



## Quality Assurance Code of Practice

### Examination and Assessment Offences

This document is primarily intended for:

All Academic Staff involved in teaching, tutoring, or supervision

Assistant Registrars in the Faculty/School or equivalents

Staff involved in Boards of Inquiry or Departmental Hearing Panels.

Students and Students' Union staff

**Queries:**

**First point of contact –**

Assistant Registrars in the Faculties/School or equivalents

*Technical/specialist: contact: Academic Registry*

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## 1 Purpose and Scope

- 1.1 This QA statement sets out the principles of academic integrity as they relate to examination and assessment offences and applies to all programmes of study leading to a credit-bearing award of the University of Bath, wherever delivered.
- 1.2 This QA statement should be read in conjunction with:
  - University [Ordinances](#) and [Regulations, including Regulation 7.](#)
  - University [Rule 2: Conduct of Examinations](#)
  - [QA28 Conduct of Examinations](#)
  - [University Academic Integrity Statement for Remote Assessments](#)

And may need to be read in conjunction with:

- [QA7 Research Degrees](#)
- [QA16 Assessment, Marking and Feedback](#)
- University [Fitness to Practise](#) Policy.

- 1.3 This QA statement covers all and any form of academic misconduct. Academic misconduct is defined in the Regulations as **“the use of unfair means in any examination or assessment procedure”** of which the following are examples:

Examples given in regulation 7.5(e)	Further, non-exhaustive, examples or explanations to aid interpretation.
<p><b>Cheating</b> e.g. unauthorised reference to notes or course material in an examination.</p>	<p>Students are required to read, understand and follow exam rubrics (exam instruction sheets) and rules which set out the University’s expectations on them, including <a href="#">Rule 2: Conduct of Examinations</a> and the <a href="#">University Academic Integrity Statement for Remote Assessments</a></p> <p>Not abiding by these expectations will, by default, be investigated as a possible assessment offence and almost always a severe offence (see appendix 1).</p> <p>Examples of cheating in an examination:</p> <ul style="list-style-type: none"> <li>• Any unauthorised communication during the assessment submission window.</li> <li>• Obtaining an examination paper in advance of the examination.</li> <li>• Impersonation of an examination candidate.</li> <li>• Having or using any unauthorised material or device.</li> </ul>
<p><b>Fabrication</b> e.g. reporting on experiments never performed.</p>	<p>Reporting on research never performed or data never collected.</p>
<p><b>Falsification</b> e.g. misrepresentation of the results of experimentation.</p>	
<p><b>Plagiarism</b> e.g. taking the writings or ideas of another and representing them as one’s own.</p>	<p>Direct quotation or paraphrase without appropriate acknowledgement including collusion</p> <p>Examples of plagiarism:</p> <ul style="list-style-type: none"> <li>• Representation of work produced in collaboration with another person or persons as the work of a single candidate. In such cases <u>all</u> involved are guilty of misconduct.</li> <li>• Representation of work produced by another person or organisation, for example an essay from an essay mill/service, as the work of the candidate.</li> <li>• Use of others’ ideas without acknowledging the source,.</li> <li>• Copying large portions of text from another source and linking them together with minimal text of one’s own.</li> </ul>
<p><b>Duplication of one’s own work</b> i.e. submitting as if for the first time and without acknowledgement, content which has previously been assessed.</p>	<p>Where a student submits almost exactly the same piece of work for two different assessments, so that double credit would be gained and counted for the same work, whether submitted at Bath or elsewhere for any other academic award.</p> <p>Note: A student who is repeating a full year as if for the first time must repeat all practical classes and submit new reports accordingly.</p>

<b>Examples given in regulation 7.5(e)</b>	<b>Further, non-exhaustive, examples or explanations to aid interpretation.</b>
	For more advanced students, where any published authors fail to cite themselves when using excerpts from their old work in a new and original work.

## 2 Principles and Overview

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- 2.1 The University expects all its students to commit to, and maintain, high standards of academic honesty and integrity, respecting the work and originality of others in the course of all their work.
- 2.2 The University needs to ensure that every student's attention is clearly drawn from the outset, and wherever applicable throughout their programme of study, to the nature of plagiarism, collusion and other offences, the consequences of detection and the penalties that will follow.
- 2.3 The process outlined in this statement is intended to ensure consistency and fairness in the detection and handling of alleged misconduct, proportionate to the particular facts in each case.

## 3 Roles and Responsibilities

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- 3.1 **All staff** engaged in teaching, tutoring or supervision of students are responsible, where appropriate, for supporting students so that they are:
- routinely referred to sources of support, training and guidance, for the avoidance of offences and for their development of good academic practice;
  - aware that staff will take action to detect plagiarism and other offences and that if proven, the penalties can be serious.
- 3.2 Staff are responsible for making themselves aware of recognised strategies for the assessment of students' work which will make plagiarism or copying difficult including giving clear guidance to students on acceptable practice when writing up after group work, and for engaging in the sharing of good practice.
- 3.3 **Students** have a responsibility, bearing in mind the principles outlined above, to:
- maintain their understanding of the meaning of, and rules defining, plagiarism and other assessment and examination offences and their consequences, throughout their programme of study
  - review every submission for assessment for errors in the referencing or citing others' work
  - and will be required to make a declaration when they submit a piece of assessed coursework in either hard or electronic copy, that the work is their own.
- 3.4 **Heads of Department/appropriate Director of Teaching (School)/or the HE Coordinator at partner organisations** are responsible for
- overseeing the processes for investigation of alleged examination and assessment offences including those relating to research degrees. A standing delegate may be nominated to perform this role with the approval of the Dean/Head of Learning Partnerships. In the case of the School of Management, the Associate Dean (Research) or the appropriate Director of Teaching normally will undertake responsibilities assigned to Head of School to assure appropriate independence and separation of powers;

- ensuring that teaching staff are aware of opportunities for developing their learning and teaching strategies to combat plagiarism and other offences;
- ensuring that one or more sampling policies covering all programmes are in place (approved by faculty-level Learning Teaching and Quality Committees and reviewed periodically by the Department/School Learning Teaching and Quality Committees) and details are disseminated fully to all staff involved in assessment activities.

