

10.5 Procedures on Student Academic Misconduct

Introduction

- 1 The purpose of these Procedures is to protect the academic standing of the University and the academic integrity of its awards, for the benefit of both the University and its students, whether past, present or future.
- 2 It is a student's responsibility to familiarise him or herself with the academic conventions and practices applicable to the course on which they are enrolled. It shall be the responsibility of students to ensure that the work they submit for assessment is entirely their own, or in the case of groupwork the group's own and that they observe all Regulations, Procedures and instructions governing examinations.
- 3 For the purposes of these Procedures, the term 'academic misconduct' includes all forms of cheating, plagiarism and collusion. For illustrative purposes, the table below, although not exhaustive, sets out categories of academic misconduct.
- 4 All decisions regarding the imposition of penalties under these Procedures shall take full account of the duty to act in a fair and equitable manner.
- 5 These Procedures also provide the opportunity for students to receive formative guidance on academic conduct and associated practices by making available, to students who are found to have contravened them, structured tutorial support (refer to 27).
- 6 The Director of Academic Administration has overall responsibility for the Procedures on Student Academic Misconduct.

Penalties

- 7 Table of Penalties

This applies to first offences of academic misconduct. Students who have a previous proven allegation against them should note that the minimum penalty for a second or subsequent substantiated allegation of academic misconduct shall be Penalty 4.

Penalty 1:	Reprimand, a formally recorded warning kept on the student's record.
Penalty 2:	Failure in item of assessed work, with resit right where permissible. A mark of zero will be recorded for the item of assessed work.
Penalty 3:	Failure in the module, without resit right where a mark of zero will be recorded for the module. The student must register for the same or an alternative module.
Penalty 4:	Failure in the module, without resit right where a mark of zero will be recorded for the module (the student must register for the same or an alternative module) and suspension for 1 semester commencing at the start of the next full semester.
Penalty 5:	Failure in the module, without resit right where a mark of zero will be recorded for the module (the student must register for the same or an alternative module) and suspension for 2 semesters commencing at the start of the next full semester.
Penalty 6:	Expulsion. NB – "module" = module or equivalent

7.1 Examinations or tests

Type of academic misconduct		Penalty to be imposed
7.1.1	A reprimand will be issued where the Panel substantiates academic misconduct and the seriousness of the mitigating factors justifies a reduction in the penalty from Penalty level 2 to Penalty 1.	Penalty 1
7.1.2	Removing any script, paper, or other official stationery (whether completed or not) from the examination room, unless specifically authorised by an invigilator or examiner.	Penalty 2
7.1.3	Introduction or use of devices of any kind other than those specifically permitted in the rubric of the paper.	Penalty 2
7.1.4	Communicating with another student or with any third party other than the invigilator/examiner during an examination or test.	Penalty 2
7.1.5	During an examination or test, copying or attempting to copy the work of another student, whether by overlooking his or her work, asking him or her for information, or by any other means.	Penalty 3
7.1.6	Obtaining access to an unseen examination or test prior to the start of an examination/test.	Penalty 4
7.1.7	Possession of crib sheets, revision notes etc. at any time during an examination or test.	Penalty 4
7.1.8	Attempting to persuade another member of the University (student, staff or invigilator) to participate in actions which would breach these Procedures.	Penalty 5
7.1.9	Being party to any arrangement whereby a person other than the candidate represents, or intends to represent, the candidate in an examination or test.	Penalty 5
7.1.10	Taking into an examination a pre-written examination script for submission and exchanging it for a blank examination script.	Penalty 5
7.1.11	A penalty of expulsion shall be applied where a student has previously received a Penalty 5 under these Procedures (refer to Appendix 10.5.2 - 3) or where multiple allegations are made within one semester that each individually equate to Penalty 5.	Penalty 6
7.1.12	Being party to any other arrangement that would constitute a breach of these Procedures	Penalty will correspond to the nature of the offence and will be in accordance with penalties outlined for each of the above

7.2 Coursework

Sources of academic misconduct in coursework can include fellow students, published sources including the Internet, essay banks and other commissioned and uncommissioned sources.

