ANNEX 2

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Learning and Teaching Committee

Subject: Amendments to Regulation XXXVIII (Academic Misconduct)

Origin: Working Group to Review Practice and Guidance on Plagiarism Detection

The Working Group to Review Practice and Guidance on Plagiarism Detection made the following proposals regarding changes to Regulation XVIII (Academic Misconduct).

**1. Jurisdiction (Joint Programmes and Service-Taught Modules).**

Currently, jurisdiction for the consideration of minor offences lies with the module-owning department. This can lead to difficulties in cases where students are charged with plagiarism in modules belonging to Schools/Departments other than their own (either as part of joint programmes or service-taught), because the HoD/AD(T) of the module-owning School/Department does not always have direct knowledge of the guidance and support provided by the student-owning department. This can be addressed to some extent by the student-owning and module-owning departments co-operating closely in taking forward the allegation. However, as an alternative, it is proposed that responsibility for considering minor offence cases should lie with the student-owning department. It would then be the responsibility of the module-owning department to provide information and evidence in support of the charge.

This would require an amendment to paragraph 4 of Regulation XVIII, as attached.

**2. Classification of Offences as Major or Minor.**

Where the imposition of the normal penalty for a particular offence would result in the termination of a student’s studies, Schools/Departments are expected to refer the case for consideration as a Major Offence, so that it can be considered by the AMC. However, this is not currently made explicit in Regulation XVIII. Doing so would require an amendment to paragraph 4 of Regulation XVIII, as attached.

**3. Procedures for the initial investigation of academic misconduct, and the extent to which intent to obtain an unfair advantage is taken into account in distinguishing between plagiarism and poor scholarship.**

i) The existing version of Regulation XVIII contains no procedures for the initial investigation of suspected cases of academic misconduct; rather, the process described begins with a decision being taken as to whether the offence should be classified as Major or Minor, and the student being notified of the allegation. The Working Group found that in many Schools/Departments, an initial investigation is conducted, often including an interview with the student concerned, prior to a decision being taken as to whether to formally charge the student with academic misconduct.

In order to ensure consistency of practice, the Working Group proposed that Regulation XVIII be amended to explicitly incorporate procedures for the initial investigation of plagiarism cases, prior to a formal allegation being made.

ii) The Working Group also found a divergence between the existing procedures in Regulation XVIII and the practices being followed by Schools/Departments in relation to the extent to which intent to obtain an unfair advantage is taken into account in distinguishing between plagiarism and poor scholarship. Under the terms of Regulation XVIII, academic misconduct is a strict liability offence in that the definition in paragraph 2 does not refer to whether the student intended to obtain an unfair advantage; intention should only be taken into account at the stage of deciding on the appropriate penalty after the student has been found guilty of an offence. However, responses from Schools/Departments indicated that in practice, intent is taken into account, as part of an initial investigation, in distinguishing between plagiarism (i.e. that which is dealt with as an offence of academic misconduct under Regulation XVIII) and poor scholarship (i.e. that which is taken into account as part of the assessment process but which is not treated as academic misconduct). Depending on the findings of the initial investigation, either a formal allegation of academic misconduct is made against the student, or the matter is dealt with as poor scholarship.

In order to ensure consistency of practice, the Working Group proposed that Regulation XVIII be amended to state explicitly that following the initial investigation stage, a decision will be reached about whether the case constitutes plagiarism (as opposed to poor scholarship), and as part of this decision, account will be taken of a number of factors including the extent to which the circumstances appear to indicate that the student intended to obtain an unfair advantage (noting that intent is difficult to prove, but that information such as the amount of improperly referenced material; any attempts at referencing within the work; circumstantial evidence; and the student’s representations, can provide a helpful insight).

Amendments to paragraphs 9 and 10 of Regulation XVIII, covering the above proposals are attached.

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