3.5 **Directors of Studies** are normally responsible for investigating and coordinating processes for handling offences, working with Heads of Department/appropriate Director of Teaching (School)/Learning Partnerships and Assistant Registrars in the Faculty/School or equivalents. For collaborative provision delivered by partner organisations, Programme Leaders normally will take on the Director of Studies' responsibility, working with each partner's HE Coordinator.

3.6 The following principal bodies are involved:

- **Boards of Studies** are responsible for the setting up of a Board of Inquiry to examine the facts in each case of an alleged serious offence and receive the report of the Board of Inquiry. Chairs of Boards of Study are responsible for considering appeals from students. All references to the 'Board of Studies' means the Board of Studies of the Faculty or School in which the student is registered. In the case of research programmes, including taught elements, it means the Board of Studies (Doctoral).
- **Boards of Inquiry** are responsible for inquiring into the case presented by the student and their supporter/s in person, reviewing and deciding the penalties (if any) or recommendations to a Disciplinary Committee, and informing the student promptly of the outcomes.
- **Faculty/School Learning, Teaching and Quality Committees** are responsible for undertaking an annual review of offences, including an assessment of the level of consistency in the determination of level of offence and degree of penalty awarded, and for notifying the University Learning, Teaching & Quality Committee of matters of broader institutional concern.
- **The University Learning, Teaching & Quality Committee** is responsible for reviewing offences as reported annually, for matters of institutional concern and for identifying further work required to enhance support to students and staff.

3.7 The following staff are responsible for providing professional advice as part of the process:

- **Assistant Registrars in the Faculty/School** (or equivalent) are responsible for supporting the setting up of Boards of Inquiry, the associated documentation of the Hearing, and the maintenance of records of all offences alleged or adjudged proven, and the provision of periodic reports.
- **Academic Registry**. The Director of Academic Registry should be consulted in relation to very serious offences to be dealt with under the Disciplinary Procedures (in Regulations), or on the interpretation of or disputes over what constitutes an offence. Academic Registry should be consulted in relation to the general interpretation of this QA statement, or in its relationship to offences arising out of [QA28](#) Conduct of Examinations or Rule 2; Conduct of Examinations.
- **The Centre for Learning & Teaching (CLT)** can offer advice on good practice in supporting the development and communication of the various sources of advice and guidance to students, and information to staff for the avoidance, deterrence and detection of offences. They can provide advice regarding the use of plagiarism detection services and online assessment platforms.

## 4 Support and Advice for Students and Staff

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- 4.1 All students will receive advice and guidance on plagiarism and other assessment offences in programme handbooks and through information on the university website and resources.
- 4.2 Guidance for staff in developing learning and teaching strategies for deterring or minimising opportunities for plagiarism and other offences in assessed work will be provided by the CLT.

## 5 The Mandatory Skills Training and Test

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- 5.1 All students entering the University of Bath for the first time, including doctoral students, are required to undertake an academic integrity training session and satisfactorily complete a test of understanding within a defined initial period. It is expected that all students will undertake the training and complete the test within a short time after entry. This is intended to provide every student with a common minimum baseline of skills and knowledge of good educational and academic practice at an early stage, and thus assist them in preparing assignments while avoiding inadvertent assessment offences, particularly plagiarism.
- 5.2 The defined initial period starts with first registration upon entry and ends at the first progression point encountered thereafter.
- 5.3 Students who fail to complete the test satisfactorily by their next progression point will not be permitted to progress to the next stage of their programme of study.
- 5.4 It will normally be for Directors of Studies to determine the appropriate form of skills session and the appropriate test required for students on each stage of each programme. However, others may be involved e.g., Senior Tutors.
- 5.5 The University provides a baseline resource of an online tutorial for this purpose with a generic test as a default resource available to each Department/School/the LPO through the VLE (Moodle). Alternative or additional tests using subject-specific material or case studies, e.g., demonstrating poor academic practice and the penalties that can result, may be set by Directors of Studies.
- 5.6 Directors of Studies who opt to use an alternative form of mandatory test from the default University/Departmental version for their programmes or cohorts, must submit their test(s) for peer review and approval by the Department/School Learning Teaching and Quality Committee for the assurance of adequacy compared to the default version. The approval of an alternative test will be reported to the Faculty Learning Teaching and Quality Committees to inform them as part of the process of annual monitoring of offences.
- 5.7 Directors of Studies are responsible for ensuring that the date and results of a mandatory test that they have selected as an alternative are recorded on each student's record in SAMIS as soon as possible after a pass has been achieved, in order that updated information is available to all assessors.
- 5.8 **Claims of inadvertence or ignorance will not be accepted as a basis for mitigation of a penalty.**

**Good Practice**

- 1 Students are directed as a cohort to complete the skills training activity and attempt the test as early as possible after entry, preferably before the first major assignment for assessment.
- 2 In one programme, to raise awareness, students complete an early formative assignment which is put through a plagiarism detection service. The results are fully discussed with the cohort and with individuals as necessary. Students are warned that each of them will have at least one other assignment checked in this way during the rest of the year, but they will not be told which or when. Potential penalties are discussed. It would be appropriate for students to complete the academic integrity test as a cohort after the formative assessment and awareness-raising discussion, to reinforce the learning from the exercise.

## 6 Procedures for Handling Alleged Offences: taught programmes and the taught elements of research programmes

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(See Section 7 for procedures for non-taught elements of research programmes)

### Degree of Proof required

- 6.1 Regulation 8.11 states that those staff charged with determining issues under these procedures should be satisfied on reasonable grounds on the evidence before them. Proof does not have to be 'beyond reasonable doubt'.

### Timing of Procedures in relation to Boards of Examiners' meetings:

- 6.2 Where an allegation of an offence is under consideration and has not been resolved when a Board of Examiners for Programmes or Board of Studies meets to consider the result(s) of that student, the Board shall not consider the student's results until the allegation has been resolved. When the allegation has been resolved, the Chair of the Board, in consultation with the appropriate External Examiner(s), Director of Studies and Head of Department/appropriate Director of Teaching (School)/ Learning Partnerships, will determine how to proceed.

