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# University Governance

## University Regulations

### Regulation XVIII

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#### Academic Misconduct

*(Version effective from 1 August 2018 to 28 June 2019)*

#### Scope of Regulation

1. This regulation shall apply to all introductory studies, undergraduate and modular postgraduate students. The Academic Registrar may waive any of the requirements of this regulation in the case of individual students. Any such waiver shall be reported to the next meeting of Senate.

#### Definition of Academic Misconduct

2. It is academic misconduct for any student in the course of any assessment to engage in one or more of the following activities:

- Failing to comply with the Rules for the Conduct of Written Examinations (set out in Senate Regulation VII), for example by taking prohibited materials into an Examination Hall.
- Assisting another student 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. This includes undeclared failure to contribute to group coursework assignments.
- Misleading the examiners by the fabrication or falsification of data.
- Plagiarism; namely submitting work as the student's own of which the student 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failure to acknowledge clearly and explicitly the ideas, words or work of another person whether these are published or unpublished.
- Collusion; namely submitting work as the student's own of which the student is not the sole author, or knowingly providing material for another student to submit as their own work of which the submitting student is not the sole author. (Collusion occurs when the source of the unreferenced work is another complicit student, and differs from plagiarism where the source of the unreferenced work is another person who is unaware of its use).
- Submitting work that the student has previously submitted for formal assessment at Loughborough or any other University, unless specific provision is made in the assessment brief.
- Engaging in any other activity likely to give an unfair advantage to any student.

3. A student shall certify, when submitting work for assessment, the extent to which the work is his/her own if required to do so by the department responsible for the module.

4. An offence of academic misconduct will be defined as Minor or Major depending on its seriousness. Minor Offences shall be considered by a Minor Academic Misconduct Committee (MAMC). Major Offences shall be considered by the Academic Misconduct Committee.

5. Any decision made in accordance with the regulations on academic misconduct shall not normally be overturned subsequently. In particular, any reduction of marks obtained by a student found guilty of academic misconduct shall not be subsequently reversed by a Mitigating Circumstances Panel by increasing the student's marks or substituting

alternative marks under paragraphs 12.3 and 12.4 of Regulation XVII. However, in exceptional circumstances, in accordance with paragraphs 17-20 and 36-39 below, the reduction of marks obtained by a student found guilty of academic misconduct may be reversed where the student is permitted by a Mitigating Circumstances Panel to undertake a repeat attempt of the assessment in relation to which s/he is found guilty of academic misconduct under paragraphs 12.1 or 12.2 of Regulation XVII.

## Minor Offences

### Definition and Jurisdiction

6. An incident shall be deemed to be a Minor Offence of academic misconduct if it relates to work for assessment not undertaken in an Examination Hall, and if the nature of the incident together with the circumstances of the student make appropriate a relatively limited penalty. Examples include first offences of failure to acknowledge sources in a limited amount of coursework, and limited copying of another student's work. These examples are not intended to be exhaustive. Cases should normally be referred for action under the Major Offence procedure where:

- the content in relation to which academic misconduct is suspected is equivalent to a modular weighting of more than 10 credits (in accordance with the Academic Misconduct Penalty Framework).
- the imposition of the normal penalty for the offence under consideration would result in the student being unable to achieve their primary qualification aim
- the student has previously been found guilty of any offence of academic misconduct at any time during his/her studies at Loughborough University, or is suspected of an offence in more than one assessed element of his/her programme. In cases of collusion, where one of those against whom an allegation has been made has previously been found guilty of any offence of academic misconduct, or is suspected of an offence in more than one assessed element of his/her programme, the allegations against all of the students involved in the case should be considered together under the Major Offence procedures. However, the allegations against those students with no previous offences or concurrent allegations should still be classified as Minor, and only the Minor Offence penalties referred to in paragraph 16 may be imposed on them.

7. Minor Offences shall be considered by a MAMC with the following constitution:

- A current/past Associate Dean (Teaching) or current/past Director of Studies\* who shall act as Chair
- A Programme Director
- Another member of Academic Staff approved by the School Learning and Teaching Committee who will normally have been a Programme Director
- A member of the Administrative staff appointed by the Operations Manager who shall act as Secretary

No member who has any connection with the case may serve on the MAMC or act as its Secretary

\*The Manager of the Language Centre and the Foundation Programme Leader may act in the role of Director of Studies for modules specifically related to their area of governance. Where a formal deputy AD(T) has been appointed, they may also act as chair.