Type of academic misconduct		Penalty to be imposed
7.2.1	A reprimand will be issued where the Panel substantiates academic misconduct and the seriousness of the mitigating factors justifies a reduction in the penalty from Penalty level 2 to Penalty 1.	Penalty 1
7.2.2	Use of quotes or close paraphrasing without the use of quotation marks and referencing, where the student has cited the plagiarised material in the bibliography.	Penalty 2
7.2.3	Making available work to another student, either intentionally or as a result of negligence, that can be presented as another student's.	Penalty 2
7.2.4	Representation of work produced in collaboration with another person or persons as the work of a single student.	Penalty 2
7.2.5	Isolated use of quotes or close paraphrasing without the use of quotation marks and referencing, where the student has not cited the plagiarised material in the bibliography.	Penalty 2
7.2.6	The presentation of data in laboratory work, projects etc. based on work purporting to have been carried out by the student but which has been invented, altered or falsified.	Penalty 3

7.2.7	Prevalent use of quotes or close paraphrasing without the use of quotation marks and referencing, where the student has not cited the plagiarised material in the bibliography. Item of assessed work < 25% of the overall module	Penalty 3
7.2.8	Prevalent use of quotes or close paraphrasing without the use of quotation marks and referencing, where the student has not cited the plagiarised material in the bibliography. Item of assessed work > 25% of the overall module	Penalty 4
7.2.9	Taking without permission another student's work and submitting it as the student's own work (where the originator is not denied the opportunity of submission).	Penalty 4
7.2.10	Commissioning another person to complete work, which is then submitted as a student's own work. This could include the use of professional essay writing services or essay banks.	Penalty 5
7.2.11	Stealing another student's work and submitting it as the student's own work (where the originator is denied the opportunity of submission).	Penalty 5
7.2.12	Attempting to persuade another member of the University (student or staff) to participate in actions which would breach these Procedures.	Penalty 5
7.2.13	A penalty of expulsion shall be applied where a student has previously received a Penalty 5 under these Procedures (refer to Appendix 10.5.2 - 3) or where multiple allegations are made within one semester that individually equate to Penalty 5.	Penalty 6
7.2.14	Being party to any other arrangement that would constitute a breach of these Procedures.	Penalty will correspond to the nature of the offence and will be in accordance with penalties outlined for each of the above

Please note that all imposed penalties are subservient to the undergraduate and postgraduate regulatory frameworks.

For further information on penalties please refer to Appendix 10.5.2 below.

Reporting Allegations of Academic Misconduct

Examination or Tests

- 8 If, during an examination, an invigilator believes that a student has engaged in academic misconduct s/he shall normally inform the student and endorse the student's answer book as follows: with the time, and a brief description of the incident and with her/his initials. Any prohibited material will be removed and retained. The student shall then be permitted to continue, in a new answer book. A written report of the incident shall be made to the Student Casework Office by the invigilator or examiner concerned, as soon as possible and normally within seven working days of the incident. The Senior Invigilator shall, in addition, note the circumstances in the Senior Invigilator Report.

Other Assessments

- 9 Where an internal examiner establishes that there is, in her/his view, sufficient evidence of academic misconduct, s/he shall provide a written report to the Student Casework Office as soon as possible; usually prior to the publication of the result(s) concerned and normally no later than four weeks after the publication of the result(s) concerned.
- 10 Where an external examiner establishes that there is, in her/his view, sufficient evidence of academic misconduct, s/he shall notify the internal examiner, who shall act in accordance with 9 above.
- 11 A student who believes that there are grounds for an allegation of academic misconduct against another student shall inform the relevant Module/Course Leader who shall establish if

there is sufficient evidence of academic misconduct. If such evidence is found, the member of staff shall act in accordance with 9 above.

- 12 A report¹ of academic misconduct shall:
- 12.1 Specify the full name(s) and number(s) of the student(s) to whom it relates;
 - 12.2 Be in writing and signed and dated by the member of staff making it;
 - 12.3 State the basis and the evidence on which the allegation has been made and be accompanied by all the relevant evidence;
 - 12.4 Provide details of the assessment, including the coursework or examination questions, the weighting of the item of assessment and any information provided to students concerning academic conventions and practices.