### Process

- 6.3 If a member of staff suspects that an examination or assessment offence has been committed in connection with an item of assessment as defined in paragraph 1.3 they shall immediately inform the Unit Convenor and the Director of Studies responsible for the programme for which the student is registered.
- 6.4 The Director of Studies shall notify the Head of Department/appropriate Director of Teaching (School)/Learning Partnerships and arrange an investigation to determine whether an offence has occurred, collating evidence of the extent of the offence where appropriate. The evidence may include the outcome of a face to face (IT enhanced where necessary) oral presentation of learning by a student, similar to, but inapplicable as, an examination viva voce (see appendix 4 for more information). As part of the investigation, the Director of Studies shall also write to a student with a clear statement of the allegation and shall give them the opportunity to respond to it within fourteen calendar days. The Director of Studies will discuss the matter with a student.
- 6.5 Where the Director of Studies concludes from the investigation that there is no case to answer, they will notify the student in writing that the case is closed, copying the letter to

the Head of Department/appropriate Director of Teaching (School)/Learning Partnerships Office and the Assistant Registrar (Faculty/School).

- 6.6 Where the investigation reveals *prima facie* evidence of an offence the Director of Studies after consultation with the Unit Convenor (where appropriate) and with the Head of Department/appropriate Director of Teaching (School)/Learning Partnerships will review the circumstances and consider the apparent severity of the case. Guidance on these issues is available in Appendix 1.
- 6.7 The Head of Department/appropriate Director of Teaching (School), in consultation with the Director of Studies will act according to one of the following:
- a) For Minor/Technical Offences or “Moderate” Academic Misconduct as typified in Appendix 1, Groups 1 and 2, deal directly with the case as indicated in paragraph 6.8-6.10, **or**
  - b) For any case where the offence is deemed more serious either initially or after further investigation, refer the case to the Chair of the Board of Studies for consideration by a Board of Inquiry.

#### **Departmental level process; Minor/Technical or Moderate cases**

- 6.8 Where the investigation reveals *prima facie* evidence of “Minor/Technical” or “Moderate” Academic Misconduct, the Head of Department/appropriate Director of Teaching (School)/Learning Partnerships, after consultation with the Director of Studies, will complete the investigation in order to determine the outcome of the case, drawing on all the evidence made available. For suspected assessment offences involving more than one student please also refer to Appendix 3 for further procedural clarifications.
- 6.9 Where a case is proven the Head of Department/appropriate Director of Teaching (School), in consultation with the Director of Studies (and where appropriate, with other colleagues within or external to the Faculty/School/ Learning Partnerships for reasons of consistency), will select one or more penalties as given in Appendix 2 (Group 1 or Group 2 penalties). The Head of Department/appropriate Director of Teaching (School)/Learning Partnerships shall report the decision to the Board of Examiners for Programmes.
- 6.10 The Head of Department/appropriate Director of Teaching (School)/Learning Partnerships shall communicate the outcome in writing and where appropriate include details of the review procedure open to a student. Where there is evidence that an offence has been committed the outcome will be recorded in the student’s file and be notified to the Chair of the Board of Studies.
- 6.11 A student may apply to the Chair of the Board of Studies (or where this would not render an independent judgement, another academic member of the Board of Studies) for a review of the decision. This request must be submitted within fourteen calendar days of receipt of the written notification of the outcome of the investigation. The criteria for appeal are as follows:
1. that the proceedings of the investigation were not carried out in accordance with the procedures
  2. that fresh evidence can be presented which was not or could not reasonably have been made available to the investigation
  3. that the finding of the investigation was against the weight of the evidence.
- 6.12 In considering a request for a review, the Chair of the Board of Studies may take one of three decisions:
- a. decide there is no *prime facie* case for holding a review
  - b. decide there is a *prime facie* case and take executive action
  - c. decide there is a *prime facie* case and arrange for a Board of Inquiry to be convened in accordance with paragraphs 8 (1) – (11) of this document.

- 6.13 The outcome of the Chair of the Board of Studies deliberations will be communicated in writing within seven calendar days.
- 6.14 The student will have no further right of internal appeal, and a letter of completion of internal procedures shall be issued by the Chair of the Board of Studies.

## **7 Procedures for Research Programmes, excluding offences alleged to have occurred in the assessment of taught elements of research programmes, which will be considered under the arrangements for taught programmes (see Section 6).**

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- 7.1 The procedure for dealing with alleged offences committed in the course of research for a research award requires a process of investigation which may, if a *prima facie* case exists, result in a Board of Inquiry Hearing and may be followed by a Disciplinary Committee under University Regulations. Supervisors have a responsibility to draw the attention of all new candidates to the Regulation and the penalties attached to a breach of them. The Supervisor should offer guidance if the student is in any doubt as to what constitutes misconduct.
- 7.2 In relation to formative or draft work submitted to a supervisor by a research student, where:
- a) the student can reasonably be expected to understand the assessment offences as set out under Regulation 7.5 (e), AND
  - b) the supervisor suspects a breach of Regulation 7.5 (e) would have occurred had the work been submitted for formal assessment, the supervisor will contact the Director of Studies,
- the Director of Studies will investigate the matter and interview the student. If the suspicion is confirmed, the Director of Studies will, after consulting the supervisory team, issue a formal written warning to the student. A copy of the warning will be placed on the student's file.
- 7.3 Where a suspicion arises that an assessment offence has been committed by a student in work to be assessed in connection with an application for confirmation of registration for PhD or transfer from MPhil/PhD to PhD, the procedure will be as follows:
- 1) The Head of Department/Associate Dean (School of Management) shall notify the Chair of the Board of Studies (Doctoral) and arrange an investigation. As part of this, the Head of Department/Associate Dean (School) shall write to the student including a written statement of the allegation and shall give the student the opportunity to respond to it within fourteen calendar days. The student may wish to consult with an adviser, e.g. the Students' Union, before responding. The Head of Department/Associate Dean (School) may also wish to discuss the matter with the student, the research supervisor and Director of Studies. Where the Head of Department/Associate Dean (School) concludes there is no case to answer they will notify the student in writing, copying the letter to the Chair of the Board of Studies (Doctoral), that the case is closed.
  - 2) If there is evidence of an offence, the Head of Department/Associate Dean (School) shall take action in the form of a warning or requirement to resubmit, after consultation with the Chair of the Board of Studies (Doctoral). The Head of Department/Associate Dean (School) shall communicate the action taken to the student in writing and shall include details of the review procedures open to the student. The action taken shall be recorded in the student's file and the Director of Academic Registry will be notified. A second or subsequent breach in work submitted for assessment in connection with confirmation of registration for PhD or transfer to PhD will normally result in a reversion

to MPhil-only registration with no right of referral or re-submission at a later date for transfer to PhD.