### Procedure

8. In the case of assessed work, any circumstances which appear to an examiner to suggest that a student has committed an act of academic misconduct shall be reported immediately to the Chair and Secretary of the MAMC for the School responsible for the module.

9. In response to the information provided, the Secretary of the MAMC will identify the programme on which the student is registered. If a student is registered on a programme outside the School responsible for the module, the Secretary of the MAMC responsible for the module will contact the Secretary of the MAMC owning the programme to check whether the student has previously been found guilty of any offence of academic misconduct at any time during his/her studies at Loughborough University, or is suspected of an offence in another assessed element of his/her programme, and therefore whether the case should be referred for action under the Major Offence procedure in accordance with paragraph 6 above.

**10.** In response to the information provided, the Chair of MAMC will:

- Carry out an initial investigation by consulting the academic staff concerned and requesting further evidence or action e.g. passing the assessment through text-matching software.
- Classify the case as a Minor or Major Offence. The Chair of the MAMC may consult with the Academic Registrar in relation to the classification of offences, and final interpretation of the nature of an offence shall be the responsibility of the Academic Registrar.
- Where a case is classified as Major, the Chair of the MAMC will refer the case and accompanying evidence to the Academic Misconduct Committee.

**11.** Where a case is classified as Minor, the student shall be notified in writing of the alleged offence by the Secretary of the MAMC at least five working days before the date of the MAMC meeting convened to consider the case. The notification shall include the nature of the allegation, the evidence in support of the allegation, and the date and time of the meeting, together with details of the members of the MAMC. The students shall be invited to admit or deny the allegation and informed that they have the following rights:

- To submit a written defence and any other written evidence.
- To attend the MAMC meeting in person.
- To be accompanied by an individual of their own choosing.
- To call witnesses.

**12.** Any written submission from the student, together with the name and status of any accompanying individual, and of any persons to be called as witnesses must be received by the Secretary to the MAMC at least 24 hours before the time of the meeting. The secretary to the MAMC will circulate this documentation to all participants prior to the meeting.

**13.** The MAMC may require the module leader, or relevant examiner, or his/her nominee to attend the meeting of the MAMC in person.

**14.** The proceedings of the MAMC meeting shall normally take the following form:

- The evidence against the student shall be presented. Where the allegation relates to an assessment undertaken in a test venue, the invigilator who detected the incident may be required to present the evidence. In the case of other assessed work, the evidence will normally be presented by the relevant module leader, or relevant examiner, or his/her nominee.
- The student shall be allowed to respond to the allegations, including the questioning of any witnesses.
- The MAMC shall ask questions of the student, and any witnesses.
- The student shall make his/her final statement.
- Within this framework the Committee has discretion over the conduct of the proceedings.
- With the agreement of the student, the procedure may be simplified in cases where the student has admitted the allegation.
  - In cases of collusion, the allegations against all of the students involved will normally be heard together in order to ensure full disclosure to all parties of all the written and verbal evidence considered.

**15.** Having taken into account all the evidence and the defence, if any, the MAMC, advised by its Secretary, shall decide whether the student is guilty of the offence, and if so, the appropriate penalty to be imposed. In determining the penalty, the MAMC shall also take into account the extent to which the circumstances suggest the student intended to obtain an unfair advantage for him/herself or another. The student shall be notified in writing of the MAMC decision and of the penalty, if one is to be applied, within three working days of the meeting. S/he shall also be notified of the right of appeal. Where the case concerns a student registered on a programme delivered by

another School, the secretary to the MAMC shall inform the secretary to the MAMC of the programme-owning School of the decision and any penalties imposed.

