy.

Introduction

Overview

- 1.9 As an academic community, the College must maintain public confidence in the integrity of its awards. This helps to ensure that its members' academic and professional achievements are valid, well regarded and uphold the College's academic standards and quality.

- 1.10 As part of this, the College must ensure all students are given a fair and equitable chance of success in its programmes. This includes ensuring that no student gains an advantage for themselves or another unfairly and outside the rules and regulations of the programme and College.
- 1.11 Students must undergo assessments and have them marked reliably, validly and fairly. The College does not interpret academic misconduct in a strict legal sense but commits the College to fair, just, and valid academic practices, meaning that the College and its students must act with honesty and integrity at all times.
- 1.12 Students are responsible for being aware of and familiar with College assessment requirements. They must comply with College instructions and guidance. Ignorance of the rules and regulations is not a defence.

Principles

1.13 Students may try to gain an unfair advantage in such ways as the following:

(a) Plagiarism¹, which means unfairly passing off as a student's own work another person's work, ideas or expression of an idea by, for example:

- copying another person's work (including textbooks) without proper acknowledgment;
- downloading and incorporating material from online sources without proper acknowledgment;
- piecing together sections of the work of others into a new whole without proper acknowledgment;
- obtaining a paper from a company, essay bank, or ghost-writing service; or
- paraphrasing or imitating the work of another without proper acknowledgment.

Students must not repeat their own work from a previous assessment without referencing it and without good reason.

(b) Collusion, which means that a piece of work is produced with the support of another person or people when it should have been prepared and completed by a student working individually. However, when co-operation is explicitly permitted by an assessment brief, for example in a group project, this is not collusion.

(c) Concealment, which means that a student deliberately does not report to our staff any suspected or known act of academic misconduct by another student.

(d) Fabrication, which means presenting data or other results that have not been undertaken or fully completed or where they have been wholly or partly deliberately invented or falsified.

(e) Impersonation, which means a person assumes the identity of another with the aim of gaining an unfair advantage, for example taking an exam on the other's behalf. The College regards both parties as guilty of academic misconduct.

¹ Plagiarism is derived from the Latin term 'plagiarius' meaning kidnapper, and is defined in the Oxford English Dictionary as 'the wrongful appropriation or purloining, and publication as one (1)'s own, of the ideas, or expression of the ideas (literary, artistic, musical, mechanical, etc.) of another.'

- (f) Misrepresentation, which means presenting supporting evidence or declarations that are misleading, untrue or false, for example exceeding the specified word limit and declaring a lower word count than the assessment contains.
- (g) Unpermitted possession, which means having or using any prohibited material or item for an assessment unless it is expressly permitted. This includes gaining access to a copy of an exam paper or assessment material in advance of its authorised release or improperly annotating open-book material.
- (h) Bribery or intimidation, which means trying to influence by bribery or other unfair means a member of the College with the aim of affecting a student's results.
- (i) Breach of assessment rules, which means not following formal instructions regarding an assessment, for example starting a time-limited exam before being formally instructed to do so or continuing with an exam after being formally instructed to stop.

Sanctions for academic misconduct

- 1.14 For poor academic practice, a sanction's chief aim is to improve the student's academic practice, including proper attribution of work, and to renew their commitment to the rest of the College community.
- 1.15 For an infringement, a sanction's chief aim is to improve the student's understanding of what academic misconduct is. This benefits the student's approach to academic study and avoids future action.
- 1.16 For an offence, a sanction's chief aim is to protect the integrity of the College's academic standards and reputation.
- 1.17 In all cases, the sanction must negate the advantage gained through the academic misconduct committed, where possible.

Procedures

Overview

- 1.18 There are two (2) stages in our consideration of academic misconduct:
 - (a) Stage 1 – Suspecting academic misconduct.
 - (b) Stage 2 – Investigating and dealing with the misconduct.