- 3) The student may apply to the Director of Academic Registry for a review of the decision of the Head of Department/School. This request must be submitted within fourteen calendar days of receipt of the written notification of the outcome of the investigation. The criteria for appeal are as follows:
- that the proceedings of the investigation were not carried out in accordance with the procedures
  - that fresh evidence can be presented which was not or could not reasonably have been made available to the investigation
  - that the finding of the investigation was against the weight of the evidence.

The Director of Academic Registry shall determine whether a Board of Inquiry Hearing shall be convened in accordance with the procedures set out in paragraph 8 of this document. The student shall be notified of the decision of the Director of Academic Registry within twenty-eight calendar days of receipt of the request for a review.

- 7.4 If the suspected offence is discovered by Examiners during the preliminary assessment of the thesis or portfolio submitted for the award, the *viva voce* examination will be postponed pending the outcome of an investigation which should follow the procedures set out at paragraphs 7.7 – 7.8 and 9.1 - 9.5 below.
- 7.5 If the discovery of a suspected offence is made by Examiners during the *viva voce* examination of the thesis or portfolio submitted for the award the Examiners should continue with the examination and make recommendations on the award as if no offence was suspected. Following the *viva* investigations should be undertaken following the procedure as set out at paragraphs 7.7 – 7.8 and 9.1 – 9.4 below. The Examiners' recommendations will be carried forward to the Board of Studies (Doctoral) if no offence is subsequently proven.
- 7.6 If the discovery of a suspected offence is made after the *viva voce* examination but before the Examiners' recommendation has been ratified by the Board of Studies (Doctoral) the investigation should follow the procedures set out at paragraphs 7.7 – 7.8 below.
- 7.7 The allegation shall be referred via the Director of Student Services to the Secretary to Senate.
- 7.8 In order for the Secretary to Senate to determine under Regulation 8.1 (b) (i) whether there is a *prima facie* case for disciplinary action, they will ask the Chair of the Board of Studies (Doctoral) to set up a Board of Inquiry to investigate the allegation. The Board of Inquiry will be held in accordance with the procedure outlined in paragraph 8 (5) - (12) below but the Board will not make or enact a decision other than to report to the Secretary to Senate with recommendations.'

## 8 Board of Inquiry Process

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- 8.1 Where the investigation reveals evidence of an examination or assessment offence that is more serious, the Head of Department/appropriate Director of Teaching (School)/Learning Partnerships shall refer the matter to the Chair of the Board of Studies who will set up a Board of Inquiry Hearing and notify the Director of Academic Registry. For suspected assessment offences involving more than one student please also refer to Appendix 3 for further procedural clarifications.

- 8.2 Normally a second or subsequent offence should be referred to the Chair of the Board of Studies and will be subject to a Board of Inquiry Hearing. A second or subsequent offence is defined as one which has been committed after a student has received a penalty or warning following a previous offence committed in relation to an assessment on the same or another University of Bath programme of study.
- 8.3 The Board of Inquiry has delegated power to make final decisions unless otherwise indicated in the table at Appendix 2 and act on behalf of the Board of Studies. The membership of the Board of Inquiry will normally include:
- the Dean of Faculty/School or the Pro-Vice-Chancellor (International & Doctoral) or the Head of Learning Partnerships (Chair)
  - two nominated members of the Board of Studies
  - two members of academic staff drawn from a panel appointed by and from the Faculty or School or partner college for this purpose
  - In the case of the School of Management or partner colleges, the Inquiry Sub-Committee should co-opt at least three members external to the School or partner college drawn from those eligible to act as members of Boards of Inquiry in the Faculties, or the School of Management.
- 8.4 All members of the Board of Inquiry will have equal voting rights. No member, except where necessary, the Chair, should have had a previous involvement in the case. The Board of Inquiry will, as appropriate, invite witnesses to give evidence. These witnesses will not have voting rights.
- 8.5 Unless all parties agree otherwise, a student should receive at least seven calendar days' written notice of the Board of Inquiry Hearing and should be informed of their right to provide a written submission or to attend the Board of Inquiry and to be accompanied by, or represented by, a friend or adviser (for example, a representative from the Students' Union). A student must inform the Chair not less than three calendar days before the Hearing of their intention to be accompanied or represented by a friend or adviser, and include contact details for the friend or adviser. Any written submission from a student should be received by the Chair of the Board a minimum of three calendar days in advance of the meeting. The Board of Inquiry will give a student or their representative the opportunity to be heard in person before reaching any decision concerning the offence. If a student or their representative fails to attend the Board of Inquiry, having had notice of the time and place, the Board of Inquiry may base its review on any written submission by the student and other records of the University concerning that student during their attendance at the University.
- 8.6 A student will be provided with any written evidence presented by witnesses seven calendar days before the hearing. A student (and any friend or adviser) has the right to be present throughout the hearing until asked to withdraw while the Board of Inquiry discusses the case. A student may ask questions of the Board of Inquiry.
- 8.7 The Chair, in consultation with members of the Board of Inquiry will have discretion to decide at what point any witnesses will be invited to attend the Board of Inquiry and at what point they will be asked to withdraw.
- 8.8 The Chair of the Board of Inquiry shall advise students on procedural matters. A student (and any friend or adviser) and any witnesses shall be invited to present written and oral evidence. A student (and any friend or adviser) and any witnesses shall be given an opportunity to ask questions of, and respond to questions from the Board of Inquiry. A student (together with any friend or adviser) and the witnesses will withdraw while the Board of Inquiry discusses the case.

