

ACADEMIC MISCONDUCT

SUMMARY OF PRINCIPAL CHANGES

General changes	
Renaming of Appendix III, to 'Academic Misconduct', in recognition of the simplified definition of assessment offences. General revisions to allow School ACOs to investigate some allegations of cheating, to recognise wider use of informal warnings, and inclusion of the right to require students to attend sessions to improve their understanding of academic misconduct.	
Section	
2.1.3	Expansion of the definition of collusion to include making one's work available to other students

(Amendments to version 11.0, UPR AS14, Appendix III are shown in italics.)

1 INTRODUCTION

1.1 Academic Misconduct:

- i *While* the University has attempted to present as comprehensive a list as possible, *the list of Academic Misconduct offences set down in section 2* should not be considered exhaustive;
- ii *In* the first instance, *Academic Misconduct offences shall* be dealt with in accordance with the procedure set out in this document (Appendix III, UPR AS14);
- iii Student Programme Handbooks *shall* include a *link to the UPRs on Academic Misconduct*; and
- iv *the provisions of this appendix apply only to taught students and not to research students. For provisions applying to research students see UPR RE02 Research Misconduct.*

1.2 The nature of some of the offences defined in section 2 of this document is such that *they are* a matter of academic judgement. *Whether Academic Misconduct has occurred shall be judged on a balance of probabilities having regard for the seriousness of the offence.*

2 DEFINITIONS

2.1 *For the purposes of Appendix III, UPR AS14 and Appendix I, UPR AS13, Academic Misconduct is defined* as follows:

"2.1.1 'cheating':

to *gain* or attempt to gain an unfair, improper or dishonest advantage in the assessment process.

Cheating includes:

- a impersonation - either where a student allows any other person to take *an* assessment *on their behalf* or where a current University of Hertfordshire student takes an assessment on behalf of another University of Hertfordshire student;
- b obtaining or attempting to obtain unauthorised access to examination / *in-class test* papers *and any other forms of assessment*;
- c the copying of, or attempting to copy, the work of another candidate in the examination or other in class assessment, whether by *looking over* what he or she has written or is writing or by asking him or her for information in whatever form;

- d the introduction into an examination room (or any other room in which a formal assessment is taking place) of aids including books, notes, personal notes or revision notes in any form, papers, stationery, computer disks or other devices of any kind other than those permitted in the rubric of the examination paper. This includes, for example, unauthorised information stored in the memory of a pocket calculator, in a mobile telephone, personal organiser or any other device;
- e requesting a temporary absence from an examination room (or any other room in which a formal assessment is taking place) with the intention of gaining, or attempting to gain, access to information that may be relevant to a formal assessment;
- f *submitting false documentation or making false statements* in order to receive special considerations by the Board of Examiners or to obtain extensions to deadlines or exemption from work;
- g assisting or attempting to assist another University of Hertfordshire student to gain or attempt to gain an unfair, improper, or dishonest advantage in the assessment process;
- h the misappropriation of material submitted for assessment;
- i contract cheating - using one or more of a range of services provided or input from a third party, with or without payment of any kind:
 - i 'services' includes the provision of essays or other types of assignments, conducting research;
 - ii 'third party' includes web-based companies or auction sites (essay mills), sharing websites (including essay banks), or an individual such as a lecturer, fellow student, friend or relative;
 - iii 'Input' means that the third party contributes to the work of the student, such that there is reasonable doubt as to whose work the assessment represents';

2.1.2 'plagiarism':

the misappropriation or use of others' ideas, intellectual property or work (written or otherwise), without acknowledgement or permission. This may include, but is not limited to:

- a the importing of phrases from or all or part of another person's work without using quotation marks and identifying the source;
- b *making extensive use of another person's work, without acknowledgement of the source*, either by summarising or paraphrasing the work merely by changing a few words or by altering the order in which the material is presented;
- c the use of the ideas of another person without acknowledgement of the source or the presentation of work which substantially comprises the ideas of another person and which represents these as being the ideas of the candidate.

(Note for guidance:

For the avoidance of doubt, plagiarism may be intentional or unintentional.)

2.1.3 'collusion':

The representation by an individual of work which he or she has undertaken jointly with another person or persons as having been undertaken independently of that person. Collusion includes, but is not limited to, the submission by a student of the work of another student in circumstances where the latter has willingly made the work available and where it should be evident that the recipient of the work could submit it as their own. In such cases, both students are guilty of collusion.