Consideration of Allegations of Academic Misconduct

- 13 Where an alleged offence has been identified and a report submitted in accordance with 8 – 12 above, the Student Casework Office shall first determine if there is sufficient evidence to progress the allegation.
- 14 For **very minor cases** of academic misconduct (not listed in the Table of Penalties, 7 above), the academic department concerned shall be advised to counsel the student as to the nature of the transgression. *(In such cases, the allegation will not be progressed via these Procedures).*
- 15 In cases where there is sufficient evidence for an allegation to be progressed, the Student Casework Office shall determine if the nature of the academic misconduct clearly falls under one of the categories listed in 7 above. In such cases the allegation will be substantiated and the associated penalty imposed. The student shall be notified in writing of this decision and of their right to request a review of the decision (see 18 below).
- 16 In cases where there is sufficient evidence for an allegation to be progressed, but where the academic misconduct falls under two or more categories; e.g. in cases of **collusion**, or where there is ambiguity as to the nature of the academic misconduct, the Student Casework Office shall progress the case by notifying the student in writing of the allegation and by requesting that the student responds by the completion of a Procedural Form.
- 17 In relation to 15 and 16 above, the Student Casework Office will notify a student of the academic misconduct presented against her/him. Notification to the student shall include:
- 17.1 A copy of the allegation and all evidence in support of it;
 - 17.2 A copy of these Procedures;
 - 17.3.1 In cases where the allegation has been substantiated (see 15 above), the options available for a review of the decision and how to request such a review; or,
 - 17.3.2 In cases of **collusion** or where the nature of the academic misconduct is ambiguous (see 16 above), a Procedural Form, which the student must complete, detailing the options by which the student can respond to the allegation.

¹ A proforma Report Form is available at: www.londonmet.ac.uk/sco

Student Response where the University has substantiated an Allegation

- 18 A student may request in writing, within ten working days from the date of receipt of the notification² of the decision, a review of the decision to substantiate the allegation of academic misconduct against her/him. When requesting a review, a student may:
- 18.1 Dispute the allegation and also make representations against the level of the penalty imposed; or,
 - 18.2 Accept the allegation, but make written representations as to the level of penalty imposed.

Note:

Such representations will normally only be considered in respect of the imposition of Penalty 3 and above. Responses based on 18.2 above shall only be considered via written representations.

Student Response where the University has notified a Student of an Allegation

- 19 A student shall, within ten working days from the date of receipt of the notification² of the alleged academic misconduct, complete, sign and return the Procedural Form attaching any supporting evidence, to the Student Casework Office. In the Procedural Form the student shall clearly state whether s/he:
- 19.1 Accepts the allegation, indicating where appropriate the category of academic misconduct which is accepted, and whether s/he wants the allegation and her/his response to it to be considered by way of written submission or at an oral hearing; or,
 - 19.2 Disputes the allegation and whether s/he wants the allegation and her/his response to it to be considered by way of written submission or at an oral hearing.

Note:

In cases involving two or more students, if one student opts for an oral hearing of the case then all the students who responded to the allegation will be invited to attend the hearing. A student who originally requested for the case to be heard by way of written representations shall not be eligible to request a postponement of the hearing (refer to Appendix 10.5.1- 8).

Valid/Invalid Responses

- 20 All student responses shall identify and explain the reasons that form the basis of the case upon which the student is relying and should be accompanied by all relevant supporting evidence. Requests that do not identify and explain the reasons upon which the student is relying shall be deemed invalid; the student shall be notified in writing of this and shall be deemed to have accepted the allegation.
- 21 Where students do not respond within the stated deadline they will be deemed to have accepted the allegation against them and, where necessary, a Panel shall determine the appropriate category of academic misconduct. The Student Casework Office shall inform the student in writing of this decision.
- 22 A Panel will be convened in accordance with Appendix 10.5.1 below to consider all **valid** student responses.

² Notification shall be deemed to have been received by the addressee on the second postal delivery day following that on which it was posted.