- 8.9 In accordance with the provisions of Statute 28, no papers, minutes or other records which relate to reserved areas of business shall at any time be made available to a student, except insofar as the papers, minutes or other records constitute a student's personal data. Reserved areas of business include those concerning decisions on the academic assessment of students. In case of doubt, the Chair of the Board of Studies shall decide whether a matter falls into a reserved area of business or not, and the Chair's decision shall be final. Guidance on the disclosure of papers by the Board of Inquiry is available on the University's [Data Protection website](#). Further advice is also available from the University's Legal Adviser.
- 8.10 The formal record of the Board of Inquiry should include a summary of the arguments put forward by all parties, a summary of the Board of Inquiry's discussion including any counter arguments, a record of the findings and decisions, including (where appropriate) any recommendations for further action.
- 8.11 Except in the case of a research student (see paragraph 7.8) where the Board of Inquiry finds evidence of an offence having been committed, it will,
- make a decision to impose any penalty or penalties as indicated in Groups 2 or 3 of Appendix 2;
- or**
- recommend that a hearing of the Disciplinary Committee be convened and provide an indication of appropriate penalties;
- or**, in relation to the *relevant* programme:
- recommend that the procedures under the Fitness to Practise policy be invoked (a student may not be subjected to both a Disciplinary Committee hearing and a Fitness to Practise Panel hearing).

The Board of Inquiry will report the outcomes briefly to the Board of Studies and the Secretary to Senate will be informed of any recommendation to proceed to a Disciplinary Committee (see Section 9). The Board of Studies will report the outcome of the inquiry to Senate.

- 8.12 The outcome of the Board of Inquiry's deliberations will be communicated immediately after the Board of Inquiry and will be confirmed in writing within seven calendar days. Details of the review procedures open to a student will be included. The outcome will be recorded in the student's file and the Director of Academic Registry notified.

#### **Review of a Board of Inquiry decision**

- 8.13 A student can apply to the Director of Academic Registry for a review of a Board of Inquiry's decision. This request must be submitted within fourteen calendar days of receipt of the written notification of the outcome of the Hearing. The criteria for appeal are as follows:
- that the proceedings of the Board of Inquiry were not carried out in accordance with the procedures
  - that fresh evidence can be presented which was not or could not reasonably have been made available to the Board of Inquiry
  - that the finding of the Board of Inquiry was against the weight of the evidence.
- 8.14 The Director of Academic Registry shall determine whether a new Board of Inquiry should consider the matter. The composition of a new Board of Inquiry shall be at the discretion of the Director of Academic Registry. The student shall be notified of the decision of the Director of Academic Registry within twenty-eight calendar days of receipt of the request for a review.

## **9 Disciplinary Hearing**

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- 9.1 The Secretary to Senate (in consultation with Director of Academic Registry in serious cases) will determine under Regulation 8.1 (b) (i) whether there is a *prima facie* case for formal disciplinary action.
- 9.2 If the Secretary to Senate determines that there is no *prima facie* case, any remaining stages of the assessment or examination process will take place as normal (see [QA7](#) in relation to Research Degrees).
- 9.3 If the Secretary to Senate determines that formal disciplinary action should be taken, they will decide whether the case should be considered at a hearing by the Vice-Chancellor (Regulation 8.2(e)) or by the Disciplinary Committee (Regulation 8.2 (f)). The Disciplinary Committee will follow the provisions of Regulation 8 including that for Appeals (Regulation 8.3).
- 9.4 The outcomes from a disciplinary hearing under Regulation 8 in relation to Assessment Offences may include, but will not be limited to, the following possible decisions:

**In relation to any student:**

- to rescind a decision to make an award
- to recommend to Senate that the student be expelled.

**In relation to research students:**

- to take no disciplinary action; any remaining stages of the examination process would take place. The Board of Studies would reach a decision based solely on the academic criteria, i.e. ignoring the offence
- to allow the student a period of time to correct the offending text (e.g. plagiarised material); if the student conforms to the requirements, any remaining stages of the examination process would take place and the Board of Studies would reach a decision based on the recommendation of the Board of Examiners
- to determine that the student's thesis would not be examined further and that the student would in consequence, receive no award.

- 9.5 Where plagiarism is alleged after an award has been made, such allegations shall be reported to the Secretary **to Senate (in consultation with Director of Academic Registry in serious cases)** for investigation and appropriate action.

## 10 Monitoring and Review

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- 10.1 Faculty/School Learning, Teaching and Quality Committees are responsible for preparing and considering an annual report summarising qualitative and quantitative information on every proven case, including the actions taken. The basis of the report will be the records of offences made by Directors of Studies and Faculty and Programme Administrators in the form prescribed for the annual report. The report should contain a commentary evaluating trends in offences compared to prior years (when available) and any issues of consistency. An assessment of the operation and effect of the mandatory training and test (or alternative tests) should be included. The summary report should be sent to Academic Registry who will prepare a composite report for Education Quality and Standards Committee identifying any institutional issues.
- 10.2 The Education Quality and Standards Committee may make recommendations to address Departmental, School, Faculty or Institutional issues.
- 10.3 These procedures will be monitored and reviewed by the Education Quality and Standards Committee.

Statement Details		
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	<i>Senate</i>	Minutes 11123, 11496 14 April 2010, Minute 13110; 1 December 2010, Minute 13219
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	<i>University Learning Teaching &amp; Quality Committee</i>	8 September 2010, Minute 4b 9 November 2010, Minute 25 24 May 2011, Minute 92 iv) 6 November 2012 Minute 334 9 July 2013 Minute 428 8 July 2014 Minute 552 7 July 2015 Minute 671 11 July 2017 Minute 940 6 Nov 2018 Minute 1103 16 July 2019 Minute 1197
	<i>Learning and Teaching Committee</i>	Minute 61 (3/2/09)
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	<b>Related Documentation:</b>	University <a href="#">Regulations</a> , paras 7 & 8 University <a href="#">Rule 2</a> : Conduct of Examinations <a href="#">New Framework for Assessment</a> (NFA) <a href="#">QA28 Conduct of Examinations</a> <a href="#">Individual Mitigating Circumstances Regulations (IMCs)</a>
<b>Authors:</b>	Academic Registry Secretary to Senate	

## Appendix 1: Examples of Offences<sup>1</sup>

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1. These groups of typical offences are in ranked order and are intended to be followed normally by default, broadly matching the three ranges of penalties (see Appendix 2).
2. However, where the evidence exists, an alternative categorisation of an offence may be considered appropriate in the particular circumstances.