### **Penalties**

**16.** Where a student is found guilty of a Minor Offence, the MAMC shall be empowered to impose one or more of the following penalties:

- The issue of a formal reprimand.
- The reduction by any amount of any or all of the marks obtained by the student in the module concerned to a minimum module mark of 1%.
- In exceptional circumstances, where a student is found guilty of a first offence of academic misconduct in relation to a module undertaken on a second attempt basis, the MAMC may permit the student to resubmit the work in which academic misconduct was found, at the next available opportunity, with the aim of achieving the minimum level of performance to allow progression (in which case the mark for the work will be capped at that minimum level).

### **Mitigating Circumstances**

**17.** Any mitigating circumstances raised by a student will normally be considered only if supporting documentary evidence is provided.

**18.** Where a student is found guilty of academic misconduct in an assessment in relation to which they have submitted a Mitigating Circumstances claim, the MAMC shall:

- Decide on the appropriate penalty to impose in accordance with paragraphs 15 and 16 above.
- Decide whether the Mitigating Circumstances claim should be permitted to be considered by the relevant Mitigating Circumstances Panel. Normally, in accordance with the principle in paragraph 5 above that decisions made in accordance with the regulations on academic misconduct shall not be overturned subsequently, the relevant MAMC's decision will be that the Mitigating Circumstances claim shall not be considered by the relevant Mitigating Circumstances Panel. However, in exceptional cases, where the Mitigating Circumstances claim contains evidence of serious mitigating circumstances, the relevant MAMC may decide that the Mitigating Circumstances claim shall be considered by the relevant Mitigating Circumstances Panel. The relevant Mitigating Circumstances Panel may then award a permitted repeat attempt in accordance with paragraph 12 of Regulation XVII. However, an increase of the student's marks or the substitution of alternative marks, overturning any reduction of marks imposed as a penalty by the MAMC shall not be awarded by the Mitigating Circumstances Panel in these circumstances.

**19.** In exceptional cases, where a student is found guilty of academic misconduct in an assessment in relation to which they have provided the Committee with evidence that they have been affected by serious mitigating circumstances, but in respect of which they have not submitted a Mitigating Circumstances claim, the MAMC shall first decide on the appropriate penalty to impose in accordance with paragraphs 15 and 16 above. The MAMC may then decide to bring these circumstances to the relevant Mitigating Circumstances Panel's attention, with a recommendation that they be considered sympathetically, and that a permitted repeat attempt be awarded in accordance with paragraph 12 of Regulation XVII. However, an increase of the student's marks or the substitution of alternative marks, overturning any reduction of marks imposed as a penalty by the MAMC shall not be awarded by the Mitigating Circumstances Panel in these circumstances.

**20.** In relation to the processes in paragraphs 18 and 19 above, the MAMC may seek further information and evidence from the student before reaching its decision.

### **Appeals**

**21.** Students found guilty of Minor Offences shall have the right of appeal against the decision of the MAMC. Appeals should be submitted in writing to the Secretary of the Academic Misconduct Appeals Committee (see paragraph 41 below) within 10 working days of the student receiving notification of the decision of the MAMC, 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 student of which the MAMC 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 student on the part of one or more of those involved in the case.
- that the penalty imposed was disproportionate to the offence.

Any new information and/or evidence submitted by a student in support of an appeal may only be accepted where s/he is able to demonstrate good cause for not disclosing this material as part of the initial consideration of the allegation(s) against them.

The Secretary of the Academic Misconduct Appeals Committee may request further information or evidence from the student. The appeal will then be referred, together with the original documentation relating to the allegation of academic misconduct, to the Chair of the Academic Misconduct Appeals Committee.

**22.** The Chair of the Academic Misconduct Appeals Committee shall review the case and may request further information from the student or from the MAMC. Where the Chair has any previous connection with the case, it shall be considered by the other appointed member of the Academic Misconduct Appeals Committee, or by one of the reserve members. The Chair may confirm, set aside or amend the decision of the MAMC and may confirm, increase or decrease any penalty imposed. In exceptional circumstances, if s/he deems it appropriate, the Chair may refer the case to a full meeting of the Academic Misconduct Appeals Committee. The Chair shall convey his/her decision in writing to the student within 15 working days of receipt of the complete appeal documentation from the student by the Secretary of the Academic Misconduct Appeals Committee. The decision of the Chair shall be final.

