Regulation XVIII - Academic Misconduct

(Version effective from 2 October 2006 to 28 September 2008)

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 candidate 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 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. 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 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failure to acknowledge clearly and explicitly the ideas, words or work of another person whether these are published or unpublished.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.

3. A candidate 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 the Head of Department offering the module (the relevant Head of Department). Major Offences shall be considered by the Academic Misconduct Committee. Final interpretation of the nature of an offence under the definitions below shall be the responsibility of the Academic Registrar.

5. Any decision made in accordance with the regulations on academic misconduct shall not be overturned subsequently by a Programme Board under any circumstances

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 candidate 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.

7. A candidate suspected of committing a Minor Offence will automatically be referred for action under the Major Offence procedure if s/he 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.

8. The relevant Head of the Department is empowered to consider charges of Minor Offences against candidates and to levy penalties as specified in paragraph 14 below.

Procedure

9. Any circumstances which appear to an examiner to suggest that a candidate has committed any act of academic misconduct shall be reported immediately to the relevant Head of Department.

10. The relevant Head of Department shall decide whether any action shall be taken and if so whether that should be under the procedures for Minor Offences. If the relevant Head of Department considers the incident to constitute a Major Offence, s/he shall consult the Academic Registrar.

11. The Academic Registrar shall either refer the case for action under the Major Offences procedure set out in paragraphs 17 to 32 below or advise the relevant Head of Department to consider the case under the Minor Offences procedure.

12. Candidates shall be notified in writing of alleged Minor Offences 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.

13. 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 under paragraph 14 below. In determining the penalty, the relevant Head of Department shall also 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 under paragraph 15 below.

Penalties

14. Where a candidate is found guilty of a Minor Offence, the relevant Head of Department 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 candidate in the module concerned.

Appeals

15. Candidates found guilty of Minor Offences shall have the right of appeal against the decision of the relevant Head of Department. Appeals should be submitted in writing to the Secretary of the Academic Misconduct Appeals Committee (see paragraph 30 below) 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 Secretary of the Academic Misconduct Appeals Committee 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 of a Faculty other than the student's own.

16. The Dean shall review the case and may request further information from the candidate or from the relevant Head of Department. The Dean may confirm, set aside or amend the decision and penalty which are the subject of the appeal. In exceptional circumstances, if s/he deems it appropriate, the Dean may refer the case to a full meeting of the Academic Misconduct Appeals Committee. The Dean 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 shall be final.

Major Offences

Definition and Jurisdiction

17. 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 candidate 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.

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

- Three academic members of the Senate or the Learning and Teaching Committee, including one Associate Dean (Teaching), who shall act as Chair.

- One University member of the Loughborough Students' Union Executive nominated by the Executive.

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

19. 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 candidate has committed any act of academic

misconduct shall be reported immediately to the relevant Head of Department and action shall be taken in accordance with paragraphs 9 and 10 above.

20. Candidates 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. Candidates shall be invited to admit or deny the allegation.

21. Candidates 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.

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

22. 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.

23. The relevant Head of Department 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.

24. The Committee may require the relevant Head of Department or his/her nominee and the internal examiner to attend the meeting in person.

25. 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 candidate against whom an allegation is made, the following procedure shall be followed:

- The Programme Board shall defer reaching a decision on the candidate, 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 candidate'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.

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

- The evidence against the candidate 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 Head of Department or his/her nominee.

- The candidate shall be allowed to respond to the allegations.

- The Committee shall ask questions of the candidate, and any witnesses.

- The candidate 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 candidate, the procedure may be simplified in cases where the candidate has admitted the allegation.

27. Having taken into account all the evidence, and the defence, if any, the Committee alone, advised by its Secretary, shall decide whether the candidate is guilty of the offence, and if so, the appropriate penalty from those permitted under paragraph 28 below. In determining the penalty, the Committee shall also 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 informed of the decision and the reasons for it in writing within 3 working days of the meeting. The Committee may notify the candidate orally in advance of the written communication at its discretion. If the Committee decides against the candidate, he/she shall be notified of the right of appeal under paragraph 29 below.

Penalties

28. Where a candidate 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 candidate in any module in the current part of the candidate's programme.

- The withdrawal of reassessment rights in any module in the current part of the candidate's programme.
- To set a cap on any mark achieved by the candidate on reassessment in any module in the current part of the candidate's programme.
- The immediate termination of the candidate's studies.

Appeals

29. Candidates 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 30 below) within 10 working days of the candidate 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 15 above.

30. The constitution of an Academic Misconduct Appeals Committee shall be:

- Three academic members of Senate one of whom shall act as Chair
- One University member of the Loughborough Students' Union Executive nominated by the Executive.

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.

31. 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.

32. 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 and penalty which are the subject of the appeal. 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 candidate orally in advance of the written communication at its discretion. The decision of the Appeals Committee shall be final.

Monitoring and Review

33. The relevant Head of Department shall inform the Academic Registrar immediately of any alleged Minor Offences of academic misconduct under investigation and the Academic Registrar shall be responsible for identifying concurrent allegations relating to one candidate. A record of all incidents of academic misconduct that are upheld and any penalties shall be kept on the candidate's central University record. All documentation arising from incidents, including appeals, shall be forwarded to the Academic Registrar who shall ensure that the department responsible for the student is informed if the incident of academic misconduct does not relate to a module(s) offered by that department.

34. 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.

(Remade June 2006)