### Group 1 Minor or Technical Misconduct

3. This is essentially poor academic practice, which the initial training and test is designed to help eliminate, particularly in the early stages of a student's study career in the University. For this reason, further support to ensure clear understanding of the rules of good academic writing practice should always be offered where appropriate.
4. Typical instances would include where there is a very small and/or relatively insignificant case of:
  - poor referencing
  - incorrect (or an absence of) attribution for copied work inserted in an assignment
  - a small amount of work copied from another student
  - paraphrasing without adequate attribution.
5. The following case would not normally be considered Minor or Technical:
  - where the circumstances suggest that the student did intend to obtain unfair advantage.

### Group 2 'Moderate' Academic Misconduct

6. This heading covers misconduct which would, had it remained undetected, have resulted in the student's dishonesty misleading the assessor or others involved in setting or reviewing assessments and results.
7. The volume and significance of the unacceptable elements in the submission are key factors - but not necessarily the only factors in determining the level of the offence.
8. Examples would be an assignment that contains:
  - text, laboratory results, reported research etc. identical or with significant similarities to that of another student, whether the other student is aware, or not, of the copying (except for instance, where identical or very similar presentation of results such as in a complex table or graphic derived from the group's activity, is explicitly permitted in a group assignment brief)
  - ideas or concepts which appear to originate from the student but are in fact the work of others, e.g. are not fully referenced, cited or otherwise acknowledged, as required
  - text that is inappropriately paraphrased or directly quoted without speech marks and is not referenced
  - identical or closely related text and ideas to another assignment previously submitted by the student for which marks or credit have already been given and will

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<sup>1</sup> Acknowledgement is made of the Codes of Practice/Regulations of the following institutions which were consulted in drawing together the relative ranking of these offences:

Aston University	Birkbeck College	University of Bristol	University of East London
University of Exeter	Imperial College	University of Keele	Loughborough University
Southampton University			

Report from [Plagiarismadvice.org](http://Plagiarismadvice.org) on HEIs views of importance and relative ranking of offences and appropriate penalties (Benchmark Plagiarism Tariff, P Tennant, G Rowell, 2009-2010).

contribute to the marks record for the student – but which the student fails to acknowledge to the assessor as previously submitted and assessed ideas/work

or

- a minor infringement of the examination rules as set out in [QA28 Conduct of Examinations](#) and University [Rule 2](#).

### Group 3: Severe Academic Misconduct

9. This heading includes second offences of academic misconduct or those involving evidence of extensive plagiarism or cheating, or clear evidence of intent to deceive or gain substantial advantage. **Cheating in examinations will almost always fall in this category** (see [QA28 Conduct of Examinations](#), University [Rule 2 and the Academic Integrity Statement for Remote Assessments](#)).

10. Typically (but not exhaustively):

- having or using any form of unauthorised reference material or device during an examination
- having or using any form of unauthorised communication during an examination submission window,
  - this includes face to face and electronic communications via email, messages, texts or other means, about assessment content during the submission window and as inadvertence is not accepted as mitigation, this can include receiving as well as sending unauthorised communications
- impersonating another person or being impersonated by another person in any examination or for any assessment
- plagiarism in *extensive* and/or *significant* portions of a submission, whether ideas, hypotheses, text, code, graphics, tabulated data or other elements e.g. failure to attribute every such incidence; significant portions of coursework reproduced in collusion with others
- a second offence of any form of plagiarism including collusion
- use of an 'essay mill', commercial organisation or the services of another person to commission or purchase work or to seek answers to exam questions, this includes study or homework help sites such as Chegg as well as individuals such as private tutors fabrication of laboratory results e.g. reporting on experiments never performed or data never collected
- plagiarism in work submitted for assessment as a thesis, dissertation, case study or other form of final submission required for any postgraduate research degree
- deliberate manipulation of sections of work presented for assessment, to avoid plagiarised elements being recognised as such by a plagiarism detection system
- collusion, i.e. the unauthorised co-operation of students working together to gain an unfair advantage over others

## Appendix 2: Penalties

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1. In all cases **considered proven**, the Board of Inquiry:
  - will issue a formal written reprimand to the student, and
  - will record the case in the student's file, and
  - will apply one or more of the following penalties.
  
2. Noting that:
  - a more severe penalty may be applied for a second or subsequent offence;
  - a more serious penalty may be applied for a student the further the student has progressed through their studies
  - a group 3 offence may occasionally draw on a Group 2 penalty in appropriate cases
  - penalty "P": Boards of Inquiry dealing with proven cases involving students on postgraduate taught programmes should include in their considerations whether such students should be entitled to receive an award with a grade of merit or distinction, should their overall results in due course indicate such an outcome.

