

University for the Creative Arts

Quality Assurance and Enhancement

Academic Misconduct Regulations 2017/18

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1. INTRODUCTION, PURPOSE & SCOPE

1.1 *Definition*

Academic misconduct is where a student gains, or seeks or intends to gain, advantage in relation to assessment by unfair or improper means.

1.2 *Purpose*

The University has a public duty to ensure that the highest standards are maintained in the conduct of assessment. The proper discharge of this duty is essential to safeguard the legitimate interests of its students and the University's academic standards and reputation. Academic misconduct is taken very seriously. The University will take action against any student who contravenes these regulations through negligence, imprudence, ignorance or by deliberate intent.

1.3 *Scope*

These regulations apply to all taught undergraduate, postgraduate and further education students of the University.

2. TYPES OF ACADEMIC MISCONDUCT

2.1 Academic misconduct can take a variety of forms and includes, but is not limited to, the following:

2.2 Collusion

2.2.1 This is where a student either:

- i) presents for assessment work done in collaboration with another as entirely his/her own; or
- ii) collaborates with another student on work which is submitted as that other

student's work.

- 2.2.2 Where students in a class are instructed or encouraged to work together in the pursuit of an assignment or other assessed task, such activity is regarded as approved collaboration and not collusion, although there may be a requirement for each student to identify his/her own contribution.

2.3 Plagiarism (including self-plagiarism)

2.3.1 This is where a student either:

- i) presents work for assessment which contains the unacknowledged published or unpublished words, thoughts, judgements, ideas, structures or images of some other person or persons. This includes material downloaded from electronic sources, and material sourced or contracted from a third party;
or
- ii) presents for assessment work which that student has previously submitted for assessment as part of the same or another unit or course, or at another institution. This is known as self-plagiarism, and relates to the principle that a student may not receive credit for the same piece of work more than once unless specifically required to resubmit work as part of a Resit task.

2.3.2 It is not an offence for a student to draw upon the work or ideas of another person where this is appropriately acknowledged. Plagiarism can be avoided by the accurate use of academic apparatus including quotation marks, the provision of detailed references and a full bibliography. Further information, including guidance on how to avoid plagiarism, can be found on the Academic Integrity section of the UCA website. Students who have any doubts about what constitutes correct referencing should contact their Course Leader or Unit Tutor for guidance.

2.4 Examination Offences

2.4.1 Examples of examination offences include, but are not limited to:

- i) taking unauthorised material into the examination room;
- ii) communicating or attempting to communicate in any way with another student during the examination;
- iii) failure to comply with an invigilator's instructions;
- iv) any other breach of examination regulations (*see Examination Regulations*) in which the student is seeking to gain an unfair advantage.

2.5 Other Dishonest Practice

2.5.1 Examples of other dishonest practice include, but are not limited to:

- i) offering a bribe or inducement to any staff (academic or administrative) involved in the assessment process;
- ii) seeking to obtain access to confidential information e.g. examination questions, prior to the examination;
- iii) making false declarations in order to receive special consideration by a Board of Examiners;
- iv) falsifying transcripts, certificates or other official University documentation relating to assessment outcomes.

3. STAGE 1 – REPORTING & INITIAL INVESTIGATION

3.1 The procedure for reporting and initial investigation of academic misconduct differs according to the form of misconduct:

3.2 Collusion or Plagiarism

3.2.1 Where any member of the University suspects or believes that a student has committed an act of collusion or plagiarism they should notify the student's Campus Registrar and Course Leader as soon as possible. No mark shall be assigned to the piece of work in question, and consideration of the student's results shall be held in abeyance until the matter is resolved.

3.2.2 On receipt of such an allegation of collusion or plagiarism the Course Leader will review the piece of work and will make one of the following determinations, normally within 15 working days of receipt of the allegation:

- i. that there is no case to answer, in which case the work will be returned for marking;
- ii. that the work reflects poor scholarship (e.g. inappropriate or excessive use of sources and/or inappropriate referencing) but falls short of misconduct, in which case the work will be returned for marking on its merits;
- iii. that the piece of work contains plagiarism or is the result of collusion. In this case the Course Leader will determine a point score and a provisional penalty in accordance with the Standard Penalty Tariff (see Appendix 1), and the student shall be invited to admit or deny the allegation and to accept or reject the penalty (see paragraph 3.2.3 below). The Course Leader should ensure that s/he fully appreciates the consequences to the student of the penalty applied before selecting that penalty. Where the tariff point score determined by the Course Leader is 380 or greater, the Course Leader shall consult with the Head of School before proceeding. Where the assessment of the Head of School differs from that of the Course Leader, the Head of School's view shall prevail.

