

Part 3: Assessment regulations for taught courses

Section 10: Academic misconduct

Purpose

- 10.1. 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.
- 10.2. The purpose of the procedures described in these regulations is to obtain all relevant facts and to reach a fair decision based on the evidence available. The process to be observed at all hearings and meetings convened under these regulations is inquisitorial rather than adversarial. It is not a judicial process, although it should be recognised that the University has an authority deriving from its contractual relationship with the individual student and from the student's agreement to be bound by the regulations in force in the period of study for which they are a student.
- 10.3. Any student subject to academic misconduct proceedings in accordance with these regulations may obtain advice and guidance from the Academic Standards Manager or from the Students' Union.

Definitions

For the purpose of these regulations:

- 10.4. 'Student', unless specifically qualified otherwise, is defined as any person pursuing a course, module or programme of study offered by the University, whether or not currently in attendance, suspended, interrupted, or on placement.
- 10.5. 'Former student' is defined as any student no longer pursuing a module, course or programme of study offered by the University, having successfully completed their studies or having terminated their studies for any other reason.
- 10.6. 'Friend' is defined as a currently registered student of the University, a sabbatical officer of the University of Westminster Students' Union, or member of University staff.
- 10.7. 'University' shall be defined as the University of Westminster and shall encompass all activities, property and assets under the formal authority of the Court of Governors, including property occupied by the University of Westminster Students' Union and assets purchased by the Students' Union from public funds.
- 10.8. 'Material irregularity' means the University has not acted in accordance with its own regulations or procedures, or has not acted with procedural fairness, and that this failing on the part of the University is so significant that it has had a material impact on the outcome. I.e. had it not been for this failing the outcome would probably have been substantively different.
- 10.9. 'Witness' is defined as a person who was either present at the time of the event or can provide information connected to the allegation. The role of a "witness" differs to that of a friend, they cannot make representations on behalf of the student.

Scope

- 10.10. These regulations apply to all taught undergraduate and postgraduate students, and to former taught undergraduate and postgraduate students in relation to assessment previously undertaken whilst a student of the University. Separate regulations pertain to the academic misconduct of postgraduate research students.
- 10.11. These regulations will also be applicable to all taught undergraduate and postgraduate students (and former students) undertaking a course leading to an award of the University but delivered under a collaborative arrangement with a partner institution, unless otherwise agreed and stated in the partnership agreement.
- 10.12. An allegation of academic misconduct may be investigated at any point, whether or not a final mark has been assigned to the work in question.
- 10.13. Exceptionally, an alleged offence may come to light after a Progression and Award Board has met and agreed results have been published. In such cases, the allegation must be referred directly to the Academic Standards Manager, who will consult with the Chair of the Progression and Award Board. They will take account of the seriousness of the offence, the time, which has elapsed since it was committed, the reasons why it was not discovered earlier, and the regulations of any external validating or professional body, in determining whether or not to proceed with the case.

General Principles

- 10.14. The College Teaching Committee or equivalent acts on behalf of Academic Council in overseeing the implementation of the quality assurance processes within each College. This includes responsibility for monitoring cases of academic misconduct to ensure the University maintains its academic standards.
- 10.15. The Academic Standards Manager has oversight of all cases of academic misconduct in order that they can ensure consistency and carry out the University's reporting requirements. This will include responding to requests for information under the Freedom of Information and Data Protection Acts.
- 10.16. Students involved in academic misconduct procedures shall have the right to be accompanied to any meeting or hearing by a 'friend', as detailed above. The role of the friend is to provide moral support during a meeting or hearing. They may make representations on behalf of the student. The friend cannot be a witness to the case under consideration. Legal representation is not permitted at any meeting or hearing convened under the provisions of these regulations.
- 10.17. The University will wherever possible seek to adhere to the time limits outlined in this procedure; however, in cases where there are special circumstances which require variance from specified time limits, the student will be advised of the reasons for this by the Officer handling the investigation or hearing.
- 10.18. Students will be given the opportunity to attend hearings and meetings virtually. Students can request to attend in person. The University reserves the right, however, to proceed with any investigation or hearing in the absence of a student, subject to the student having been properly notified of the date and time of the hearing.
- 10.19. The University reserves the right not to proceed with any investigation following an allegation of academic misconduct against a student if it is considered that there are insufficient grounds or evidence to do so.
- 10.20. During the application of these regulations, the University reserves the right to adjourn any investigation, meeting or hearing and reconvene at a later date in order to permit a further

investigation to be undertaken, to seek additional evidence or clarification of the evidence or for such other reason as is reasonable.