**Claims of inadvertence or ignorance will not be accepted as a basis for mitigation of a penalty.**

Type	Penalty	Group 1 Offences Type	Group 2 Offences Type	Group 3 Offences Type	
A	Require the student immediately to undertake or retake and successfully complete the mandatory skills training and test or any other form of training and test of understanding that the Head of Department may determine as more appropriate in the circumstances.	A	A		
B	Issue a strong verbal warning to the student, and place a note of the warning on the student's file.	B	B		
C	Require the student to resubmit the affected item of work as if at a first attempt.	C	C		
D	Reduce the mark for the affected item of work according to the seriousness of the offence.		D		
H	Assign the minimum pass mark for the unit.		H		
K	Where the offence is committed in the first assessment attempt cap the mark between 0% and 34% and require the student to retrieve failure at supplementary assessment if permitted by the Programme Regulations.			K	
L	Assign a mark of zero or 'fail' grade with no credit for the unit or units, the Board of Inquiry acknowledging that retrieval may require retaking the units or year according to the assessment regulations pertaining to the particular programme of study.			L	
M	In relation to an undergraduate final award, downgrade the degree classification of an undergraduate award, where available.			M	
N	In relation to an undergraduate final award, award an unclassified honours degree, an ordinary degree (where permitted by the programme regulations) or a lower award (DiplHE or CertHE).			N	
P	In relation to a taught postgraduate final award, downgrade the level (e.g. from MSc to PGDip or PGCert), or the grade (e.g. from a Distinction to Merit or Pass).			P	
Q	Terminate the programme with no award			Q	
X	Refer the case for consideration under the Disciplinary procedures as set out in University Regulations 7 & 8, in particular in a case where the appropriate penalty may be severe. The Hearing may include a recommendation of a specific penalty. <u>OR, in relevant cases,</u> refer the case for a hearing by the Fitness to Practise Panel			X	

## Notes:

- 'Fail' grades apply in the case of assessments where only a 'pass' or 'fail' grade is given.
- Normal mark scheme rules apply: e.g. UG students retain original failing mark after successful reassessment; postgraduate students achieve a maximum of 40% after successful reassessment.
- The consequences of penalties will vary depending on the level of programme, the year of study, whether the affected item of work is the only assessment for a unit, and the status of the unit within the programme.
- It is important that in determining the penalty/ies to be applied the Department/Board is mindful of the potential impact of the penalty on the programme level progression and/or outcome.
- Penalties M, N and P may be applied only in the final year of the student's programme of study.
- Where penalty C is combined with penalty D, the student must be informed of the reduction in marks to be applied before the item of work is undertaken.
- Penalty X may be applied in addition to another penalty.

## Appendix 3: Assessment offences comprising more than one student

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### Purpose

1. This appendix is additional to the information already contained in QA53 and provides important points of procedure which must be followed in addition to the stated procedure in sections 6, and 8.

### Principles

2. It is important that joint or group allegations are dealt with in a manner that is fair to all the students involved. This means ensuring that all students see the same evidence, and that during proceedings all students are able to hear and given the opportunity to respond.
3. Whilst a group/joint offence comprises the same allegation being levelled at more than student each student is expected to respond as an individual and will be considered individually by those making a decision about the case. For example, each student is entitled to make their own submission, have their own friend/adviser present and to submit their own appeal. Likewise, penalties will be determined on an individual basis (see below).

### Hearings

4. Group/joint allegations are normally considered at a single hearing with all students in attendance. However, a student can submit, no later than 24 hours prior to the hearing, a request to the Chair to be heard individually rather than at a group hearing. A reason must be given and the Chair's decision will be final.
5. During a group hearing students will also be afforded an opportunity to speak to the Board privately so that they can raise confidential or sensitive matters. Only if this information relates to another student will the Chair determine if it will be shared.
6. Where it is not possible or practical for matters to be considered at a single hearing, steps will be taken to ensure there is a consistent approach to all the students involved. For example, every effort will be made to use the same panel, whilst balancing any delays this could cause.

### Decisions

7. If the allegation is proven then the decision about a penalty will be made for each student individually, taking their particular circumstances into account. However, there should be broad consistency in the penalty given to all students who commit the same offence with similar circumstances.
8. It is important to ensure that decisions are not reached by default. Where cases are considered in more than one hearing, a conclusion that one student has not committed the offence does not lead to the conclusion that another student must have committed it before their case has been heard.

## Appendix 4: Viva Voce for Suspected Academic Misconduct

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1. Whilst marking a taught student's assignment, a marker may suspect that the work isn't entirely the student's own, but on further investigation cannot find any textual evidence to substantiate their suspicions. In such cases (i.e. where it is strongly suspected that academic misconduct has been committed but where no direct evidence can be produced), the University has confirmed that a viva voce may be held to determine the authorship of the work.
2. The viva voce is conducted because there is reason to believe that the student's work is not entirely their own work. NOTE: the viva voce is not an academic assessment of the student's work: the aim of the viva voce is to give the student the opportunity to demonstrate that the piece of work is entirely their own and is held to confirm that the student:
  - undertook the reading and research themselves;
  - undertook all the preparatory work themselves;
  - understands what they have written;
  - Wrote the piece of work themselves.

### Principles and process

- A. A viva voce may, exceptionally, be held where it is suspected that academic misconduct has been committed but where no textual evidence can be produced e.g. in cases where it is suspected that the student has commissioned the work from a third party. The purpose of the viva voce is to provide the student with the opportunity to demonstrate that the work is their own, prior to a Board of Inquiry panel hearing.
- B. Only the piece of work in question will be the focus of the viva voce.
- C. The Dean, as Chair of the Board of Studies, must be consulted and approve the use of the viva voce prior to this being set up and the student informed.
- D. Two members of academic staff (at least one of whom must be a subject specialist) must be present at / conduct the viva voce; this will normally be the marker of the assessment and Director of Studies (DoS). If the DoS was a marker, then the Director of Teaching or another member of staff approved by Head of Department, will be the second member of staff present.
- E. The student may be accompanied by a person of their choice (normally a fellow student, member of staff or Students' Union representative). Any individual accompanying the student should under no circumstances participate in the viva voce. They will act as a support person only.
- F. The viva voce must take place in a quiet suitable room and without interruption. Instructions for conducting the viva voce online can be found at the end of this document.
- G. The student should be made to feel at ease and the format of the viva voce must be explained to them at the beginning. The person leading the viva voce should begin by informing the student that it is suspected that they may not have authored all or part of the work and that viva voce represents an opportunity for the student to demonstrate that they did. They should also explain that, if authorship remains in

doubt at the end of the viva voce, the matter will be referred to a Board of Inquiry hearing at which the student will have a further opportunity to put their case.