Stage 1: Suspecting academic misconduct

- 1.19 A staff member who suspects academic misconduct must:
 - (a) clarify the nature of the action suspected of being academic misconduct, identify and provide relevant evidence, and complete a report on the action and student(s) concerned, using our formal report form available for the purpose;
 - (b) if the alleged academic misconduct occurs at the same time as its discovery and the student has to be interrupted – for example to prevent the academic misconduct continuing or to secure evidence – the staff member must, if feasible, complete a report as soon as possible and invite the student to verify the report or to add a statement to it (or both);
 - (c) submit the completed report form to the Head of Department (or academic nominee) for the programme to which the alleged academic misconduct relates, and send a copy to the Office of Student Complaints, Appeals and Regulation.

- 1.20 Students who become aware of academic misconduct must report their suspicions to their programme leader as soon as practical.
- 1.21 The Head of Department (or academic nominee) will consider the initial report and decide whether the allegation should be treated as poor academic practice, academic infringement, or – more seriously – an academic offence.
- 1.22 In making the decision they should apply the following criteria:
- (a) Premeditation: the student planned in advance to gain an unfair advantage (this makes it a more serious case).
 - (b) Intention: the student intended to gain an unfair advantage (the greater the intended unfair advantage, the greater the seriousness).
 - (c) Circumstances: the circumstances and location in which the misconduct took place (the greater the damage to the College's reputation, the greater the seriousness).
- 1.23 Other aggravating factors may also increase an action's seriousness, for example (in no particular order):
- (a) previous proved allegation, particularly where a pattern is disclosed;
 - (b) students operating in groups to gain an unfair advantage;
 - (c) acting for financial gain;
 - (d) trying to conceal or dispose of evidence;
 - (e) failing to respond to other people's warnings or concerns about their behaviour;
 - (f) abusing a position of trust;
 - (g) belonging to a statutory or professional body, or being on a programme accredited by or leading to the award of a statutory or professional body.

Stage 2: Investigating and dealing with the misconduct

- 1.24 If the Head of Department (or academic nominee) considers it to be poor academic practice, this will be tackled through correction and education, under the programme leader's authority.
- 1.25 All incidents of poor academic practice must be confidentially noted on the student's record. Repeated incidents may lead to further poor academic practice being treated as academic misconduct.
- 1.26 If a breach is thought to be a repeated or unresolved poor academic practice, the staff member must report it to the Chair of the Academic Misconduct Panel.
- 1.27 The Chair will ask a suitable person to investigate the facts. The investigation will normally include an opportunity for the student to make written comments or attend a meeting, if appropriate.
- 1.28 On concluding the investigation, the Chair may:
- (a) fully or partly reject the allegation;
 - (b) fully or partly uphold the allegation;
 - (c) refer the allegation to be joined with another currently being considered, and decide on a joint outcome; or

- (d) refer the allegation to a meeting of the full Academic Misconduct Panel if the programme leader thinks the incident may be more serious or complex (or both) than they should examine alone.

Stage 2: Investigating and dealing with infringements

- 1.29 If the Head of Department (or academic nominee) decides the College should treat the allegation as an academic infringement, the programme leader must conduct an investigation.
- 1.30 In doing so, the programme leader must:
- (a) consider the allegation and supporting evidence;
 - (b) invite the student, in writing, to a meeting at which the student has the opportunity to submit evidence or make comments to the programme leader;
 - (c) consider any additional available evidence relevant to the criteria and aggravating factors referred to above.
- 1.31 After the investigation, the programme leader must recommend to the Head of Department that:
- (a) the case be dismissed and the student's results be processed as normal; or
 - (b) no infringement has been committed but that an offence has been committed, and recommend consideration by an Academic Misconduct Panel;
 - (c) that an infringement has been committed, consider any mitigating circumstances and recommend a sanction.
- 1.32 If the allegation is upheld, the Head of Department (or academic nominee) must decide on a suitable sanction. With reference to previous sanctions, they must do any or all of the following:
- (a) Give the student an activity with educational benefit designed to address the form of academic misconduct.
 - (b) Give the student a written warning to be kept on the student's file for a specified period or for the rest of the period of study.
 - (c) Authorise a proportionate deduction of marks to negate the advantage.
 - (d) Authorise voiding the attempt for the relevant assessment component or element with the right to take the assessments as though for the first time.
 - (e) Authorise assigning a mark of zero to the relevant assessment component, element or entire module with the right to retake the assessments as though for the next attempt and applying the appropriate capping of the mark.
- 1.33 Within ten (10) working days of issuing the letter or email referred to under paragraph 1.30, the programme leader must inform the student in writing of the result of the investigation into the alleged infringement, the reasons for the findings, and any consequent action or sanctions.
- 1.34 If an infringement has been found and a penalty imposed, the programme leader must send the Office of Student Complaints, Appeals and Regulation a completed report form and a copy of all communications with the student. A copy must be maintained on the student's file.

