

## Section F: Academic Misconduct

### 1 Introduction

- 1.1 The University seeks to promote better understanding by students of academic integrity and practice. It expects all students to inform themselves of the academic conventions for correctly citing and acknowledging the work of others. In particular students are expected to familiarise themselves with the University's plagiarism pack "[Plagiarism and How to Avoid It](#)" and with these regulations.
- 1.2 Whilst an emphasis is put on enabling students to learn correct academic practice and to achieve high academic standards, the University will normally consider whether first occurrences of poor academic practice can be used as a learning opportunity, taking into account the stage of study concerned. Nevertheless attempts to gain unfair advantage or to cheat are taken very seriously and all allegations of academic misconduct will be investigated according to these regulations. There can be a range of penalties from the educational, including advice on good academic practice up to, at the most severe, being required to withdraw without a degree or exit award for cases of serious cheating.
- 1.3 "Poor Academic Practice" normally arises through lack of following academic conventions by a student not yet familiar with the assessment practices of the University. Hence their work may include un-attributed or incorrectly referenced material that is very similar to the original source.
- 1.4 "Academic Misconduct" is normally an attempt to gain unfair advantage by e.g. fabricating data, passing off work as the student's own or repeated poor academic practice.
- 1.5 These procedures cover students on all modules and taught courses (including MRes).
- 1.6 The University [Guidance on proofreading](#) sets out for students what is and is not considered acceptable proofreading practice for all summative work in order to ensure that at all times the student's responsibility as author of their own work is clear.
- 1.7 An Examination Board will not normally overturn a decision by a Head of School (or nominee) or an Academic Misconduct Panel.
- 1.8 The University reserves the right to institute disciplinary proceedings arising from a case of academic misconduct with the Student Disciplinary Procedure and/or to refer a student to the "Fitness to Practise Panel".

### 2 Definition of academic misconduct

- 2.1 Academic misconduct includes, **but is not limited to**:
- Plagiarism. Where a student submits work originated in sum or in part by someone else, with or without their consent but without acknowledgement;
  - Collusion. A type of plagiarism defined as collaborating with another student(s) in the completion of assessed work and submitting this as being entirely the student's own work;
  - Falsification or fabrication of results, data or references;

- Duplication. Where a student submits work for assessment that is the same as, or broadly similar to, work submitted earlier for academic credit, without acknowledgement of the previous submission;
- Cheating in an invigilated examination. Where a student copies from unauthorised material or from another student's script within an examination room, communicates with another person during an examination, consults information or individuals while absent from the examination room, or attempts to gain a higher grade by fraudulent means;
- Impersonation. Where one person assumes the identity of another with the intention of gaining unfair advantage for that person;
- Ghosting. Where a student submits as their own, work that has been done as a whole or in part by another person on their behalf, or deliberately makes available or seeks to make available material to another student with the intention that the material is to be used by the other student to commit academic misconduct;
- Unethical behaviour. Conduct which deviates from accepted ethical behaviour, including failure to gain ethical approval, coercion or bribery of project participants, breach of confidentiality or improper handling of privileged or private information on individuals gathered during data collection.

### **3 Procedure for dealing with academic misconduct**

- 3.1 The initial procedures for dealing with poor academic practice or academic misconduct in work submitted for assessment and for dealing with academic misconduct in an invigilated examination are set out at paragraphs 4 and 5 below.

### **4 Initial procedures for dealing with academic misconduct in work submitted for assessment**

- 4.1 Where a member of staff suspects poor academic practice or academic misconduct in work submitted for assessment, he/she will report the suspicion to the Course Leader (or equivalent) and will forward the available evidence for consideration by the Head of School responsible for the delivery of the module or nominee.
- 4.2 Where an external examiner suspects academic misconduct, he/she should notify the Course Leader (or equivalent), who will investigate the suspicion.
- 4.3 The Head of School, or nominee, will consider the work against the criteria at 6.1.1 below and will determine whether the student should be required to attend an Academic Practice Review or whether the matter is to be referred to an Academic Misconduct Panel.
- 4.4 The Head of School or nominee will write to the student in accordance with 6.1.1 below, as soon as possible upon receipt of the member of staff's report, informing them that a case of alleged academic misconduct has been reported and making them aware of the support available to them through Student Services or the University of Brighton Students' Union.
- 4.5 An allegation of academic misconduct may be made after the work has been marked and returned to the student.