**23.** The Chair of the Academic Misconduct Appeals Committee shall have the same powers as the MAMC to decide, in exceptional circumstances, that Mitigating Circumstances claims submitted in relation to an assessment where academic misconduct is found should be considered by the relevant Mitigating Circumstances Panel, and/or to bring evidence of mitigating circumstances to the attention of the relevant Mitigating Circumstances Panel, in accordance with paragraphs 18 and 19 above. However, students who raise mitigating circumstances as part of an appeal to the Chair of the Academic Misconduct Appeals Committee must demonstrate that they had good cause for not bringing them to the attention of the MAMC whose decision is the subject of the appeal.

## Major Offences

### Definition and Jurisdiction

**24.** An incident shall normally be deemed to be a Major Offence of academic misconduct if it relates to an assessment undertaken in an Examination Hall, or to other assessed work where the nature of the incident together with the circumstances of the student make appropriate a substantial punishment. Examples include failure to acknowledge sources in a substantial amount of coursework, and substantial verbatim (or near verbatim) copying of another student's work. These examples are not intended to be exhaustive. In exceptional circumstances, where, for example, a very limited technical offence is committed, the Academic Registrar may re-designate an offence of academic misconduct relating to an assessment undertaken in an Examination Hall as a Minor Offence.

**25.** Major Offences shall be considered by an Academic Misconduct Committee appointed by the Senate on an annual basis with the following constitution:

- Nominee of the PVC(T), who shall act as Chair
- Two experienced members of staff who are/have been Director of Studies
- One University member of the Loughborough Students' Union Executive nominated by the Executive
- A member of the Academic Registry appointed by the Academic Registrar

Two further Associate Deans (Teaching) shall be appointed on an annual basis as reserves, to act as full members in cases where the Chair and/or other appointed member have a previous connection.

The Academic Registrar shall appoint a member of Academic Registry staff to act as Secretary to the Committee.

No individual who has any connection with the case to be heard may serve on the Academic Misconduct Committee or act as its Secretary.

## Procedure

**26.** In the case of an assessment taking place in an Examination Hall, any incident of alleged academic misconduct shall be reported immediately, with evidence, to the Academic Registrar. In the case of other assessed work, any circumstances which appear to an examiner to suggest that a student has committed any act of academic misconduct shall be reported immediately to the Chair and Secretary of the MAMC for the School responsible for the module and action shall be taken in accordance with paragraphs 9 and 10 above.

**27.** Students shall be notified in writing of alleged Major Offences by the Secretary of the Academic Misconduct Committee at least fifteen working days before the date of the Committee meeting. The notification shall include the nature of the charge, the evidence, and the date and time of the meeting of the Committee convened to consider the case together with details of the members of the Committee. Students shall be invited to admit or deny the allegation.

**28.** Students have the following rights:

- To submit a written defence and any other written evidence.
- To attend the Committee meeting in person.
- To be accompanied by an individual of their own choosing.
- To call witnesses for examination at the meeting.

**29.** The written evidence, together with the name and status of any accompanying individual, and of any persons to be called as witnesses must be received by the Secretary at least 7 working days before the date of the meeting. The full documentation shall be circulated to all participants at least 5 working days before the meeting.

**30.** The relevant DoS/AD(T) may make a written submission to the Committee and recommendations as to the outcome. The External Examiner may be consulted in the preparation of this submission. Any submission of this kind must be received by the Secretary at least 7 working days before the date of the meeting. The Committee shall consider, but will not be bound by, any such submission.

**31.** The Committee may require the relevant DoS/AD(T) or his/her nominee and the Module Leader to attend the meeting in person.

**32.** Where compliance with the timescales set out in this Regulation preclude the consideration of an allegation of academic misconduct prior to the meeting of the Programme Board responsible for deciding on the performance of a student against whom an allegation is made, the following procedure shall be followed:

- The Programme Board shall defer reaching a decision on the student, and delegate authority to the Academic Registrar to promulgate the decision at a later date, taking into account any penalty imposed by the Committee.
- Where the Academic Registrar considers it appropriate (for example, where the student's degree mark is close to a classification boundary), the Programme Board shall be formally reconvened to promulgate the decision, taking into account any penalty imposed by the Committee.