- 10.21. The standard of proof to be adopted during the application of these regulations will be the balance of probabilities.
- 10.22. If it is determined, at any stage, that a false allegation has been made by a student or member of staff with vexatious or mischievous intent, the University may initiate an appropriate disciplinary process against the person or persons making that allegation.
- 10.23. Where a student is enrolled on a course that is regulated by a professional, statutory or regulatory body (PSRB) and that student is found, under the provisions of these regulations, to have committed academic misconduct, the University may, depending on the nature of the offence, be obliged to report that fact to the PSRB.
- 10.24. Written communications will be sent to students via e: Vision and their University e-mail address. To access their case the student will need to log in to 'My Student Record'. Students are expected to check regularly their University e-mail account and e: Vision for updates on their case. Non-receipt of properly dispatched correspondence will not be accepted as valid grounds for delay or annulment of procedures or outcomes under these regulations, nor will it be accepted as grounds for appeal.
- 10.25. All references to the Academic Standards Manager include their nominees who are working under their authority, or other appropriate officer nominated by the Academic Registrar.
- 10.26. Where a student is found to have committed academic misconduct this will be recorded on the student's file and retained in accordance with the University's records retention schedule. The student's misconduct record may be referred to in future references and will be referred to should any subsequent allegation of academic misconduct be reported.
- 10.27. All decisions taken under this section shall take full account of natural justice, fairness and equity, and all penalties should be applied consistently within, and between, proceedings at an Academic Misconduct Meeting and proceedings by the Academic Misconduct Panel Hearing.
- 10.28. These regulations provide guidance on the appropriate penalties. Each body which imposes a penalty has the discretion to vary the penalty it can impose but must provide clear reasons as to why they have varied the penalty.
- 10.29. Whilst an academic misconduct investigation is ongoing, the module result will have a status of 'held' in the student record system. Once the investigation has completed the student's module result will be ratified by the Progression and Award Board in accordance with the procedures set out in Section 14, Section 17 and Section 18 of the Academic Regulations.
- 10.30. Any penalty imposed as the result of an academic misconduct investigation overrides any decision taken with regard to a mitigating circumstance claim in respect of that assessment.
- 10.31. No penalty may be imposed for academic misconduct other than in accordance with the provisions of these regulations.
- 10.32. In general, the University will not consider mitigation in cases of academic misconduct. Students who are unable to complete an assessment, through illness or other personal circumstances, should apply for mitigation through the appropriate channels at the time that the circumstances and/or illness occurs, and such circumstances cannot be considered as an excuse for academic misconduct.
- 10.33. Where a student is found to have committed academic misconduct in an assessment component, that fact will not necessarily preclude the condonement of a module where condonement is permitted in accordance with the academic regulations.

- 10.34. The University may reconsider misconduct allegations previously raised against a student after a matter has been dismissed, determined or otherwise concluded if there is new material evidence or information that emerges that was not previously reasonably available, for example, at the time of an investigation.
- 10.35. For the purpose of these regulations, 'examination' includes both written and oral examinations, and course tests. 'Assessed coursework' includes coursework, essays, assignments, in-class assessments, laboratory tests, projects, dissertations, practical work, presentations, placements, or field trip reports, designs, theses, artefacts, digital photographic media, and computer-based analyses, etc.

Definition of Academic Misconduct

- 10.36. Academic misconduct is where a student gains, or seeks, attempts or intends to gain, advantage in relation to assessment, either for themselves or for another person, by unfair or improper means. 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. The intention or otherwise of a student to deceive the examiners will not normally influence the penalty imposed.

Types of Academic Misconduct

The following is a non-exhaustive list of types of academic misconduct:

- 10.37. **Collusion** is where a student either:
- a) presents for assessment work done in collaboration with another student as entirely their own; or
 - b) collaborates with another student on work which is submitted as that other student's work.
- 10.38. 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 their own contribution.
- 10.39. Students may not lend their work which has been submitted for assessment to another student, this includes former students. Students should treat their academic work as their own property. It is a student's responsibility to protect their own work. Students should ensure that electronic copies of their work are stored securely and cannot be copied or stolen by another student; for example, in computer laboratories. Student IDs and passwords are for the exclusive use of the account holder and must never be shared.
- 10.40. **Plagiarism** (including **self-plagiarism**) is where a student either;
- a) 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 sought from electronic sources such as Artificial intelligence (AI) technology or other software, and material sourced or contracted from a third party; or;
 - b) presents for assessment work which that student has previously submitted for assessment as part of the same or another module or course, or at another institution, without citing that it was used previously 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 a requirement of re-assessment.
- 10.41. The University expects its students to submit work that is original to them and demonstrates their independent thought, whilst clearly acknowledging all of the sources that they have consulted in compiling their assignment. Plagiarism can be avoided by the accurate use of