Consideration of Cases by way of Written Representations

- 23 Where a student disputes the allegation, a Panel shall consider (in accordance with Appendix 10.5.1 below) the allegation and the evidence in support of it alongside the student's submission. The Panel shall then determine whether there is clear evidence of academic misconduct and in such cases, the category of academic misconduct under 7 above. Should the allegation be substantiated, the Panel shall further consider any representations, which have been presented by the student, as to the imposed penalty.
- 24 Where a student has made representations only against the penalty imposed, the Panel shall consider these representations and determine if valid grounds have been presented upon which the penalty may be lowered.

Consideration of Cases by way of an Oral Hearing

- 25 In cases where the student disputes the allegation, the Panel shall (in accordance with Appendix 10.5.1 below) consider the case and determine whether there is clear evidence of academic misconduct by the student. If substantiated, the Panel shall further consider any representations, which have been presented by the student, as to the penalty.
- 26 Where a student has made representations only against the penalty imposed, the Panel shall consider these representations and determine if valid grounds have been presented upon which the penalty may be lowered.

Academic Conduct Tutorial

- 27 All students who are found to have contravened these Procedures with regard to assessments other than examinations shall be encouraged to attend a tutorial on academic conduct. This tutorial shall provide the opportunity for students to receive guidance on models of good academic practice and referencing conventions in the subject area concerned. The tutorial shall also provide students with the opportunity to understand the nature of her/his transgression and receive advice on her/his future academic conduct.

Procedures for Appeals Against Student Academic Misconduct Decisions

- 28 A student may only appeal on the following grounds:
- 28.1 That there has been a procedural defect, other than one for which the student is responsible, resulting in substantial unfairness to the student; or,
 - 28.2 That the evidence of alleged misconduct was insufficient to substantiate the allegation; or,
 - 28.3 That a penalty of suspension was imposed; or,
 - 28.4 That a penalty of expulsion was imposed.
- 29 An appeal shall only be considered if:
- 29.1 It is made in writing to the Student Casework Office within ten working days of the letter informing the student of the decision; and,
 - 29.2 It specifies the grounds and explains the reasons which clearly demonstrate the grounds of appeal; and,
 - 29.3 It is signed by the student.

- 30 Any appeal that does not meet the above criteria will be deemed invalid. Where multiple grounds of appeal are cited, then the Student Casework Office shall determine the validity of each ground. The student shall be informed as to the validity of their appeal as soon as possible.
- 31 Valid appeals under any of grounds 28.1, 28.2 and 28.3, shall proceed by way of written representations, unless the Vice-Chancellor considers that an appeal by way of written representations would not be in the interests of fairness, then the Vice-Chancellor shall request that the student is invited to attend an oral appeal hearing.
- 32 A student with a valid appeal based solely on 28.4, shall have the opportunity to present their appeal either orally or by way of written representations. However, where a student does not state a preference for the manner in which the appeal is to be considered, the appeal shall proceed by way of written representations. Where the Vice-Chancellor considers that an appeal by way of written representations would not be in the interests of fairness, then the Vice-Chancellor shall request that the student is invited to attend an oral appeal hearing.
- 33 Where the Student Casework Office deems a request valid, the appeal shall be considered by the Vice-Chancellor of the University.
- 34 A valid appeal based on ground(s) 28.1 and/or 28.2, shall be considered by way of a re-hearing and shall follow the procedures for consideration of written representations for written appeals (and those of oral hearings for oral appeals in those cases where the Vice-Chancellor considers it in the interest of fairness to do so: refer Regulation 31 above), except that the Vice-Chancellor shall determine whether the student's ground(s) of appeal can be clearly demonstrated.
- 35 For appeals deemed valid solely on grounds 28.3 or 28.4, the Vice-Chancellor shall consider representations **only** against the penalty imposed.

Options available to the Vice-Chancellor considering Appeals against Student Academic Misconduct

- 36 An appeal may be allowed in whole or in part, or may be dismissed.
- 37 Where the Vice-Chancellor determines that an appeal has demonstrated an obvious unfairness to the student and the Vice-Chancellor considers that it would be in the interest of fairness, the original penalty may be set aside or modified. Where the Vice-Chancellor determines that the student's ground of appeal has not led to obvious unfairness to the student the original penalty shall stand. The decision of the Vice-Chancellor is final.

