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**SENATE**

**Subject: Amendments to Paragraph 14 of the Regulations for Higher Degrees by Research - Academic Misconduct**

**Origin: Dr Brigette Vale, Research Student Office**

Senate is asked to consider, on the recommendation of Research Committee, amendments to the research degree regulations in relation to academic misconduct.

The proposed amendments make the arrangements more consistent with those for taught programmes and introduce a more streamlined process.

The regulations introduce arrangements for addressing academic misconduct where it might arise prior to a thesis being submitted for examination, enabling Heads of Departments to investigate cases and take appropriate action as is currently the case with taught programmes.

 For cases detected after submission of a thesis, there will be an initial filtering stage by the AD(R) and the Academic Registrar. Any case of possible academic misconduct will be referred for investigation to an Academic Misconduct Committee, during which time any examination process will be suspended.

The Committee will be able to terminate a student’s studies where they find serious misconduct to be proved , report back to Examiners where they find irregularities but no serious misconduct, or take no further action.

**Academic Misconduct**

**1. Scope**

This regulation shall apply all students registered on research degree programmes of the University

**2. Definition**

It is academic misconduct for any candidate ~~in the course of any assessment~~ to engage in one or more of the following activities :

Assisting another candidate to gain an advantage by unfair means, or receiving such assistance, for example by impersonation or the passing off of one individual's work as another's.

Misleading the examiners by the fabrication or falsification of data.

Plagiarism; namely submitting work as the candidate's own of which the candidate is not the author.  This includes failure to acknowledge clearly and explicitly the ideas, words or work of another person whether these are published or unpublished.

Engaging in any other activity likely to give an unfair advantage to any candidate.

~~Adherence to the University Regulations and Codes of Practice will normally ensure that academic misconduct such as plagiarism or the fabrication or falsification of results is avoided. However~~,

 **Misconduct Prior to Submission for a Research Degree Award**

3. Any circumstances which come to light prior to submission of work for a research degree which suggest that academic misconduct has taken place shall be reported to the relevant Head of Department.

4. The relevant Head of Department shall consider in conjunction with the Academic Registrar or nominee whether any action shall be taken, whether appropriate action can be taken initially within the Department or whether the matter should be referred to the Academic Misconduct Committee as constituted in paragraph 13 of these regulations.

5 Where the Academic Registrar and the Head of Department conclude that action should be taken, the Academic Registrar shall either refer the case for action by the relevant Head of Department or to the Academic Misconduct Committee, depending on the severity and circumstances of the case, including whether it is a repeat offence .

6 In the event that the case is referred for action to the Head of Department candidates shall be notified in writing of the alleged offence and the evidence against them by the relevant Head of Department. Candidates shall be invited to admit or deny the allegation and be permitted to defend themselves in writing and in person, accompanied by an individual of their own choosing. Any written defence or request to be heard in person, including the name and status of any accompanying individual, must be received by the relevant Head of Department within five working days of the notification of the alleged misconduct.

7 Having taken into account the evidence and the defence, if any, the relevant Head of Department shall decide whether the candidate is guilty of the offence, and if so, the appropriate penalty. In determining the penalty, the relevant Head of Department shall take into account the extent to which the circumstances suggest the candidate intended to obtain an unfair advantage for him/herself or another. The candidate shall be notified in writing of the relevant Head of Department’s decision and of the penalty, if one is to be applied, within fifteen working days of the candidate being notified of the allegation. S/he shall also be notified of the right of appeal

**Penalties**

8.The relevant Head of Department shall be empowered to impose one or more of the following penalties:

* The issue of a formal reprimand which shall be notified to the candidate and reported to the Research Student Office.
* The correction and re-presentation of any relevant work,

 **Appeals**

9. Candidates found guilty of offences shall have the right of appeal against the decision of the relevant Head of Department. Appeals should be submitted in writing to the Academic Registrar or nominee within 10 working days of the candidate receiving notification of the decision of the relevant Head of Department, and should set out the grounds for, and nature of the appeal together with any evidence. Possible grounds for appeal include:

* that there were serious circumstances affecting the candidate of which the relevant Head of Department was not made aware when the decision was taken.
* that there were procedural irregularities in the conduct of the investigation.
* that there is evidence of prejudice or bias against the candidate on the part of one or more of those involved in the case.
* that the penalty imposed was disproportionate to the offence.

The Academic Registrar or nominee may request further information or evidence from the candidate. The appeal will then be referred, together with the original documentation relating to the allegation of academic misconduct, to the Dean (or nominee) of a Faculty other than the student’s own.