academic apparatus including quotation marks, the provision of detailed references and a full bibliography. Quotations from the published or unpublished work of other persons or Artificial intelligence (AI) technology or other software must always be attributed, both at the appropriate point in the text, and in the bibliography at the end of the piece of work. Extensive quotations, close paraphrasing, copying from the work of another person, including another student, or using the ideas of another person, or Artificial intelligence (AI) technology or other software without proper acknowledgement, may constitute plagiarism. The use of any machine or third party human to generate an assignment on behalf of a student is a form of academic misconduct, that not only provides an unfair advantage but inhibits the development of crucial critical thinking skills by that student. Students should include a paragraph at the end of any assignment that used Generative AI in compiling their submission, explaining which Generative AI was used (including the version where relevant/known), what they used the Generative AI for and how they used it to get the results/final submitted draft of their assignment. Failure to do so is academic misconduct.

10.42. **Examination Offences** include, but are not limited to:

- a) taking unauthorised material¹ into the examination room;
- b) making use of unauthorised material in the examination room;
- c) communicating or attempting to communicate in any way with another student during the examination;
- d) failure to comply with an invigilator's instructions;
- e) being party to any arrangement whereby a person other than the student fraudulently represents, or intends to represent, the student at an examination.
- f) any other breach of examination regulations (see Section 7) in which the student is seeking to gain an unfair advantage.

10.43. Examples of **Dishonest Practice** include but are not limited to:

- a) offering a bribe or inducement to any staff (academic or administrative) involved in the assessment process;
- b) seeking to obtain access to confidential information e.g. examination questions, prior to the examination;
- c) making false declarations to the Mitigating Circumstances Board
- d) falsifying transcripts, certificates or other official University documentation relating to assessment outcomes.

10.44. This list is not exhaustive; any attempt on the part of one or more students to gain an unfair advantage may be construed as academic misconduct and dealt with under these regulations, irrespective of whether any benefit was gained by the student(s) concerned.

Reporting Allegations of Academic Misconduct

Examination or Tests

10.45. If, during an examination, an invigilator believes that a student has engaged in academic misconduct they shall normally inform the student and endorse the student's answer book with details of the alleged misconduct, the time the alleged misconduct was identified, and with their name. Any prohibited material will be removed and retained. The student shall then be permitted to continue, in a new answer book. A written report of the incident shall be made on the exam incident report form which must be submitted to the Campus Registry at the end of the exam. The Campus Registry should notify the Module Leader of the incident. A copy of the student's exam script, the incident report form, and any confiscated material should be submitted within 5 working days to the Academic Standards Manager.

Other Assessments

¹ Including but not limited to crib sheets, smart watches, mobile phones, and other electronic devices

- 10.46. Where any member of staff or student suspects that a student has committed academic misconduct, they shall inform the Module Leader in writing as soon as is practicable, copied to the Campus Registry Manager and the Academic Standards Manager.
- 10.47. Where an external examiner establishes that there is, in their view, evidence of academic misconduct, they shall notify the Module Leader.

Procedures in the event of suspected academic misconduct

10.48. Following the notification to the Module Leader, or nominee of a suspicion or allegation of academic misconduct, the Module Leader, or nominee will review the evidence provided and in the case of coursework normally within 15 working days of receipt of the allegation and in the case of an examination normally within 5 working days of receipt of the allegation will reach one of the following judgements;

- a) that there is no case to answer, in which case the assessment will be marked as normal and without prejudice;
- b) that, in the case of an allegation of plagiarism, the work reflects poor scholarship (e.g. inappropriate or excessive use of sources and/or inappropriate referencing) but falls short of academic misconduct, in which case the work will be returned for marking on its merits²;
- c) that academic misconduct has occurred, in which case the Module Leader, or nominee shall provide a written report, including all relevant evidence, to the Academic Standards Manager.

The report³ of academic misconduct shall:

- i. specify the full name(s) and student ID number(s) of the student(s) to whom it relates;
 - ii. be signed and dated by the Module Leader;
 - iii. state the basis and the evidence on which the allegation has been made and be accompanied by all the relevant evidence;
 - iv. provide details of the assessment, including the coursework or examination questions, the weighting of the item of assessment and any information provided to students concerning academic conventions and practices that is relevant to the case.
- d) that, in the case of an allegation of plagiarism or collusion, there is uncertainty on the part of the Module Leader regarding the authenticity of the student's work, in which case a viva may be held to establish the authenticity of the work submitted and inform the Module Leader's judgement. The following procedures must apply:
- i. two members of academic staff (at least one of whom must be a subject specialist) must be present.
 - ii. the student must be advised in advance in writing of the reason for the viva being held, and must be given 5 working days notice of the viva date.
 - iii. staff present at the viva must make a record of the discussions; these may be used to form the evidence base for any future investigation. A copy of these records will be provided to the student.
 - iv. Where a student has been offered two separate dates for the viva and either does not reply within 5 working days, declines all two dates, or does not attend a previously agreed date absent exceptional reason with supporting evidence, the Module Leader will determine either;
 - a. that the work will be treated as a non-submission and a mark of zero will be recorded for the assessment component. This decision must be reported to the Academic Standards Manager. Or;

² Mark on merits: where a piece of assessment is to be marked on its merits, the examiner should normally discount any text which has been plagiarised and should award a mark based on the academic value of the work that remains. The mark to be awarded shall be the academic judgement of the examiner. This shall not be regarded as a penalty.