- H. Intensive questioning of the student may be required, however this must be non-aggressive. The questions asked should provide the student with opportunities to demonstrate that the work is their own in line with the quality of the answer provided in the disputed piece. Questions should test students' knowledge and understanding of the topic and the work produced.
- I. An accurate record of the viva voce should be taken; this record may be used to form the evidence base for any future investigation at a Board of Inquiry hearing. A copy of the record must be provided to the student. It could be a written record or a video recording.
- J. Notification that a viva voce may be conducted, where an academic offence is strongly suspected, should be included in relevant student communications.
- K. If a viva voce is to be conducted it should not normally take place more than 30 calendar days after the assessment feedback.
- L. If a viva voce is to be conducted the student must be advised in advance in writing of the reason for the viva voce being held and given adequate notice (i.e. 7 calendar days) of the requirement to attend the viva voce. They must also be told that it will be recorded and if this will be a written or video recording. Students must be also be advised that if they do not attend the viva voce that the piece of work in question will be referred to a Board of Inquiry.
- M. Students should be given guidance on what a viva voce is, the purpose of the viva voce and how to prepare for the viva voce. It is recommended that the information in appendix A is included as an appendix to the written notification to attend the viva voce.
- N. Reasonable adjustments must be made to ensure that candidates with additional support needs are not disadvantaged for reasons relating to a long-term medical condition, sensory impairment, specific learning difficulty and /or disability.
- O. At the end of the viva voce there will be one of three outcomes:
  - 1. The staff conducting the viva voce will confirm that they accept that the student authored the work in question and no further action will be taken. If the piece of work in question has already been marked this mark will stand, and where not it will be marked on its own merit.
  - 2. The staff conducting the viva voce remain doubtful of the authorship of the work in question and the student will be required to attend a Board of Inquiry.
  - 3. The student accepts that they have committed academic misconduct and their case will be referred to a Board of Inquiry for a penalty to be applied.
- P. The viva voce itself will not result in a penalty being applied if the assessment offence is still suspected or the student admits committing the academic offence during the viva voce; penalties can only be applied by a Board of Inquiry.

## Information for Students

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### What is a viva voce?

A viva voce is a conversation that will be held between members of academic staff and you.

### What is the purpose of the viva voce?

The viva voce is being held because there is reason to believe that the piece of work you submitted, or parts of it, is not entirely your own work. The aim of the viva voce is to give you an opportunity to demonstrate that the piece of work is entirely your own and to confirm that you:

- undertook the reading and research yourself;
- undertook all the preparatory work yourself;
- understand what you have written;
- wrote the piece of work yourself.

### Who will be present at the viva voce?

Normally the marker of the assessment in question and the Director of Studies (DoS). If the DoS is the marker then the Director of Teaching or another senior member of staff appointed by the Head of Department will be present. A member of the Faculty's Professional Support Service staff may also be present to make notes of the viva voce.

### Where will the viva voce take place?

If possible the viva voce will take place on campus. However if this is not possible then it will be conducted remotely using video calling. The protocols to be followed are at the end of this document.

### Will the viva voce be recorded?

A record will be taken which may be a written or video recording. You will be advised in your notification letter if the viva will be recorded.

### Can I bring anyone with me to the viva voce?

Yes. You may be accompanied by a person of your choice (normally a fellow student, member of staff or Students' Union representative). However anyone accompanying you will not be able to participate in the viva voce.

### How should I prepare for the viva voce?

You must be thoroughly familiar with the content of your work and the research that was involved as you will be asked questions by the members of academic staff about the sources you used, your ideas, the words used, your research, references and data collection as relevant for the piece of work in question etc. These questions are asked so that the members of academic staff can be assured of the authorship of the work.

### What will I need to bring to the viva voce?

You will need to bring with you all the documentation that you used in completing the piece of work e.g. your list of source documents, evidence of primary data collection, rough notes and assessment drafts etc.

### What will happen during the viva voce?

You will be asked to explain / be asked questions on how you researched and produced the piece of work, how you found the sources quoted in your bibliography / reference list and asked to explain your ideas and theories and any elaborate vocabulary you have used. Your

answers will help the academic staff make a decision as to whether the work you submitted is your own.

#### What will happen after the viva voce?

At the end of the viva voce there will be one of three outcomes:

1. The staff conducting the viva voce will confirm that they accept you authored the work in question and no further action will be taken. If the piece of work in question has already been marked this mark will stand, and where not it will be marked on its own merit.
2. The staff conducting the viva voce remain doubtful of the authorship of the work in question and you will be required to attend a Board of Inquiry.
3. You accept that they have committed the assessment offence and the case will be referred to a Board of Inquiry for a penalty to be applied.

## Protocols for a remote viva voce

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These must be followed in order to ensure the viva voce is fair and robust.

### Before the day

If a participant does NOT have access to any of the following they must inform the person organising the viva voce:

- A reliable internet connection with sufficient speed to facilitate video calling from multiple locations.
- Reliable and suitable hardware (web-cam, PC/laptop, headphones).
- The appropriate software (the default being MS Teams).
- A private and quiet space for the duration of the examination where they will not be interrupted.

### On the day

#### *Before the viva voce starts*

- Each party must introduce themselves and their role.
- If the student has notified of any materials they want to have present then these must now be shown and remain visible throughout.
- If the student has notified of having another person present as a support then they must be introduced and remain visible throughout.
- The DoS (or equivalent) will confirm the process including the protocol for any drop in connection and any technical issues which results in the viva voce being abandoned (see below).

#### *During the viva voce*

- All parties must remain visible throughout.

#### *End of the viva voce*

- All participants will be asked to confirm that using video calling has had no substantive bearing on the process.

#### *In the event of a technical failure*

- If the connection drops for one or all participants then all reasonable attempts should be made to re-establish the connection.
- If, after a reasonable number of attempts and time, it isn't possible to establish a stable connection for all participants, the viva voce must be abandoned and rescheduled if necessary.
- A reasonable period to wait will be longer if the student and any support person remains visible to at least one member of staff at all times. If the student is no longer visible, then a reasonable time to wait would be much shorter to ensure the viva is still robust.
- In such an event the DoS (or equivalent) will be responsible for conferring with all other participants (by phone if necessary) and having the final decision on whether to abandon the attempt.
- If sufficient discussion has taken place, it may be possible to recommend an outcome.
- It is not permissible for the viva voce to be conducted by audio only or by telephone.