Office of the Independent Adjudicator for Higher Education

- 38 If, after the academic misconduct procedures have been followed to their conclusion, a student is still dissatisfied, s/he may wish to pursue her/his case further with the Office of the Independent Adjudicator for Higher Education³. In such cases a student should request, in writing, a Completion of Procedures letter from the Student Casework Office.

³ www.oiahe.org.uk

Composition and Role of Panels

- 1 The Panel will comprise at least one senior academic member of staff who will Chair the hearing. A member of staff from the Student Casework Office shall act as secretary. The secretary will not constitute part of the Panel.
- 1a All allegations regarding Research Degree students will be considered by a panel comprising at least two senior members of academic staff with significant experience of Research Degree supervision, with due regard to Appendix 10.5.1.2. In such cases, students will be invited to attend an oral hearing.
- 2 No person shall be eligible to be a member of a Panel who has:
 - 2.1 Any responsibility for the teaching or assessment of the module in question; or,
 - 2.2 Been previously involved in a review of an allegation involving the same student.
- 3 The Student Casework Office shall supply all the relevant documentation to the Panel.
- 4 A member of staff from the Student Casework Office shall make a record of the salient points of Panel proceedings, which shall be signed by the Chair and kept as a correct record of the hearing.
- 5 As soon as is practicable after the meeting the Student Casework Office shall inform the student, in writing, of the decision.
- 6 Proceedings shall be conducted in private, except that potential members of future Panels may attend for training purposes, with the agreement of the student.

Process for Oral Hearings

- 7 The Panel shall meet within a reasonable period of time upon receiving a valid written request for an oral hearing by the student. At least six working days before the date of the hearing the Student Casework Office shall notify the student of the time and place at which the hearing will take place and the names of any witnesses to be called.
- 8 If on one occasion **only** the student provides the Student Casework Office with good reason for not being able to attend the hearing, the Student Casework Office shall make such alternative arrangements as seem appropriate.. A student's working commitments shall not normally be accepted as a reasonable ground for granting a request for a re-arrangement. Other than in the case of emergencies or unforeseen circumstances, hearings will not be rearranged without at least two working days notice.
- 9 Where the request for a re-arrangement is not granted, the student shall be notified accordingly; and the hearing shall then proceed as originally arranged, whether or not the student attends.
- 10 The student shall have the right to be assisted by a friend at the hearing. Under the Academic Regulations, 'friend' is defined as a person, who shall normally be a member of staff or student of the University, appointed by a student to assist him or her in the conduct of his or her case at a hearing;
- 11 The student shall inform the Student Casework Office at least two working days before the hearing:

- 11.1 Whether a friend will be present at the hearing and, if so, the name and status of the friend; and,
- 11.2 Provide a list of witnesses, if any, to give evidence on his or her behalf indicating the nature of the evidence they are expected to give.
- 12 The student shall be responsible for informing the friend and any such witnesses of the time and place of the hearing.
- 13 Where the student is not present at the time set for the hearing, the Panel shall wait for fifteen minutes and then proceed in the student's absence unless there are reasonable grounds to suggest that the failure to attend is outside the student's control and that in the interest of fairness the hearing should be adjourned to a later date.
- 14 The Panel shall review all the evidence relevant to the allegation, question the student as it considers appropriate and invite any witnesses previously notified to the student under 7 above.
- 15 The student shall then make a statement outlining her/his defence and shall call any witnesses previously notified under 11.2 above and present all the evidence relevant to her/his defence.
- 16 The Panel, the student and the friend may question any witness who has given evidence.
- 17 The Panel shall have power to refuse to receive evidence that, in its opinion, is irrelevant, whether because it is repetitious of other evidence that has already been given or otherwise. New evidence, which may include the presentation of oral evidence, not notified in advance to the student or the Panel may only be introduced at the discretion of the Panel.
- 18 Where the Panel is of the opinion that relevant evidence has not been presented but could be presented if the hearing was adjourned, it may adjourn the hearing for such evidence to be made available at a resumed hearing. The Panel should only adjourn a hearing if they are of the opinion that any further evidence, which is likely to become available, would have a significant impact on the outcome of the hearing.
- 19 When all the relevant evidence has been heard, the Chair of the Panel shall make a preliminary statement and summarise the evidence given. The student may also make a final statement on which the Panel may question the student further. The Panel shall then go into closed session to consider its decision.
- 20 The Panel may adjourn if it is of the opinion that any further evidence, which is likely to become available, would have a significant impact on the outcome of the review. In such cases, the Student Casework Office shall notify the student of the adjournment. Dependent upon the terms of the adjournment and if further evidence has been requested from a student that is not supplied, a Panel may reach a final decision via written correspondence.
- 21 Where a student has previously been found to have contravened these Procedures or their predecessors, no member of the Panel shall be made aware of this fact unless and until the Panel finds that the present allegation has been substantiated; except that where a student relies on his or her good character, the Panel shall be advised of any previous finding that the student has contravened these Procedures or their predecessors.
- 22 A Panel shall state the reasons for the decision that it reaches, including any penalties imposed.