**33.** The proceedings of the meeting shall normally take the following form:

- The evidence against the student shall be presented. Where the allegation relates to an assessment undertaken in an Examination Hall, the invigilator who detected the incident may be required to present the evidence. In the case of other assessed work, the evidence will normally be presented by the relevant DoS/AD(T) or his/her nominee.
- The student shall be allowed to respond to the allegations.
- The Committee shall ask questions of the student, and any witnesses.
- The student shall ask questions of any witnesses, and make his/her final statement.
- Within this framework the Committee has discretion over the conduct of the proceedings.

- With the agreement of the student, the procedure may be simplified in cases where the student has admitted the allegation.
- In cases of collusion, the allegations against all of the students involved will normally be heard together in order to ensure full disclosure to all parties of all the written and verbal evidence considered.

**34.** Having taken into account all the evidence, and the defence, if any, the Committee, advised by its Secretary, shall decide whether the student is guilty of the offence, and if so, the appropriate penalty from those permitted under paragraph 35 below. In determining the penalty, the Committee shall also take into account the extent to which the circumstances suggest the student intended to obtain an unfair advantage for him/herself or another. The student shall be informed of the decision and the reasons for it in writing within 3 working days of the meeting. The Committee may notify the student orally in advance of the written communication at its discretion. If the Committee decides against the student, he/she shall be notified of the right of appeal under paragraph 40 below.

### **Penalties**

**35.** Where a student is found guilty of academic misconduct, the Academic Misconduct Committee shall be empowered to impose one or more of the following penalties:

- The issue of a formal reprimand.
- The reduction by any amount of any or all the marks obtained by the student in any module to a minimum module mark of 1%.
- The withdrawal of reassessment rights in any module in the current part of the student's programme.
- To set a cap on any mark achieved by the student on reassessment in any module in the current part of the student's programme.
- The immediate termination of the student's studies.
- In exceptional circumstances, where a student is found guilty of a first offence of academic misconduct in relation to a module undertaken on a second attempt basis, the Committee may permit the student to resubmit the work in which academic misconduct was found, at the next available opportunity, with the aim of achieving the minimum level of performance to allow progression (in which case the mark for the work will be capped at that minimum level).

### **Mitigating Circumstances**

**36.** Any mitigating circumstances raised by a student will normally be considered only if supporting documentary evidence is provided.

**37.** Where a student is found guilty of academic misconduct in an assessment in relation to which they have submitted a Mitigating Circumstances claim, the Committee shall:

- Decide on the appropriate penalty to impose in accordance with paragraphs 34 and 35 above.
- Decide whether the Mitigating Circumstances claim should be permitted to be considered by the relevant Mitigating Circumstances Panel. Normally, in accordance with the principle in paragraph 5 above that decisions made in accordance with the regulations on academic misconduct shall not be overturned subsequently, the Committee's decision will be that the Mitigating Circumstances claim shall not be considered by the relevant Mitigating Circumstances Panel. However, in exceptional cases, where the Mitigating Circumstances claim contains evidence of serious mitigating circumstances, the Committee may decide that the Mitigating Circumstances claim shall be considered by the relevant Mitigating Circumstances Panel. The relevant Mitigating Circumstances Panel may then award a permitted repeat attempt in accordance with paragraph 12 of Regulation XVII. However, an increase of the student's marks or the substitution of alternative marks, overturning any reduction of marks imposed as a penalty by the Committee shall not be awarded by the Mitigating Circumstances Panel in these circumstances.

**38.** In exceptional cases, where a student is found guilty of academic misconduct in an assessment in relation to which they have provided the Committee with evidence that they have been affected by serious mitigating

circumstances, but in respect of which they have not submitted a Mitigating Circumstances claim, the Committee shall first decide on the appropriate penalty to impose in accordance with paragraphs 34 and 35 above. The Committee may then decide to bring these circumstances to the relevant Mitigating Circumstances Panel's attention, with a recommendation that they be considered sympathetically, and that a permitted repeat attempt be awarded in accordance with paragraph 12 of Regulation XVII. However, an increase of the student's marks or the substitution of alternative marks, overturning any reduction of marks imposed as a penalty by the Committee shall not be awarded by the Mitigating Circumstances Panel in these circumstances.