3.2.3 Where a student is to be invited to admit or deny an allegation of plagiarism or collusion and to accept or reject the penalty in accordance with 3.2.2.iii above, the following procedure applies:

- i. The Course Leader shall write to the student:
 - to present the allegation;
 - to confirm that it is the Course Leader's judgement that the work contains plagiarism or is the result of collusion;
 - to confirm the point score for each of the five categories as specified in the Standard penalty Tariff, the reasons for allocating those point scores, and the total point score;
 - to inform the student of the penalty to be applied;
 - to invite the student to either admit the allegation and accept the penalty, admit the allegation but not accept the penalty, or deny the allegation;
 - to inform the student that:
 - a) if s/he either admits the allegation and accepts the penalty or fails to respond within the stated timeframe, the penalty will be applied without further right to appeal; and
 - b) if s/he admits the allegation but does not accept the penalty, the matter will be referred to the Head of School to consider

- any rationale the student has put forward as to why the applied penalty should be reconsidered; and
- c) if s/he denies the allegation the matter will be referred to the Quality Manager for a hearing by the University's Academic Misconduct Panel, where if found guilty a more severe penalty may be applied
 - d) to request that the student responds within 10 working days
- ii. A copy of the letter shall be sent to the Quality Manager, who shall log the case for monitoring purposes.
 - iii. Where the student either fails to respond within 10 working days or responds and admits the allegation and accepts the penalty, the penalty will be applied. This outcome will be notified to the Quality Manager, who shall log the outcome for monitoring purposes. In these instances, there shall be no right of appeal and the University's internal procedures are completed.
 - iv. Where the student admits the allegation but does not accept the penalty, the Head of School shall consider any rationale put forward by the student for reconsidering the penalty and make a determination within 10 working days.
 - v. Where the student remains unsatisfied with the Head of School's determination, the matter shall be referred to the Quality Manager for a hearing by the Academic Misconduct Panel (see paragraph 4 below).
 - vi. Where the student rejects the allegation within 10 working days, the matter shall be referred to the matter to the Quality Manager for a hearing by the Academic Misconduct Panel (see paragraph 4 below).

3.3 All Other Academic Misconduct

- 3.3.1 Where any member of the University suspects or believes that a student has committed an act of academic misconduct other than collusion or plagiarism they should notify the student's Campus Registrar and the Quality Manager as soon as possible. No mark shall be assigned to any piece of work in question, and consideration of the student's results shall be held in abeyance until the matter is resolved.
- 3.3.2 On receipt of such an allegation the Quality Manager shall inform the student in writing of the allegation and shall undertake a preliminary investigation, which may involve interviewing the student concerned as well as any witnesses. Following the preliminary investigation the Quality Manager shall make one of the following determinations, normally within 15 working days of receipt of the allegation:
 - i. that there is no *prima facie*¹ case of academic misconduct, in which case the student will be advised in writing and no further action shall be taken;
 - ii. that there is a *prima facie* case of academic misconduct, in which case the student shall be advised in writing and the matter shall be referred for a hearing by the Academic Misconduct Panel (see paragraph 4 below).

There shall be no right of appeal against the Quality Manager's determination.

¹ A *prima facie* case is defined as a case which, on its face and without rebuttal, is sufficient to justify further examination (source: OIA Annual Report 2011)

4. STAGE 2 – HEARING BY ACADEMIC MISCONDUCT PANEL

4.1 Where the matter is referred to a Hearing by the Academic Misconduct Panel in accordance with paragraph 3.2.3.iv or 3.3.2.ii above the Quality Manager shall notify the student in writing and shall convene an Academic Misconduct Panel.

4.2 The membership of an Academic Misconduct Panel shall be as follows:

- i. Head of School from a School other than that of the student (Chair);
- ii. Two members of the academic staff of the University who are not known to the student and have had no prior involvement in the case;
- iii. A student² member, nominated by the Students' Union, who is not known to the student and who has had no prior involvement in the case.

The Quality Manager shall normally act as secretary to the Panel.

4.3 The quorum for a Hearing of an Academic Misconduct Panel shall be three, including the Chair.

4.4 The Panel shall normally meet within 25 working days of the decision to refer the matter for a hearing by the Panel. Where it is not possible for the Panel to meet within this timeframe the student will be informed and will be advised of the reasons for the delay.

4.5 The student may be represented at a Hearing by any one member of the University (employee, student or Student Union officer). The student may additionally be accompanied at a Hearing by one friend or family member. Only the designated representative will be permitted to speak on the student's behalf. If the student is to be represented and/or accompanied at the Hearing, the name(s) of the person(s) must be notified by the student to the Quality Manager at least 5 working days in advance of the Hearing.