## **5 Initial procedures for dealing with academic misconduct in an invigilated examination**

- 5.1 Where an invigilator in an examination suspects that academic misconduct may have taken place, the following procedure must be used.
- 5.2 If possible, the attention of another invigilator should be drawn to the student's behaviour.
- 5.3 The student will be allowed to continue with the examination having been informed that a full report will be submitted following the examination. Where the student is in possession or uses unauthorised material<sup>91</sup>, such material will be confiscated by the invigilator and submitted with the invigilator's report. At the end of the examination, the student will have his/her attention drawn by the invigilator to the procedures for investigating academic misconduct which will be followed (as detailed in section 6.3).
- 5.4 The invigilator initiating the action must enter a full and detailed account of the evidence on the Invigilator Report Form, including the student's examination number and submit this to the Head of School or nominee, within two working days of the examination, who will assess whether there is a potential case of academic misconduct to be answered and decide whether to refer the matter to the Academic Misconduct Panel (refer section 6.3).

## **6 Procedures for investigating academic misconduct**

### **6.1 Categorisation of Poor Academic Practice/Academic Misconduct**

- 6.1.1 The Head of School or nominee will consider the initial evidence and determine whether the case should be dealt with by an Academic Practice Review meeting or by an Academic Misconduct Panel. Although a first occurrence will normally be dealt with by an Academic Practice Review, a number of factors will be taken into account including:

- i. Whether there is a reasonable expectation that the student should have learned appropriate academic practice (e.g. reference skills) and received sufficient guidance (e.g. tutorial or "plagiarism pack").
- ii. Any previous recorded instance of poor academic practice or academic misconduct by the student;
- iii. The magnitude and proportion of the assignment affected; and
- iv. Whether the student is subject to a professional code of practice or requirement.

The student will be notified in writing of the outcome of the Head of School or nominee's assessment of the alleged poor academic practice or academic misconduct, details of its nature and whether it will be dealt with by way of an Academic Practice Review meeting with the Head of School or nominee or by requiring the student to attend an Academic Misconduct Panel.

- 6.1.2 If the Head of School or nominee considers that there is no reasonable evidence of poor practice or academic misconduct, then he/she will notify the member of staff reporting the case and the Course Leader and the process is terminated at this

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<sup>91</sup> Students should only be allowed to have in their possession such material as is specified in the general regulations or in the rubric of the examination.

stage. No record will be placed on the student's file.

## **6.2 Academic Practice Review**

6.2.1 The student will be invited to attend an interview with the Head of School or nominee, normally within five working days following notification of the decision to the student. The student will be notified in writing of their right to seek advice and representation from the Students' Union or to be accompanied to the meeting by another student or member of staff and will be given a copy of any work or evidence to be considered at the meeting.

6.2.2 The academic work in question will be discussed and the student will be given the opportunity to discuss other academic work they have submitted for assessment. The Head of School, or nominee, will ensure that appropriate instruction is given on how to avoid the problem in future and the work in question will be returned to the marker and marked in accordance with the extent and merits of the valid parts of the work. The marker will provide extensive feedback on how the deficiencies in the work could be addressed. Advice will be given on the potential consequences of any further instances of poor academic practice.

A report of the meeting will be placed on the student's file and the Course leader will be advised of the outcome only.

6.2.3 If at the end of the interview the Head of School or nominee considers that the case should now be categorised as Academic Misconduct, the student will be informed that the case will be referred to an Academic Misconduct Panel.

If the Head of School or nominee considers that there is now no reasonable evidence of poor academic practice or academic misconduct, the process is terminated at this stage and no record will be placed on the student's file.

If the student fails to attend an Academic Practice Review without reasonable explanation, they may be referred to the Academic Misconduct Panel.

## **6.3 Academic Misconduct Panel**

6.3.1 The student will be invited to attend an interview with an Academic Misconduct Panel, which will meet to investigate the case as soon as reasonably practicable following the allegation of academic misconduct. The student will be notified in writing of their right to be accompanied to the meeting by another student, a member of staff or a member of the student's union advice service. They will be provided with details of the alleged academic misconduct, given a copy of any work or evidence to be considered by the panel and advised of their right to submit a statement in mitigation.

6.3.2 The Panel will be constituted as follows:

- Head of School or their nominee (as Chair)<sup>92</sup>
  - Two members of staff not involved in the teaching of the student (this may include the Course Leader).
- i. the member of staff who reported the suspicion of academic misconduct is not a member of the Panel but may be invited to the panel hearing to present

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<sup>92</sup> Note that the Academic Misconduct Panel Chair should not be the Chair of the student's Course Examination Board

the facts of the case and to answer any questions from the panel;

- ii. all decisions of the panel will be made by majority vote. The panel has the right to defer its decision if further investigations are required, but a decision must be made, in writing to the student, as soon as reasonable practicable.