³ The academic misconduct report is completed and submitted via e: Vison

- b. that academic misconduct has occurred, and the procedures as stated at 10.48 c) will be pursued. Or;
- c. that academic misconduct has not occurred, in which case the assessment will be marked as normal and without prejudice.

10.49. Upon receipt of a report of academic misconduct from a Module Leader or nominee, the Academic Standards Manager shall refer to the Table of Penalties (below) and will determine, in liaison with the Module Leader if required, the nature of the alleged offence and the consequent offence category.

10.50. Where, in accordance with the Table of Penalties, the offence is deemed by the Academic Standards Manager to be a Category 1 offence (see Table of Penalties) and so is not sufficiently serious to warrant referral to an Academic Misconduct Panel Hearing and where it is the student's first or second offence, the Academic Standards Manager shall, normally within 10 working days of receipt of the Module Leader's report, determine the appropriate penalty to be applied to such an offence and shall write to the student:

- a) to present the allegation;
- b) to confirm that it is the Module Leader's, or nominee judgement that the student has committed academic misconduct;
- c) to provide the student with details of the allegation and copies of all of the evidence that has been submitted;
- d) to inform the student of the penalty to be applied (note that while the Academic Standards Manager may vary the penalty from that recommended by the Table of Penalties in accordance with paragraph 10.28 above, the penalty may not be more severe than those available as a Category 1 Penalty);
- e) to invite the student to either:
 - i. admit the allegation and accept the penalty, in which case the penalty will be applied without further right to appeal, and this will constitute the completion of the University's internal procedures; or
 - ii. admit the allegation but not accept the penalty, in which case the matter will be referred for consideration at an Academic Misconduct Meeting (see paragraphs 10.52 to 10.57 below); or
 - iii. deny the allegation, in which case the matter will be referred for consideration at an Academic Misconduct Meeting (see paragraphs 10.52 to 10.57 below).
- f) to request that the student responds within 10 working days. Failure to respond within 10 working days will be regarded as an admission of the allegation and acceptance of the penalty (see paragraph 10.50 e) i).

10.51. Where, in accordance with the Table of Penalties, the offence is deemed by the Academic Standards Manager to be a Category 2 offence (see Table of Penalties) and so is sufficiently serious to warrant referral to an Academic Misconduct Panel Hearing, or where the alleged offence is the student's third or subsequent offence, or where the Academic Standards Manager is unable to determine the category of the alleged offence, the Academic Standards Manager shall, normally within 30 working days of receipt of the Module Leader's report, convene a Hearing of the Academic Misconduct Panel. The Academic Standards Manager shall write to the student, normally within 10 working days of receipt of the Module Leader's report, to advise the student of the allegation and that the matter is to be referred to an Academic Misconduct Panel Hearing (see paragraphs 10.58 to 10.75 below).

Academic Misconduct Meeting

10.52. Where a student contests the allegation or the penalty in accordance with paragraph 10.50 e) ii, or iii. above, the student will have the opportunity to present their case in person in a meeting

with the Chair of the College Teaching Committee or nominee, and a nominee of the Academic Standards Manager. This is the Academic Misconduct Meeting.