2.1.4 'other Academic Misconduct':

evidence that a student failed to comply with the University's assessment and examination regulations, other than those offences falling under sections 2.1.1 to 2.1.3, above, including:

- a the falsification of data including the creation of false written materials or statistical data or its alteration, for example, by the invention of the statistics presented or the invention of quotations or references;
- b the duplication of assessed work – the submission of broadly similar *academic work previously* completed by the student for academic credit as part of the same programme without express acknowledgement of the previous submission;
- c the removal of an examination script or examination stationery or other materials from the examination room (or any other room in which a formal assessment is taking place);
- d failure to comply with the instructions of an invigilator;
- e the introduction into the examination room of any personal notes or revision notes in any form or stationery *regardless of any attempt to use it*;
- f breach of professional confidentiality;
- g failure to obtain ethics approval prior to undertaking work involving human participants (*UPR RE01 refers*);
- h failure to comply with the terms and conditions of an ethics approval granted for work involving human participants (*UPR RE01 refers*).

2.2 Allegations of *Academic Misconduct shall* be investigated in accordance with the procedures set out in this document (UPR AS14, Appendix III). Should such allegations be proven, the University reserves the right, at its sole discretion, to impose any of the penalties set out in this document (UPR AS14, Appendix III), and where the allegation is *referred to a Student Academic Misconduct Panel* under the provisions of UPR SA13¹ or UPR SA15² in Appendix I, UPR SA13³/Appendix I UPR SA15⁴."

3 **ACADEMIC MISCONDUCT - CASES DEALT WITH THROUGH THE STUDENT DISCIPLINARY PROCEDURES**

3.1 Where a Student Academic Misconduct Panel or *Fitness to Practise Panel* (or equivalent panel in a partner institution, where agreed), convened under the provisions of UPR SA13⁴ or UPR SA15⁵, finds that an Academic Misconduct offence, as defined in section 2, has been committed, the Student Academic Misconduct Panel or *the Fitness to Practise Panel shall* inform the Short Course/Module Board of Examiners. The Short Course/Module Board of Examiners *shall* exercise its academic judgement *when allocating* marks (see section 4.4.2). The role of the Short Course/Module Board of Examiners is to exercise academic judgement. It has no role in determining the disciplinary penalties that might be imposed *by (i) the Associate Dean of School (Academic Quality Assurance) or nominee* under the provisions of *section 4.4.3 or (ii) a Student Academic Misconduct Panel* UPR SA13⁴ or *(iii) a Fitness to Practice Panel* under UPR SA15⁵.

4 **PROCEDURE**

4.1 Allegations of Academic Misconduct, as defined in section 2, *shall* be made, in writing, to the appropriate Associate Dean of School (Academic Quality Assurance) or nominee and *shall* be accompanied by appropriate documentary evidence to support the allegation (see section 4.3).

¹ UPR SA13 'Student Discipline', or equivalent Student Discipline Code operating in a partner institution, where agreed
² UPR SA15 'Fitness to Practise'
³ Appendix I, UPR SA13 'University Schedule of Sanctions and Penalties for Academic and Non-Academic Disciplinary Offences'
⁴ Appendix I, UPR SA15 'University Schedule of Sanctions and Penalties for Academic and Non-Academic Disciplinary Offences'

- 4.2 To enable alleged offences involving the ethics regulations to be considered (UPR RE01⁸, refers), one or more of the Chairmen of Ethics Committees with Delegated Authority (ECDA) *shall* be appointed as nominees of the Associate Dean of School (Academic Quality Assurance) for the purposes of dealing with cases relating to alleged breaches of the University's ethics regulations (UPR RE01⁸, refers).

(Note for guidance:

The matters referred to in section 4.2 include alleged failure to obtain ethics approval prior to undertaking work involving human participants (UPR RE01⁸, refers) and failure to comply with the terms and conditions of an ethics approval granted for work involving human participants (UPR RE01⁸, refers).

For the proper administration of these procedures, where an allegation is received by the Chairman or Clerk of an ECDA or other member of staff, he or she is expected to inform the relevant Associate Dean of School (Academic Quality Assurance) who *shall* ensure that the matter is referred to the most appropriate ECDA Chairman and that he or she has been formally designated to act as nominee.

The *nominated* Chairman of the ECDA is required to follow the procedures set out in section 4.3 and to ensure that the Associate Dean of School (Academic Quality Assurance) is fully briefed on the progress of the matter.

Where the Associate Dean of School (Academic Quality Assurance) is also the Chairman of the ECDA and intends to deal with the allegation in that capacity, he or she may nominate another member of staff of appropriate standing to act as the nominee of the Associate Dean of School (Academic Quality Assurance) for the purposes of these procedures.

4.3 **Responsibilities of the Associate Dean of School (Academic Quality Assurance) (or nominee)**

Associate Deans of School (Academic Quality Assurance) and their nominees are advised to note their responsibilities under the provisions of UPR SA13⁴ and UPR SA15⁵.