6.3.3 The panel will be serviced by an Administrator from the School or nominee, who will notify the members of the Panel and the student(s) concerned of the date, time and place of the meeting of the Panel, at least five working days before the meeting is due to take place. This person will be responsible for taking a full note of the evidence and the decision of the panel.

6.3.4 If the academic misconduct in question involves more than one student, the same Panel may consider each case depending on categorisation in accordance with 6.1.1 above.

6.3.5 The Panel may proceed in the absence of the student where it is satisfied that due notice was given, and there is no satisfactory explanation for the student's absence.

6.3.6 The Chair of the Panel will hold only information on the student's level, stage of study, current profile of results, and the report from the member of staff who undertook the initial investigation. The Chair will not be in possession of details of any previous cases of academic misconduct on the student's record, and no reference to any such cases will be made at this point.

6.3.7 The student will be presented with the allegation and the evidence. The Panel will interview the student (and witnesses where appropriate) and consider the student's written statement. The student will be given the opportunity to reply to all evidence and to address the Panel before it considers its decision.

6.3.8 If the Panel finds there is no reasonable evidence of academic misconduct, the process is terminated at this stage and the student absolved of the allegation. The work will be returned to the marker and the mark/grade given by the marker for the piece of work will stand and no record will be kept on the student's file.

6.3.9 Where the Panel finds reasonable evidence of academic misconduct, or if the student admits that academic misconduct has taken place, the case is upheld. At this stage the Chair will call for the student's record for any previous cases of academic misconduct before the panel makes its recommendations of the penalty. A written report of the Panel's deliberations will be sent to the Chair of the Course Examination Board and a copy sent to the Secretary of the Academic Board. The report will include:

- i. a statement of the evidence considered by the Panel and the Panel's conclusions;
- ii. details of any other cases of proven or admitted academic misconduct in the student's record;
- iii. the outcome.

A record of the Panel's report will be retained on the student's file and logged in the Examination Board file.

6.3.10 The Chair of the Panel will report the outcome in writing to the student(s), as soon as reasonably practicable after the meeting giving full reasons.

## **7 Penalties and professional practice**

- 7.1 The Panel will be appraised of any Professional, Statutory and Regulatory Body requirements, and has the authority to forward the outcome of the case to 'Fitness to Practise' panels, or to recommend notification where this is a requirement of the Professional, Statutory and Regulatory Body. The student will be informed of any such action.

## **8 Student's right of appeal**

- 8.1 A student who wishes to appeal against the outcome of an Academic Misconduct Panel should write to the Registrar and Secretary within 10 working days of notification of the decision. An Appeal shall only be made on one or more of the following grounds:
- i. That there is material evidence now available which was not previously available to the Academic Misconduct Panel and of such a nature to cause doubt as to whether the result might have been different had the material been available to the Panel;
  - ii. That the facts as set out in the findings of the Panel do not warrant the finding that there was academic misconduct;
  - iii. That the penalty imposed was unreasonable having regard to all the circumstances of the case.
- 8.2 A simple rehearsal of the arguments from the original Panel hearing will not be deemed adequate grounds for appeal. In cases where new evidence is to be submitted, or where a new witness is to give evidence, the nature of this evidence must also be stated together with an explanation of why it was not available to the original Panel.
- 8.3 The Registrar and Secretary will then decide whether the appeal meets any of the grounds listed above. If the decision is taken that there are no grounds for appeal, the student will be informed in writing as soon as possible after receipt of the appeal by University.
- 8.4 If it is identified that there are valid grounds for appeal, an Academic Misconduct Appeals Panel, whose members were not members of the original Academic Misconduct Panel, will be constituted.

Normally the Appeals Panel will consist of:

- a Dean, Head of School or their nominee as Chair;
- a member of staff familiar with assessment on the student's course or module; and
- a member of staff from outside the student's School.

The meeting of the Appeals Panel will take the form of a re-hearing and will follow a similar process to the original panel. The decision of the Appeals Panel will be notified as soon as possible following the procedures described. There is no further right of appeal and the decision of the Appeals Panel shall be final.

**9 Office of the Independent Adjudicator for Higher Education**

A student may complain about the Appeal Panel's decision (or any decision short of the Appeals Panel that effectively brings the internal process to an end) to the Office of the Independent Adjudicator. Details of how to complain can be found at: <http://oiahe.org.uk/making-a-complaint-to-the-oia/how-to-make-a-complaint.aspx>