- 10.53. The student will be offered a meeting date. If the student does not reply within 5 working days, the case will be considered closed. If a student does reply and indicates they are unable to attend the first date offered, a second date will be provided. If the student either does not reply within 5 working days, or declines the date without good reason, the penalty will be applied, and the case will be considered closed. Where a student does not attend at a previously agreed meeting the meeting will continue in their absence.
- 10.54. A student may choose to be accompanied by a friend (see regulation 10.6 above for a definition of 'Friend'.)
- 10.55. As a result of an Academic Misconduct Meeting the College Teaching Committee or nominee, and nominee of the Academic Standards Manager will determine either:
- a) that there is no case to answer, in which case the work will be marked as normal and without prejudice; or
 - b) that, in the case of an allegation of plagiarism, the work reflects poor scholarship (e.g. inappropriate or excessive use of sources and/or inappropriate referencing) but falls short of academic misconduct, in which case the work will be returned for marking on its merits; or
 - c) that the student has committed academic misconduct, and that the original penalty stands; or
 - d) that the student has committed academic misconduct, however as a result of mitigating factors presented by the student a reduced penalty shall be imposed; or
 - e) that the student has committed academic misconduct, and a more severe penalty shall be imposed (any penalty imposed must not be more severe than those available as a Category 1 penalty in accordance with the Table of Penalties); or
 - f) that the student has committed academic misconduct, however new evidence suggests that the offence is more serious than previously believed and, in accordance with the Table of Penalties, warrants referral to the Academic Misconduct Panel Hearing; or
 - g) that it is unclear whether or not the student has committed academic misconduct, in which case the matter shall be referred to the Academic Misconduct Panel Hearing.
- 10.56. In determining an appropriate penalty, the Chair of the College Teaching Committee or nominee, and nominee of the Academic Standards Manager, shall bear in mind the implications of that penalty in the context of the academic regulations.
- 10.57. On completion of the Academic Misconduct Meeting, the Academic Standards Manager will write to the student concerned, normally within 10 working days of the Meeting, advising them of the decision of the Meeting, including the reasons for that decision, and of their right to appeal (see regulation 10.76). At this stage a student may only appeal where the Academic Misconduct Meeting has determined either 10.55 c), d) e). Where the Academic Misconduct Meeting has determined either 10.55 f) or g) the matter is referred to the Academic Misconduct Panel Hearing and the student will only have a right of appeal upon the conclusion of that Hearing.

Academic Misconduct Panel Hearing

- 10.58. An Academic Misconduct Panel Hearing will be convened in the following circumstances:
- a) where, in accordance with the Table of Penalties, the alleged offence is sufficiently serious to warrant referral to an Academic Misconduct Panel Hearing (see paragraph 10.51 and 10.55 f) above); or
 - b) where the alleged offence is the student's third or subsequent offence (see paragraph 10.51 above); or
 - c) where, following an Academic Misconduct Meeting, it is unclear whether or not the student has committed academic misconduct (see paragraph 10.55 g) above).

10.59. An Academic Misconduct Panel Hearing will be convened by the Academic Standards Manager, normally within 30 working days of receipt of the Module Leader's report or of the determination of the Academic Misconduct Meeting.

10.60. The membership of an Academic Misconduct Panel Hearing shall be as follows:

- a) Head of College, or nominee from a College other than that in which the student is/was studying (Chair);
- b) Two members of academic staff, who are not known to, or have not at any time taught, the student concerned; and
- c) A student⁴ member, nominated by the Students' Union, who is not known to the Student and who has had no prior involvement in the case.

The Academic Standards Manager shall act as Secretary to the Panel.

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

10.62. The Academic Standards Manager shall write to the student, normally within 10 working days of receipt of the Module Leader's report or of the determination of the Academic Misconduct Meeting. The letter shall: advise the student of the allegation that has been made;

- a) advise the student that the case will be considered by an Academic Misconduct Panel Hearing;
- b) enclose all evidence received to date;
- c) enclose a copy of these regulations;
- d) advise the student that they will be notified of the date of the Hearing in due course;
- e) advise the student of their right to attend the Hearing, to submit a written statement, to call witnesses to attend the Hearing (and that it will be the Student's responsibility to arrange attendance), and for witnesses to submit written statements;
- f) advise the student of their right to be accompanied at the Hearing by a Friend, and who may act as a Friend (see definition of Friend)

10.63. The Academic Standards Manager, acting as Secretary to the Panel, shall identify witnesses and other individuals who might be able to facilitate the establishment of the facts of the case. The Academic Standards Manager shall invite all such individuals to submit a written statement detailing what they know of the case, and to attend the Hearing. Such individuals cannot be compelled to attend the Hearing. Where the allegation has been brought by the Module Leader, the Module Leader will be expected to attend.

10.64. The student against whom the allegation has been made may also invite witnesses to submit a written statement and to attend the hearing. The names of any such witnesses, along with any written statements, must be submitted to the Academic Standards Manager at least four working days before the Hearing in order to allow the Panel sufficient time to consider the documentation.

10.65. The student may also submit a written statement in support of their case. This must be submitted to the Academic Standards Manager at least four working days before the Hearing.

10.66. Once the date of the Hearing is confirmed and all evidence in support of the allegation has been received, Academic Standards shall write to the student again, at least ten working days in advance of the hearing. This letter shall: confirm the date, time and venue of the Hearing;

- a) inform the student of the names of the Panel members;
- b) set out in detail the allegation that has been made;
- c) enclose and itemise all evidence in support of the allegation which the Hearing will be considering;

⁴ For the purpose of this regulation, 'student' shall be deemed to include a sabbatical officer of the Students' Union

- d) invite the student to submit a written statement and any other evidence in support of their case, including witness statements, and confirm the deadline for their submission;
- e) remind the Student of their right to be accompanied by a Friend who may speak on their behalf (see definition of Friend); invite the Student to submit the names of any and all witnesses that they will be calling to attend the Hearing, and confirm the deadline for this submission;
- f) enclose a copy of these regulations;
- g) advise the student that should they fail to attend, the Hearing will proceed in their absence.