- 4.3.1 The Associate Dean of School (Academic Quality Assurance)-or nominee *shall* carry out a preliminary investigation.
- 4.3.2 Provided that there is a prima facie case to be discussed with the student and investigated further by the Associate Dean of School (Academic Quality Assurance) or nominee, he or she *shall*:
- i within five (5) working days of the date on which the allegation was referred to him or her, or as soon as possible thereafter:
 - a inform the student, in writing, by means of a **Letter of Notification**:
 - 1 of the alleged offence and the underlying facts that have been provided to support the allegation;
 - 2 that the student has a right to refute the *allegation(s)* of Academic Misconduct to the Associate Dean of School (Academic Quality Assurance) or nominee in writing within five (5) working days of the date of the **Letter of Notification** (not the date of its receipt by the student);
 - 3 that, based upon the Associate Dean of School (Academic Quality Assurance) or nominee's investigation, the Associate Dean of School (Academic Quality Assurance) or nominee may refer the matter to be dealt with under the provision of UPR SA13⁴ or UPR SA15⁵.

- ii *using the criteria set out in section 4.3.3 below, decide whether or not the allegation should be referred to a Student Academic Misconduct Panel to be determined under the provisions of UPR SA13 or a Fitness to Practise Panel under the provisions of UPR SA15 using the following criteria set out in para 4 3.3 below.*

4.3.3 **Criteria for referral to a Student Academic Misconduct Panel under UPR SA13**

- a. *The following cases of Academic Misconduct must be referred to a Student Academic Misconduct Panel under the provisions of UPR SA13 or (unless the decision has been taken to refer the case to a Fitness to Practise Panel under UPR SA15):*
 - i *allegations of impersonation as defined by section 2.1.1 a;*
 - ii *obtaining or attempting to obtain unauthorised access to examination / in-class test papers and other forms of assessment section 2.1.1b;*
 - iii *the falsification of documentation or the making of false statements in order to receive special considerations by the Board of Examiners as defined by section 2.1.1f;*
 - iv *the misappropriation of material submitted for assessment;*
 - v *contract cheating as defined by section 2.1.1 i;*
 - vi *where an allegation of collusion under section 2.1.3 is contested by one or*
 - vii *a serious breach of professional confidentiality;*
 - viii *failure to obtain Ethics approval prior to undertaking work involving human participants (UPR RE01⁵, refers) where the Chairman of the relevant Ethics Committee with Delegated Authority (ECDA), acting as the nominee of the relevant Associate Dean of School (Academic Quality Assurance), considers the matter to be sufficiently serious to be dealt with under the provisions of UPR SA13⁴ or UPR SA15⁵ (UPR RE01⁸, refers);*
 - ix *failure to comply with the terms and conditions of an ethics approval granted for work involving human participants (UPR RE01⁸, refers) where the Chairman of the relevant ECDA, acting as the nominee of the relevant Associate Dean of School (Academic Quality Assurance), considers the matter to be sufficiently serious to be dealt with under the provisions of UPR SA13⁴ or UPR SA15⁵ (UPR RE01⁸, refers).*
 - x *any allegation of academic misconduct as defined by section 2.1 that the student denies.*
- b *any other allegation of academic misconduct as defined in section 2.1 not included in (a) above may be referred by the Associate Dean of School (Academic Quality Assurance) or nominee to a Student Academic Misconduct Panel to be considered under the provisions of UPR SA13 or Fitness to Practise Panel under UPR SA15 where the Associate Dean of School (Academic Quality Assurance) or nominee considers it appropriate taking into account a student's previous proven /admitted Academic Misconduct offence or offences or where the circumstances surrounding a single offence are considered to be so serious as to justify a disciplinary panel hearing.*

4.3.4 **The Associate Dean of School (Academic Quality Assurance) or nominee shall:**

- a *inform the student that the matter is to be referred to be dealt with under the provision of UPR SA13⁴ or UPR SA15⁵ or*
- b *where the Academic Misconduct is not to be dealt with under the provisions of UPR SA13⁴ or UPR SA15⁵:*
 - 1 **prepare a draft report (Recommendation Report) for the Short Course/ Module Board in the required format, based on the investigation and**

⁵ UPR RE01 'Studies Involving the Use of Human Participants'

- 2 provide a *copy of the Recommendation Report* to the student prior to its submission to the Short Course/Module Board and
- 3 invite the student to respond to the **Recommendation Report** within five (5) working days of the date of the **Recommendation Report** (not the date of its receipt by the student) and
- 4 where the student has responded to the **Recommendation Report**, submit the student's comments to the Short Course/Module Board together with the **Recommendation Report**.

Recommendation Reports and **Letters of Notification** *shall* be sent to the email address the student has provided to the University for all correspondence.