Stage 2: Investigating and dealing with academic offences

- 1.35 If the Head of Department (or academic nominee) decides that an academic offence has occurred, they must refer the allegation to the Academic Misconduct Panel for its decision and any sanction.
- 1.36 Within five (5) working days of receiving the allegation from Stage 1, the College must send a notification to the student. The student should keep it as a record of the allegation.
- 1.37 The Academic Misconduct Panel will convene a hearing to consider the matter. The student must get at least five (5) working days' written notice of the hearing date and receive at least the following rights and information, as relevant:
- (a) A statement of the allegation.
 - (b) All further documents gathered and to be considered by the panel.
 - (c) Membership of the panel.
 - (d) A copy of these regulations.
 - (e) The general guidance on conduct of proceedings in hearings.
 - (f) The date, time and place of the hearing.
 - (g) The right, before the hearing, to submit a further statement or extra relevant supporting evidence (or both) and to call witnesses. No later than two (2) working days before the hearing date, the student must give the Clerk names of all their witnesses and state briefly why they are calling them.
 - (h) The right to be accompanied in line with the regulations on representation at hearings.
- 1.38 The Chair's ruling about admitting evidence for consideration by the panel is final. This includes admission of written evidence and of oral evidence from witnesses or other parties at the hearing. The Chair may refuse to admit irrelevant evidence. The Chair may refuse to hear or have present any witness whose presence is not relevant, is disruptive or may prejudice the hearing.
- 1.39 The student does not have a right to an alternative date but has the right to apply to postpone. The panel must be fair and reasonable in deciding whether or not to grant a postponement. A student who cannot attend can make written submissions.
- 1.40 The Chair may decide to postpone or adjourn consideration of a case if evidence is supplied without there being reasonable time for the parties to consider it, perhaps because of its volume or detail.
- 1.41 When a hearing has begun and if there is good reason, the Chair may adjourn it for normally no more than five (5) working days. If a hearing is adjourned, the Clerk must notify all parties in writing when and where it will restart, giving at least two (2) working days' notice.
- 1.42 The Chair's ruling is final on any point of procedure about the conduct of the hearing.
- 1.43 Having considered the application, the panel must decide on one (1) of the following outcomes:
- (a) To reject the allegation (in whole or part).
 - (b) To refer the allegation to be joined with another currently being considered by the panel, and decide on a joint outcome.

- (c) To uphold the allegation but decide that it is poor academic practice or an academic infringement, and impose the appropriate sanction.
- (d) To uphold the allegation (in whole or part).

1.44 If the allegation is upheld (in whole or part), the panel – after considering advice from the Office of Student Complaints, Appeals, and Regulation on the proposed sanction to be imposed to ensure it is consistent with previous practice – will decide a sanction bearing in mind:

- (a) the criteria and the aggravating factors listed above – however, if a factor is an integral feature of the offence, it cannot be used to increase the sanction;
- (b) any factors the student has given in mitigation;
- (c) that an admission of the offence at the first reasonable opportunity will normally reduce the severity of the sanction;
- (d) that credit should be given for co-operation with the College's investigation, but this will depend on the circumstances.