10.67. Following the deadline for receipt of the student's submission of written statements, evidence, and names of witnesses, the Academic Standards Manager will collate all documentation and, at least three working days before the Hearing, circulate to Panel members and to the student, along with an agenda and an itemised list of all evidence to be considered.

10.68. The Panel shall have absolute discretion to regulate its own procedures, but will normally conduct its hearing as follows:

- The Chair will explain the process to be followed, will detail the allegations that have been made, and will summarise the evidence that has been received in support of those allegations;
- The Panel will ask questions of the Student and all witnesses;
- The Student and all witnesses will answer questions for the Panel;
- The Student will have the opportunity, through the Chair, to ask questions of the witnesses and to make a final presentation to the Panel;
- The Panel will deliberate in private;
- The Chair will present the findings and the reasons for the decisions of the Panel, or advise The Student(s) that these will be forwarded to them in writing, normally within ten working days of the Hearing;
- a formal record shall be kept of the Panel meeting.

10.69. The student will have the right to be present throughout the Hearing in order to hear all of the evidence presented. However, the absence of the student will not prevent the hearing from taking place, nor invalidate the proceedings.

10.70. Where the Panel determines that an offence has been committed, the Panel shall be guided by but not constrained by the penalty tariff.

10.71. In the event that the Panel does not reach a consensus, the Chair will have a deciding vote.

10.72. When determining the sanction, the Panel will take into account the following factors:

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.

Previous Offences

Where a student has previously admitted or been found by an Academic Misconduct Panel or an Academic Misconduct Meeting, 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.

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's Student Disciplinary Regulations.

Weighting of Assessment task

An offence committed in respect of a high weighting assessment task, such as a final year dissertation or project, may be penalised more severely than an offence in respect of a lower weighting task.

10.73. Once the Hearing is concluded and all evidence has been considered, the Panel will determine either:

- a) that there is no case to answer, in which case the work will be marked as normal and without prejudice; or
- b) that, in the case of an allegation of plagiarism, the work reflects poor scholarship (e.g. inappropriate or excessive use of sources and/or inappropriate referencing) but falls short of academic misconduct, in which case the work will be returned for marking on its merits⁵; or
- c) that the student has committed academic misconduct, in which case the Panel will agree an appropriate penalty.

10.74. In addition to the penalties that are available for Category 1 offences (see Table of Penalties), the Panel may impose one of the following penalties:

- a) that the student be awarded 0% for all assessment components within the module;
- b) that the student be awarded 0% for all assessment components within the module with no right to referral;
- c) that the student be awarded 0% for all assessment components within the module with no right to re-assessment;
- d) that the student be awarded 0% for all assessment components at that level;
- e) that the student be awarded 0% for all assessment components at that level with no right to referral;
- f) that the student be awarded 0% for all assessment components at that level with no right to re-assessment;
- g) that the student be awarded 0% for all assessment components at that level and be permanently excluded (expelled) from the University;
- h) that the student be awarded 0% for all assessment components for that course and be permanently excluded (expelled) from the University;
- i) that the student be awarded 0% for all assessment components at that level and the student's award be revoked. This decision must be approved by Academic Council in accordance with regulations 20.20 – 20.22;
- j) that the student be awarded 0% for all assessment components for that course and the student's award be revoked. This decision must be approved by Academic Council in accordance with regulations 20.20 – 20.22;

10.75. On completion of the Academic Misconduct Panel Hearing, the Academic Standards Manager will write to the student concerned, normally within 10 working days of the hearing, advising them of the decision of the hearing, including the reasons for that decision, and of their right to appeal (see regulation 10.76).

Appeals

10.76. Where a student is dissatisfied with the outcome of an Academic Misconduct Meeting or an Academic Misconduct Panel Hearing, a student may submit an appeal to be considered by the Deputy Registrar (Quality and Standards).

10.77. An appeal must be submitted, along with all relevant evidence, to the Deputy Registrar (Quality and Standards) within 10 working days of the publication of the decision being appealed.

10.78. An appeal may be based on one or both of the following grounds only:

⁵ Mark on merits: where a piece of assessment is to be marked on its merits, the examiner should normally discount any text which has been plagiarised and should award a mark based on the academic value of the work that remains. The mark to be awarded shall be the academic judgement of the examiner. This shall not be regarded as a penalty.