4.6 The student may present documentary material or witnesses in his/her defence. Documentary material for consideration by the Panel, and/or the names of any additional witnesses and written copies of their evidence, must be received by the Quality Manager at least 5 working days in advance of the Hearing.

4.7 Written notice of the Hearing date and venue will be sent to the student at least 10 working days in advance of the Hearing, along with notification of the student's right to be represented and accompanied, and right to call witnesses and provide documentary evidence.

4.8 Any other persons may also be invited or requested to attend the Hearing where, following discussion between the Quality Manager and the Chair of the Panel, it is believed that the attendance of such persons will help to inform the Panel's consideration of the case. In the case of an allegation of plagiarism or collusion, this will normally include the person who first identified the suspect work and/or the Course Leader who made the determination of plagiarism or collusion. In the case of an allegation of other forms of misconduct, this will normally include the person who first identified the alleged misconduct.

4.9 The student will have the right to be present throughout the Hearing in order to hear all of the evidence presented.

4.10 However the absence of the student will not prevent the hearing from taking place, nor invalidate the proceedings.

² For the purpose of this regulation, 'student' shall be deemed to include a sabbatical officer of the Students' Union

- 4.11 The Panel shall determine the rules for the conduct of the Hearing, but must provide for the student to have the opportunity to respond to all evidence submitted, to put questions to all witnesses present, and to make a closing statement.
- 4.12 The Panel shall consider its findings in private. The Panel shall determine, on the balance of probabilities, whether or not an offence has been committed and, if it has, the sanction to be imposed.
- 4.13 Where the Panel determines that an offence has been committed, in cases of plagiarism or collusion the Panel shall normally apply one of the sanctions listed at Appendix 1. The Panel shall be guided by but not constrained by the standard Tariff.

- 4.14 In cases other than of plagiarism or collusion, the Panel will either apply one of the sanctions listed at Appendix 1, in respect of one or more units as deemed appropriate by the Panel, or apply one of the following sanctions:
- i. a formal warning, in which case a record will be logged on the student's file, any work in question will be marked according to its merits, but the offence will be taken into account when determining the sanction for any subsequent offence.
 - ii. revocation of an award, with all credits withdrawn
- 4.15 When determining the sanction, the Panel will take into account the following factors:
- i. Severity of Offence
The sanction applied will reflect the severity of the offence, taking into account the obligations on the University to uphold its academic standards and reputation.
 - ii. Intent
An act of academic misconduct is committed regardless of whether or not the student intended to commit the act. For example, plagiarism may be committed irrespective of whether or not the student intended to deceive the examiners. However, where, in the judgement of the Academic Misconduct panel, the student did intend to commit the act, or the act was committed in the full knowledge that in doing so the student would gain an unfair advantage or was otherwise dishonest, this will be taken into account when determining the sanction to be imposed.
 - iii. Previous Offences
Where a student has previously admitted, or been found by an Academic Misconduct Panel of the University to have committed, an offence of academic misconduct the sanction applied will normally be more severe than had it been the student's first offence.
 - iv. Impact on Other Students
Where the offence has had, could have had, or was intended to have an adverse effect on the standing or wellbeing of another student or students, the sanction applied may be more severe than had this not been the case. The Panel may additionally refer a student for disciplinary action in accordance with the *University Rules for Student Conduct*.
 - v. Value of Assessment task
An offence committed in respect of a high value assessment task, such as a final year dissertation or project, may be penalised more severely than an offence in respect of a lower value task.
- 4.16 The fact that a student has committed an offence of academic misconduct may be recorded on a student's transcript, according to the sanctions applied.
- 4.17 Where the Panel determines that no offence has been committed, all relevant parties will be notified and any work in question will be marked without prejudice.
- 4.18 The student shall normally be notified of the Panel's decision at the conclusion of the Hearing. The Chair of the Panel shall additionally notify the student in writing of the Panel's decision, normally within 5 working days of the conclusion of the Hearing, giving full reasons for the decision and notifying the student of his/her right to appeal. Where it is not possible for the Chair of the panel to meet this deadline, the student will be informed and will be advised of the reasons for the delay. The student's Head of School, Course Leader, the student's Campus Registrar and the Student Records and Systems Manager will also be notified of the Panel's

decision.