**39.** In relation to the processes in paragraphs 37 and 38 above, the Committee may seek further information and evidence from the student or from the relevant DoS/AD(T) before reaching its decision. The student shall be provided with the opportunity to see and comment on any further submissions from the relevant DoS/AD(T) before the Committee reaches its decision.

## **Appeals**

**40.** Students found guilty of Major Offences shall have the right of appeal to the Academic Misconduct Appeals Committee against the decisions of, and / or penalties imposed by the Academic Misconduct Committee. Appeals should be submitted in writing to the Secretary of the Academic Misconduct Appeals Committee (see paragraph 41 below) within 10 working days of the student receiving notification of the decision of the Academic Misconduct Committee, and should set out the grounds for, and nature of the appeal together with any evidence. Possible grounds for appeal include those listed in paragraph 21 above. Any new information and/or evidence submitted by a student in support of an appeal may only be accepted where s/he is able to demonstrate good cause for not disclosing this material as part of the initial consideration of the allegation(s) against them.

**41.** The Academic Misconduct Appeals Committee shall be appointed by the Senate on an annual basis with the following constitution:

- One Associate Dean (Teaching) who shall act as Chair.
- One experienced member of staff who is/has been Director of Studies
- One University member of the Loughborough Students' Union Executive nominated by the Executive.

Two further experienced members of staff who are/have been Director of Studies shall be appointed on an annual basis as reserves, to act as full members in cases where the Chair and/or other appointed member have a previous connection.

The Academic Registrar shall appoint a member of Academic Registry staff to act as Secretary to the Appeals Committee.

No individual who has any previous connection with the case to be heard may serve on the Academic Misconduct Appeals Committee or act as its Secretary.

**42.** The Academic Misconduct Appeals Committee shall decide upon a procedure for the meeting that is appropriate to the nature and grounds of the appeal being considered.

**43.** Having reviewed the case, the Academic Misconduct Appeals Committee shall reach a decision on the appeal. The Appeals Committee may confirm, set aside or amend the decision of the Academic Misconduct Committee and may confirm, increase or decrease any penalty imposed. The appellant shall be informed of the decision and the reasons for it in writing within 3 working days of the meeting. The Committee may notify the student orally in advance of the written communication at its discretion. The decision of the Appeals Committee shall be final.

**44.** The Academic Misconduct Appeals Committee shall have the same powers as the Academic Misconduct Committee to decide, in exceptional circumstances, that Mitigating Circumstances claims submitted in relation to an assessment where academic misconduct is found should be considered by the relevant Mitigating Circumstances Panel, and/or to bring evidence of mitigating circumstances to the attention of the relevant Mitigating Circumstances Panel, in accordance with paragraphs 37 and 38 above. However, students who raise mitigating circumstances as part of an appeal to the Academic Misconduct Appeals Committee must demonstrate that they had good cause for not bringing them to the attention of the Academic Misconduct Committee whose decision is the subject of the appeal.



## Monitoring and Review

### 45. MAMC secretaries shall:

- Keep records of academic misconduct allegations and outcomes relating to students on their programmes, including those arising in modules delivered by other Schools, and including all Minor Offence appeals, and forward to Academic Registry for annual reporting purposes.
- Communicate with MAMC secretaries in other Schools in relation to cases where academic misconduct is alleged in modules delivered as part of Programmes owned by other Schools.

46. An annual report to the Learning and Teaching Committee on all incidents of academic misconduct and the outcomes thereof will be prepared by a member of Academic Registry staff nominated by the Academic Registrar.

## Whistleblowing

47. The University recognises that as part of their normal activities as a student, a student may become aware of circumstances which appear to indicate that another student has committed an act of academic misconduct (e.g. they may witness another student failing to comply with the Rules for the Conduct of Written Examinations, or they may be alerted to circumstances which appear to indicate that another student has committed an act of plagiarism or collusion in relation to coursework). Students are encouraged to report such circumstances, at the earliest opportunity, to the relevant DoS/AD(T), and providing this reporting is done in good faith, the University will view it positively and will seek to maintain the reporting student's anonymity wherever possible and protect them from victimisation.

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