- a) that new evidence has become available which has a direct bearing on the case, which was not, and which could not reasonably have been made available at the time the case was considered; or
- b) that there has been material irregularity in the conduct of the academic misconduct process.

10.79. The appeal request will be acknowledged normally within 5 working days of its receipt.

10.80. The Deputy Registrar (Quality and Standards) will consider the appeal and make one of the following determinations normally within 20 working days. In considering the appeal the Deputy Registrar (Quality and Standards) may seek further information or clarification from the student or from any person involved in the case:

- a) that one or more of the grounds for appeal have been met, in which case the appeal is upheld, and the case will be referred back to either the Academic Misconduct Meeting or the Academic Misconduct Panel Hearing, as appropriate, to be considered afresh. The Deputy Registrar (Quality and Standards) may also make recommendations to the Meeting or Panel Hearing.
- b) That neither ground for appeal has been met, in which case the appeal is rejected, and the University's internal procedures will be complete.

10.81. Following the completion of the University's internal procedures, the student may be eligible to apply to the Office of the Independent Adjudicator (OIA) for an external review of the appeal. Information of the OIA's procedure is available online: www.oiahe.org.uk.

Appendix 1

Table of Penalties

The University strives to ensure fairness and consistency across the Colleges in the application of penalties and has adopted a Table of Penalties for use. The principle behind the table is simple and serves to ensure that all students are aware of the possible penalties that they may receive if they are found guilty of academic misconduct.

In accordance with paragraph 10.27, the penalties stated below are recommendations. Each body which imposes a penalty has the discretion to vary the penalty it can impose but must provide clear reasons as to why they have varied the penalty.

In accordance with paragraph 10.51, where a Category 1 offence is a third or subsequent offence, it may be referred to the Academic Misconduct Panel Hearing and a more severe penalty may be applied.

This list of offences is not exhaustive. Where an alleged offence, or near equivalent, is not represented in this table the Academic Standards Manager will normally, in accordance with paragraph 10.51, refer the matter to be considered at a hearing of the Academic Misconduct Panel.

Refer to paragraph 10.74 for the penalties available to the Academic Misconduct Panel.

Table 1 - Plagiarism Penalty Table

SECTION 10: ACADEMIC MISCONDUCT

Offence	Extent ⁶	L3 / L4 L5 / L6 / L7 1st offence	Subsequent Offences for all levels
Fully referenced but closely paraphrased / excessive use of sources	Any amount	Poor scholarship - no misconduct - mark on merits*	Poor scholarship - no misconduct - mark on merits*
Unreferenced Closely paraphrased ⁷ , but not verbatim.	Less than 10% of work	CATEGORY 1 Formal warning - mark on merits*	CATEGORY 1 Formal warning - mark on merits*
Unreferenced Closely paraphrased, but not verbatim.	Between 10% and 50% of the work	CATEGORY 1 Formal warning - mark on merits*	CATEGORY 1 Mark on merits*, but mark for assessment component capped at pass mark
Unreferenced Closely paraphrased, but not verbatim.	Above 50% of the work	CATEGORY 1 Mark on merits*, but mark for assessment component capped at pass mark	CATEGORY 1 Mark of 0% for assessment component
Unreferenced Closely paraphrased, but not verbatim.	100% of the work	CATEGORY 1 Mark of 0% for assessment component	CATEGORY 2 Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel.
Unreferenced and verbatim ⁸ (no quotation marks)	Less than 10% of the work	CATEGORY 1 Formal warning - mark on merits*	CATEGORY 1 Mark on merits*, but mark for assessment component capped at pass mark
Unreferenced and verbatim (no quotation marks)	Between 10% and 50% of the work.	CATEGORY 1 Mark on merits*, but mark for assessment component capped at pass mark	CATEGORY 1 Mark of 0% for assessment component

⁶ This is an approximate value and is not to be based on the percentage indicated by Turnitin or Safe Assign. These systems are only a tool to detect potential plagiarism; they are not 'plagiarism detection systems'. Academic judgment is required to determine whether a student may have plagiarised.

⁷ Changing key words and phrases but retaining the essential content of the original source material

⁸ Where content corresponds directly to the original source text

Unreferenced and verbatim (no quotation marks)	Above 50% of the work	CATEGORY 1 Mark of 0% for assessment component	CATEGORY 2 Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel.
Unreferenced and verbatim (no quotation marks)	100% of the work	CATEGORY 2 Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel.	CATEGORY 2 Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel.
Unreferenced and verbatim (no quotation marks)	Any amount Submission of work either purchased, commissioned or purloined from, or otherwise provided by, a third party	CATEGORY 2 Mark of 0% for all assessment components within the module with no right to referral at discretion of Academic Misconduct Panel	CATEGORY 2 Mark 0% for all assessment components within the module with no right to referral at discretion of Academic Misconduct Panel.