1.45 Sanctions are limited to:

- (a) an activity with educational benefit designed to address the form of academic misconduct;
- (b) a written warning to be kept on the student's file for a specified period or for the rest of the period of study;
- (c) assigning a mark of zero to the relevant assessment component, element or entire module with the right to retake the assessment as if for the next attempt and applying appropriate capping to the mark;
- (d) assigning a mark of zero to the relevant module as a whole without the right to retake the module but with the right to take an alternative elective for a capped mark;
- (e) reducing the student's aggregate weighted mark for the programme by up to 15%;
- (f) capping the award classifications available to the student for the programme;
- (g) assigning a mark of zero to all modules on a programme stage (or a specified group of modules) and permitting a repeat of these modules. Any marks then achieved on the modules will be capped at the pass mark; or
- (h) terminating the student's registration.

1.46 Sanctions (g)-(h) should normally be reserved for cases of multiple academic misconduct in an assessment series or a serious second offence after the student has been found guilty of academic misconduct in a previous series. These sanctions are not normally used for a single first offence, except in very serious and aggravated cases.

1.47 On a programme accredited by or leading to the award of a statutory or professional body, the College may seek guidance on the sanction from the relevant professional body.

1.48 Within five (5) working days of the hearing, the Chair must write to the student and the Head of Department to inform them of the panel's decision, any sanctions, and the student's right of appeal. The Chair will also inform the appropriate Subject Assessment Panel and Board of Examiners.

Notifying a professional or statutory body

- 1.49 On a programme accredited by or leading to the award of a statutory or professional body, the College undertakes to report to that body any identified breach of these regulations in line with any agreement that exists between the College and the relevant professional body.

Appealing a decision

- 1.50 A student may appeal against the decision of a programme leader (in the case of infringements) or the Academic Misconduct Panel (in the case of offences), using the regulations on academic and regulatory appeals.

Advice and support

- 1.51 Advice for students on academic misconduct, and the associated lower-level College rules, is available from the Programme Team and the Student Hub (studenthub@gsmlondon.ac.uk). More complex queries may be referred to appropriate individuals.
- 1.52 If any staff development needs are identified, they may be discussed with members of the Staff and Educational Development Team.

Fees

- 1.53 No additional fees or charges are associated with these regulations.
- 1.54 The College is not liable for financial or other consequences arising from action under this policy.

Legal and regulatory context

- 1.55 These regulations concern the terms on which the behaviour in a relationship between the student and the College may be managed. Therefore, while there is limited legal context specifically on academic misconduct, this policy has taken account of the College's public-law duties including our general duty to act reasonably, fairly and lawfully towards students, and the law of tort (civil wrongs) on duty of care.
- 1.56 The College may not be bound by the principles in 1.55, and this policy alone may not provide the procedure to meet all of these principles, some of which may be met by other College policies and procedures.. It uses the principles as guidance only, to help it deal soundly with these matters.

Enforcement, monitoring and review

- 1.57 If any person or body in the College refuses to comply with a request or decision made to enforce this policy, their refusal must be reported to the Academic Registrar, who will take such action to enforce this policy as they think necessary.
- 1.58 Each year, the College must receive a report that enables it to monitor, identify and act on any shortfalls in how these regulations are interpreted and applied.
- 1.59 The annual report must include statistical data on the number allegations by type; the outcomes, Departments and programmes from which they originate; the length of the process; and the equality characteristics (including sex, disability and ethnicity) of those proved by penalties applied and those dismissed.
- 1.60 Every two (2) years, the College must review these regulations to ensure that:

- (a) they remain up to date and continue to meet the expectations of the UK Quality Code, applicable legislation or guidance;

- (b) areas of improvement, or any concerns, raised by students, external examiners, or professional bodies have been addressed; and
- (c) opportunities to reduce unnecessary bureaucracy have been taken.

Schedule (not part of the policies or regulations):

Responsible Officer: Head of Registry (Operations)

Approved by: Board of Directors and Academic Board

Version: 2.0

Date: June 2017

Monitoring and Review Body: Academic Regulations and Awards Committee

Effective From: July 2017

Next Scheduled Review: June 2018