5. STAGE 3 – REQUEST FOR AN APPEAL: REVIEW BY THE HEAD OF QUALITY

- 5.1 Should the student be dissatisfied with the Panel's decision the appellant has the right to request the Head of Quality Assurance and Enhancement to refer the matter for consideration by a Hearing of the Academic Misconduct Appeal Committee. Such a request must be received by the Head of Quality Assurance and Enhancement within 5 working days of the date of notification of the Panel's decision, and may be submitted in writing by e-mail or by post. Where such a request is not received by the deadline, the University's internal procedures are completed.
- 5.2 Such a written request must stipulate clearly and unambiguously the grounds upon which the request is based, and include a comprehensive statement explaining why the grounds have been met. All evidence submitted must relate only to the grounds for the request.
- 5.3 The only possible grounds are as follows:
- 5.3.1 that there was a significant procedural error in the Panel's consideration of the case which has materially disadvantaged the appellant, such that had it not been for the error the decision of the Panel might have been substantively different;
 - 5.3.2 that new, substantive evidence has become available which could not have been, or for good reason was not, made available at the time of the Hearing and which may have had some material impact on the case such the decision of the Panel might have been substantively different;
 - 5.3.3 that the sanction applied is excessive and disproportionate to the offence, and thus unreasonable in all the circumstances.
- 5.4 The Head of Quality Assurance and Enhancement will consider the request against these grounds, and only these grounds.
- 5.5 Where, in the opinion of the Head of Quality Assurance and Enhancement, there is evidence that one or more of the grounds has been met the Head of Quality Assurance and Enhancement shall accept the request and refer the matter for consideration by an Appeal Committee.
- 5.6 Where, in the opinion of the Head of Quality Assurance and Enhancement, there is no such evidence the Head of Quality Assurance and Enhancement shall reject the request. There shall be no further opportunities for appeal, and the University's internal procedures are completed.
- 5.7 The Head of Quality Assurance and Enhancement shall notify the appellant in writing of the decision, normally within 15 working days of receipt of the request, giving comprehensive reasons for that decision.

6. STAGE 4 – HEARING BY APPEAL COMMITTEE

6.1 Where the Head of Quality Assurance and Enhancement accepts a request to refer the matter to a Hearing by the Appeal Committee, the Quality Manager will convene an Appeal Committee to hold an Appeal Hearing.

6.2 The Appeal Committee shall be constituted as follows;

- i) Deputy Vice-Chancellor or Executive Dean from a Faculty other than that of the appellant (Chair);
- ii) A Head of School or Course Leader who has not previously been involved in the case;
- iii) A member of academic staff from a School other than that of the appellant and who has not previously been involved in the case;
- iv) A student³ member, nominated by the Students' Union, who is not known to the student and who has had no prior involvement in the case.

The Quality Manager shall normally act as secretary to the Committee.

6.3 The quorum of an Appeal Committee shall be three, including the Chair.

6.4 The Appeal Hearing shall normally be held no more than 30 working days after the written notification of the Head of Quality Assurance and Enhancement's decision to accept the request to refer the matter to an Appeal Committee. Where it is not possible for the Committee to meet within this timeframe the student will be informed and will be advised of the reasons for the delay.

6.5 The role of the Appeal Committee shall be to hear the case afresh. The decision of the original Panel will be set aside.

6.6 The procedural requirements applying to the original Hearing, as stated at paragraphs 4.5 to 4.19 above, will apply.

6.7 The decision of the Academic Misconduct Appeal Committee is final. There shall be no further opportunities for appeal, and the University's internal procedures shall be completed.

7. OFFICE OF THE INDEPENDENT ADJUDICATOR

7.1 Where a student, other than a Further Education student, is dissatisfied with the outcome of the University's academic misconduct procedure, s/he may refer the outcome of the case, as a complaint, to the Office of the Independent Adjudicator for Higher Education (OIA).

7.2 The OIA provides an independent scheme for the review of unresolved student complaints. The complaint must be submitted to the OIA within 12 months from the date of issue of the Completion of Procedures letter.

7.3 Further details about the OIA can be obtained from the Quality Manager, or from the following website: <http://www.oiahe.org.uk/> or by contacting the OIA at the following address:

Office of the Independent Adjudicator for Higher Education
Second Floor
Abbey Gate
57-75 Kings Road

³ For the purpose of this regulation, 'student' shall be deemed to include a sabbatical officer of the Students' Union

READING
RG1 3AB
Telephone: 0118 959 9813
Email: enquiries@oiahe.org.uk

8. MONITORING

- 8.1 The outcome of Academic Misconduct cases and the operation of the policy and procedure are formally monitored and an annual report presented to Academic Board.