10. The Dean (or nominee) shall review the case and may request further information from the candidate or from the relevant Head of Department. The Dean (or nominee) may confirm, set aside or amend the decision of the relevant Head of Department and may confirm, increase or decrease any penalty imposed. In exceptional circumstances, if s/he deems it appropriate, the Dean (or nominee) may refer the case to a full meeting of the Academic Misconduct Appeals Committee. The Dean (or nominee) shall convey his/her decision in writing to the candidate within 15 working days of receipt of the complete appeal documentation from the candidate by the Secretary of the Academic Misconduct Appeals Committee. The decision of the Dean (or nominee) shall be final.

**Academic Misconduct following Submission for a Research Degree Award**

11 Any circumstances which come to light following the submission of work for a higher degree to suggest that academic misconduct has taken place shall be reported in writing immediately to the Associate Dean (Research) of the Faculty in which the candidate is registered and to the Academic Registrar. The examination process will be suspended pending an investigation

12 The Associate Dean (Research) shall thereupon investigate and decide in consultation with the Academic Registrar whether there is a prima facie case for the candidate to answer. If the Associate Dean (Research) decides there is not prima facie a case to answer, the matter shall proceed no further and the examination process shall continue. If the Associate Dean (Research) decides that there is prima facie a case to answer, the evidence shall be referred without delay to the candidate ~~to an independent panel for further assessment.~~ The candidate shall provide a written response within 14 working days. The evidence and the candidate’s response shall be forwarded to an Academic Misconduct panel for investigation.

13 The panel shall comprise:
Pro-Vice-Chancellor (Research) or ~~nominee (convenor~~) or an Associate Dean from a Faculty other than the candidate’s own ( Chair)
~~Two Professors who had no academic involvement with the candidate involved and are members of departments other than the candidate’s own, nominated by the Pro-Vice-Chancellor (Research).~~

Three members of Senate ( not being students) who have had no academic involvement with the candidate concerned and are members of departments others than the candidate’s own, nominated by the Pro Vice Chancellor for Research

One University member of the LSU Executive nominated by the Executive

The Academic Registrar shall appoint a member of the Academic Registry to act as Secretary to the panel

~~.4The panel may adopt any method of procedure which it considers appropriate to the circumstances of the case. The candidate shall be sent a statement of the alleged academic misconduct. If the candidate should wish to offer a defence to the allegation he/she shall state in writing to the Academic Registrar within 28 days of the notification of alleged misconduct the grounds~~ ~~of the defence .4~~

14 The panel shall receive the written evidence relating to the alleged misconduct and the candidate’s response. The panel shall seek written advice from the candidate’s Supervisor and Head of Department and may call upon other persons to present evidence in writing and/or in person. ~~The panel shall determine whether, in its view, there is a case to answer and shall advise the Academic Registrar in writing of its decision at the earliest opportunity.~~

The candidate shall have the right to appear in person before the panel and to be accompanied by a person of their own choosing.

The candidate shall have the right to call witnesses for examination at the meeting

Any mitigating circumstances raised in defence by a candidate will normally be considered only if supporting documentary evidence is provided

15 If the panel decides that there is not a case to answer, no further action shall be taken. ~~If the panel decides that there is a case to answer, it shall provide a written statement of the alleged academic misconduct in a form suitable for transmission to the candidate~~.

If the panel finds irregularities which it does not consider serious academic misconduct , it shall report its findings to the Examiners

If the panel finds serious academic misconduct to be proven , it shall terminate the student’s studies

**~~14.6~~** ~~The panel shall determine whether to forward the statement of the alleged academic misconduct and any written defence that may have been received to the Examiners. Unless the matter is referred to the Examiners in this way, no further action shall be taken against the candidate. If the panel refers the matter to the Examiners, the Examiners shall take account of all the written evidence in reaching their decision on the submitted work.~~

16The Examiners shall take account of all written evidence in reaching their decision on the submission**.** ~~On the occasion of the oral examination, the Examiners shall afford the candidate an opportunity to be heard on the subject of the alleged academic misconduct~~.

17 The normal range of decisions shall be available to the Examiners in accordance with paragraph 11 of these Regulations and they shall reach their decision having regard to all the circumstances~~, except that:~~

* ~~If the Examiners find significant misconduct to be proven, together with an attempt to deceive, the Examiners shall fail the candidate and recommend to the Faculty Board that the candidate’s studies be terminated.~~
* ~~If the Examiners determine minor and/or inadvertent academic misconduct the Examiners shall refer the submission and shall invite the candidate to resubmit the work when it has been appropriately revised. Only in exceptional circumstances would the Examiners’ decision be that the candidate pass without the requirement for resubmission.~~

18 Appeals

In the event of a termination of studies or a fail outcome following the examination of a thesis, the candidate may appeal through the appeal procedures applicable to research degree programmes