Penalties

- 1 When considering the fairness of any penalties to be imposed, Panels shall have regard to the relative severity resulting from the application of a penalty on an individual student. Where it is deemed that the application of a prescribed penalty would unfairly disadvantage a student compared to other students on whom the same penalty has been imposed, discretion may be exercised **only** to ensure equity of treatment.
- 2 Where a student has presented representations as to any penalties to be imposed with regard to their academic misconduct, the Panel shall take this into account. In the case of serious mitigating factors the Panel may reduce the penalty to be imposed, normally by one penalty level.
- 3 Where a student has previously received a penalty under these Procedures or previous University Regulations governing academic misconduct, the minimum penalty for a substantiated allegation of academic misconduct shall be Penalty 4. In cases where the previous penalty or the current penalty is Penalty 4 or 5 the appropriate penalty to be imposed shall be one level higher, whichever is more severe.
- 4 Where academic misconduct has been substantiated for a student who has completed his or her studies and on whom a final award has been conferred, the most serious penalty that may be applied shall be withdrawal of the relevant final award previously conferred on the student.
- 5 Where expulsion is determined to be the appropriate penalty, the penalty shall not take effect unless and until the Vice-Chancellor confirms the decision.
- 6 Before deciding whether to confirm a decision to expel a student, the Vice-Chancellor shall consider a report from the Student Casework Office, summarising the evidence and other relevant material.
- 7 The Vice-Chancellor shall decide whether to confirm a decision to expel a student normally within seven working days from the date on which s/he was notified of the decision made by the Student Casework Office or Panel.
- 8 Where the Vice-Chancellor decides not to confirm the decision to expel the student from the University, the case shall be referred back to the Student Casework Office along with the Vice-Chancellor's recommendations. The Student Casework Office shall act in accordance with the Vice-Chancellor's recommendations.
- 9 The decision of the Vice-Chancellor shall be reported to the Student Casework Office who shall notify the student as soon as it is reasonably practical to do so, and in any event normally within seven working days from the making of the final decision.

Penalties for Research Degree Allegations

- 10 In the case of a substantiated allegation of academic misconduct in a Research Degree, the Panel shall determine the appropriate penalty to be imposed from one of the following penalty options:

Penalty R1:	Reprimand, a formally recorded warning kept on the student's record.
Penalty R2:	Failure in the thesis, with resubmission right where permissible. .
Penalty R3:	Failure in the thesis, without resubmission right.
Penalty R4:	Expulsion.

N.B In the case of a Research Degree student, a penalty of expulsion **may be** imposed for a first offence.

Option only available to the Vice-Chancellor

- 11 The Vice-Chancellor on behalf of the University shall have power to re-open any hearing or appeal where it appears to her/him that it would be in the interests of fairness to do so. When deciding whether to exercise the power to re-open a hearing or an appeal, the Vice-Chancellor shall not normally exercise this power more than six months after the conclusion of the relevant proceedings.