APPENDIX 1: STANDARD PENALTY TARIFFS FOR PLAGIARISM & COLLUSION

This reference tariff is adapted from a nationally recognised tariff which was the primary output from the AMBeR Project, commissioned by the JISC Plagiarism Advisory Service (PlagiarismAdvice.org). The purpose of a common tariff is to provide greater consistency in penalties for plagiarism both within an institution and across the sector. Such an approach is supported by the Office of the Independent Adjudicator (OIA).

How It Works

Step 1 – the piece of work is allocated a point score for each of the five categories below.

HISTORY*

1st offence	100 points
2nd offence	150 points
3 rd and subsequent offence	200 points

* the Quality Manager can confirm whether or not the student has previous offences

EXTENT^b

Below 5% AND, in the case of written work, less than two sentences	80 points
As above but with critical aspects ^a plagiarised	105 points
Between 5% and 20% OR, in the case of written work, more than two sentences but not more than two paragraphs	105 points
As above but with critical aspects ^a plagiarised	130 points
Between 20% and 50% OR, in the case of written work, more than two paragraphs but not more than five paragraphs	130 points
As above but with critical aspects ^a plagiarised	160 points
Above 50% OR, in the case of written work, more than five paragraphs	160 points
Submission purchased or commissioned from essay mill, ghost writing service or other third party	225 points

^a Critical aspects are key ideas central to the assignment

^b A score relating to the extent of the plagiarised work applies equally to written work and to artefacts, images and other multimedia work. In cases of non-written work, Course Leaders / Heads of School / Academic Misconduct Panels will need to exercise their academic judgement to come to a view on the proportion of the work that is plagiarised.

LEVEL

Level 3 (Year 0)	45 points
Level 4	70 points
Level 5	115 points
Level 6 / 7	140 points

VALUE OF ASSIGNMENT

Standard weighting	30 points
Large project (e.g. final year dissertation)	60 points

INTENT TO DECEIVE

Evidence of deliberate attempt to disguise plagiarism by changing words, sentences or references to avoid detection, or to have otherwise intentionally submitted work containing plagiarism or collusion.	40 points
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Step 2 - those point scores are summated to give a total score for the piece of work:

History	
Extent	
Level	
Value	
Intent	
Total	

Step 3 - the total score is then mapped to a penalty in accordance with the table below:

Points	Available Penalties (select one)
255 – 329	<ul style="list-style-type: none"> Assessment component awarded 0 - reassessment permitted, with no penalty on mark
330 – 379	<ul style="list-style-type: none"> Assessment component awarded 0 - reassessment permitted, but unit mark capped at 40
380 – 479	<ul style="list-style-type: none"> Unit awarded 0 - reassessment permitted, but unit mark capped at 40
480 – 524	<ul style="list-style-type: none"> Unit awarded 0 – reassessment permitted, but unit mark capped at 40 All units in that stage awarded 0 – reassessment of units/stage permitted, all unit marks capped at 40 Unit awarded 0 - reassessment of unit not permitted^c
525 – 559	<ul style="list-style-type: none"> All units in that stage awarded 0 – reassessment of units/stage permitted, all unit marks capped at 40 Unit awarded 0 - reassessment of unit not permitted^c Unit awarded 0, expelled from institution, credits achieved in other units retained, removal of right to an exit award Unit awarded 0, expelled from institution with all credits withdrawn
560+	<ul style="list-style-type: none"> Unit awarded 0 - reassessment of unit not permitted^c, removal of right to an exit award Unit awarded 0, expelled from institution, credits achieved in other units retained, removal of right to an exit award Unit awarded 0, expelled from institution with all credits withdrawn
255 – 560+	<ul style="list-style-type: none"> Where the piece of work in question does not attract a mark as it is one of multiple assessment tasks which are assessed holistically as part of an assessment component, the piece of work will be regarded as having not been submitted.

^c *Where the reassessment of a unit is not permitted, this will result, in accordance with paragraph 4.5.3 of the Common Credit Framework, in the student having their enrolment terminated. This should be taken into account before selecting this option.*

Note that where a student's points score would result in the reassessment of a component or unit being permitted in accordance with the table above, this is dependent upon reassessment opportunities being available to the student in accordance with paragraphs 4.7 and 4.8 of the Common Credit Framework, i.e. where a student is already on their second or third assessment attempt, they may have no reassessment opportunities available to them, which may in turn result in their enrolment being terminated.

Note that, in accordance with paragraph 5.3 of the Common Credit Framework, a unit that has been subject to academic misconduct is not eligible for stage-compensation.

Note that in cases where an award has already been conferred before the offence came to light, many of these penalties will result in the revocation of that award.

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