- 4.3.5 The School Administration Manager or nominee *shall* make a written record of any meeting between the Associate Dean of School (Academic Quality Assurance) or nominee and the student.
- 4.3.6 Only the Associate Dean of School (Academic Quality Assurance) or nominee *shall* communicate with the student concerning any matter being considered under the provisions of the process set out in this section (4.3).
- 4.3.7 Where section 4.3.4a, applies, the Associate Dean of School (Academic Quality Assurance) or nominee *shall* inform the Chairman of the Short Course/Module Board, in writing, that consideration of the candidate should be deferred to await the conclusion of the process *by* the Student Academic Misconduct Panel.
- 4.3.8 Following the conclusion of the process *with* the Student Academic Misconduct Panel, the Associate Dean of School (Academic Quality Assurance) or nominee *shall* provide a report to the Chairman of the Short Course/Module Board so that it may determine the appropriate academic penalty to be applied under section 4.4.2 of this document.
- 4.3.9 Where an allegation is upheld at the level of the Student Academic Misconduct Panel *under UPR SA13 or a Fitness to Practise Panel under UPR SA15*, in addition to any sanction or penalty imposed under *these provisions*, the Short Course/Module Board may, impose one or more of the academic penalties set out in section 4.4.2 of this document.

4.4 Chairmen of Short Course/Module Boards

4.4.1 Chairmen of Module Boards and Short Course Boards are responsible for:

- i reporting all allegations of Academic Misconduct to all members of the Board;

(where a Student Academic Misconduct Panel, convened under UPR SA13⁴ or a *Fitness to Practise Panel convened under UPR SA15⁵*, finds that an Academic Misconduct offence, as defined in section 2, has been committed, the Student Academic Misconduct Panel or *Fitness to Practise Panel shall* so inform the Short Course/Module Board. The Short Course/Module Board of Examiners *shall* exercise its academic judgement and allocate marks (see section 4.4.2)).
- ii ensuring that the report of the Associate Dean of School (Academic Quality Assurance) or nominee is provided to the Short Course/Module Board of Examiners so that it may determine the appropriate penalty to be applied and that receipt of the report is noted formally in the minutes of the Board meeting at which it is received;
- iii within ten (10) working days of the meeting of the Board, or as soon as possible thereafter, notifying the student, in writing, of the action taken by the Short Course/Module Board of Examiners in exercising its responsibilities and of his or her right to request a formal review of the decision or recommendation of a Board of Examiners under the provisions, as appropriate, of Appendix I, UPR AS12¹/Appendix I, UPR AS13², refers);

- iv ensuring that a report of the incident is made to any relevant Professional Body requiring such information.

4.4.2 Academic penalties

Short Course/Module Boards may, on academic grounds, and at their absolute discretion, impose any of the following academic penalties:

- i award a grade for an assessment based purely upon academic merit, taking into account the extent to which the work submitted represents evidence of the student having met the relevant learning outcomes, where the Board is, in its academic judgement, able accurately to determine this; or
- ii reduce the grade awarded for an assessment, to reflect the extent to which the cheating, plagiarism, collusion and/or other *Academic Misconduct* as defined in section 2.1 has, in their academic judgement, created doubt about the evidence represented by the submitted work for the student having met the relevant learning outcomes; or
- iii award a grade of 0 for an assessment, where the extent of the cheating, plagiarism, collusion and/or other *Academic Misconduct* is, in their academic judgement, such as to make it unsafe to award any academic credit for the work.

4.4.3 Powers of Associate Deans of School (Academic Quality Assurance) or nominee, to apply disciplinary warnings in cases where allegations of Academic Misconduct are not referred for consideration under UPR SA13 or UPR SA15

In addition to an academic penalty applied by a Module/Short Course Board, in circumstances where a student has admitted guilt in writing, the Associate Dean of School (Academic Quality Assurance) or nominee has delegated authority to assign one or more of the following penalties:

- i. *give an informal School warning noted on the School's records of Academic Misconduct offences but not noted on the student's academic record; or*
- ii. *give a Disciplinary Warning within ten (10) working days of the completion of the investigation, but only where in addition to admitting guilt the student accepts in writing the Disciplinary Warning. Before accepting a Disciplinary Warning, the student must be made aware of the option to obtain independent advice e.g. from the Student Union. (The Disciplinary Warning should be recorded on the School's records of Academic Misconduct offences and details (name, student number, nature of the offence) must be sent to Student Procedures for recording on the formal University record.)*
- iii. *In addition to i or ii above, require a student to attend a mandatory training session with the Centre for Academic English (or School equivalent) within fourteen (14) working days of the completion of the Academic Misconduct investigation. Students have five (5) working days from the completion of procedures in which to accept attendance at a 'drop in' session. Failure to attend shall result in the student being referred to the Dean of Students for a sanction or penalty under SA13.*

Sue Grant
Secretary and Registrar
Signed: 1 August 2019