Table 2 - Penalty Tables for offences other than Plagiarism

Assessment Type: Examination and In Class Tests

Offence	L3 / L4 1st offence Penalty	L3 / L4 Subsequent offences Penalty	L5 / L6 / L7 Penalty	L5 / L6 / L7 Subsequent offences Penalty
Removing any script, paper, or other official stationery (whether completed or not) from the examination room, unless specifically authorised by an invigilator or examiner.	CATEGORY 1 Mark on merits*, but mark for assessment component capped at pass mark	CATEGORY 1 Mark of 0% for assessment component	CATEGORY 1 Mark of 0% for assessment component	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel.
Failing to comply with the reasonable instructions of an invigilator or examiner.	CATEGORY 1 Formal warning	CATEGORY 1 Mark of 0% for assessment component	CATEGORY 1 Mark of 0% for assessment component	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel.

SECTION 10: ACADEMIC MISCONDUCT

Possession of unauthorised material of any kind other than those specifically permitted in the rubric of the paper during the examination (including in toilets and other locations during the examination)	CATEGORY 1 Mark of 0% for assessment component	CATEGORY 1 Mark of 0% for assessment component	CATEGORY 1 Mark of 0% for assessment component	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel.
Attempting to communicate with another student or with any third party other than the invigilator/examiner during an examination or in class test. This includes communication via social media, WhatsApp and any other type of communication.	CATEGORY 1 Formal warning	CATEGORY 1 Mark of 0% for assessment component	CATEGORY 1 Mark of 0% for assessment component	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel.
Communicating with another student or with any third party other than the invigilator / examiner during an examination or in class test. This includes communication via social media, WhatsApp and any other type of communication.	CATEGORY 1 Mark of 0% for assessment component	CATEGORY 1 Mark of 0% for assessment component	CATEGORY 1 Mark of 0% for assessment component	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel.
Making use of unauthorised material or accessing the internet in contravention of the examination rubric in the examination room or otherwise during the examination (including in toilets and other locations during the examination)	CATEGORY 1 Mark of 0% for assessment component	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel.	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel	CATEGORY 2 Mark 0% for all assessment components within the module with no right to referral at discretion of Academic Misconduct Panel.

Being party to any arrangement whereby a person other than the student fraudulently represents, or intends to represent, the student at an examination	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel	CATEGORY 2 Mark 0% for all assessment components within the module with no right to referral at discretion of Academic Misconduct Panel.
During an examination or in class test, copying or attempting to copy the work of another student, whether by overlooking their work, asking them for information, or by any other means.	CATEGORY 1 Mark of 0% for assessment component	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel	CATEGORY 2 Mark 0% for all assessment components within the module with no right to referral at discretion of Academic Misconduct Panel.

Assessment Type Coursework

Offence	L3 / L4 1st offence Penalty	L3 / L4 Subsequent offences Penalty	L5 / L6 / L7 Penalty
Making available work to another student, either intentionally or as a result of negligence that can be presented as another student's.	CATEGORY 1 Formal warning	CATEGORY 1 Mark of 0% for assessment component	CATEGORY 1 Mark on merits*, but mark for assessment component capped at pass mark
Representation of work produced in collaboration with another student as the work of a single student (collusion).	CATEGORY 1 Mark on merits*, but mark for assessment component capped at pass mark	CATEGORY 1 Mark of 0% for assessment component	CATEGORY 1 Mark of 0% for assessment component
Unauthorised access of another student's work, without the student's knowledge.	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel

Assessment Type: Dishonest Practice

SECTION 10: ACADEMIC MISCONDUCT

Offence	L3 / L4 1st offence Penalty	L3 / L4 Subsequent offences Penalty	L5 / L6 / L7 Penalty
Offering a bribe or inducement to any staff (academic or administrative) involved in the assessment process	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel
Seeking to obtain access to confidential information e.g. examination questions, prior to the examination	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel
Making false declarations to the Mitigating Circumstances Board	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel
Falsifying transcripts, certificates or other official University documentation relating to assessment outcomes	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel
Fabrication of data refers to the falsification of data (either qualitative or quantitative), through invention or amendment, which is then presented by the student as if it had been legitimately gathered in line with the norms of the discipline concerned.	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel
In the case of professional qualifications, falsely claiming to have completed hours in practice or to have achieved required competencies when this is not the case.	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel	CATEGORY 2: Mark of 0% for all assessment components in module, at discretion of Academic Misconduct Panel

* Mark on merits: where a piece of assessment is to be marked on its merits, the examiner should normally discount any text which has been plagiarised and should award a mark based on the academic value of the work that remains. The mark to be awarded shall be the academic judgement of the examiner. This shall not be regarded as a penalty