

## 19 ACADEMIC MISCONDUCT POLICY AND PROCEDURE

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### INTRODUCTION

- 19.1 Students must ensure that all assessed work presented is their own and that it fully acknowledges the work and opinions of others. It is the student's responsibility to ensure that they do not commit any form of academic misconduct or gain unfair advantage in any other way. Academic misconduct may be proven to have taken place even if the student has not gained any unfair advantage by doing so.
- 19.2 Academic misconduct is considered to be a serious offence by the university, and action will be taken against any student who contravenes these regulations through negligence, foolishness or deliberate intent.
- 19.3 Allegations of academic misconduct will be addressed fairly and consistently, using a three-stage process of informal and formal investigation and action.
- 19.4 An allegation of academic misconduct that has been dismissed as a disciplinary offence may still incur an academic penalty for poor scholarship.
- 19.5 An allegation of academic misconduct may be made at any point during the student's period of registration, or after an award has been made.
- 19.6 The academic misconduct policy applies to all higher education students.
- 19.7 Procedures for investigation of allegations and penalties for students on taught programmes (or studying taught modules as part of a postgraduate research degree) are set out in Section 19.15-32 and 19.56-58. Where a student is registered on a programme validated by another awarding body, including SQA, the specific action to be taken may be influenced by the requirements of that body. See also the 'Centre and candidate malpractice and maladministration policy and procedure' for SQA HE provision.
- 19.8 Procedures for investigation of allegations and penalties for students on postgraduate research degrees are set out in Section 19.33-42 and 19.61.

### FORMS OF ACADEMIC MISCONDUCT

- 19.9 Academic misconduct may take different forms including, but not limited to, those listed below. Further guidance is provided in an appendix to these regulations:
- i plagiarism
  - ii cheating
  - iii collusion
  - iv falsification or fabrication of data
  - v personation
  - vi bribery.

## **MINOR AND SERIOUS ACADEMIC MISCONDUCT**

- 19.10 The university distinguishes between minor and serious cases of academic misconduct depending on the gravity of the offence and the circumstances in which it was committed. The penalty applied in each case will be determined by the staff investigating the case, or the Academic Misconduct Panel. Deciding whether an offence is minor or serious is a matter of professional judgement and staff will take into account the following factors:
- whether the student has previously committed academic misconduct
  - level of study
  - impact of offence on other students eg in groupwork assessments, examinations
  - evidence that the student sought to gain unfair advantage
  - material impact of the academic misconduct on the quality of the work
  - proportion of the assessment that has been plagiarised
  - whether or not critical aspects of the assessment have been plagiarised (ie key ideas central to the assessment and associated learning outcomes)
  - credit value and weighting of the assessment.
- 19.11 Minor academic misconduct presents a minimal threat to the integrity of the assessment process and may be the result of a student's poor understanding of referencing or academic practice. Minor academic misconduct will normally incur one or more of the penalties listed in Section 19.57(a-d) or 19.61(a-c).
- 19.12 Serious academic misconduct presents a significant threat to the integrity of the assessment process, and may reflect evidence that the student has knowingly contravened regulations. Serious academic misconduct will incur one or more of the penalties listed in Section 19.57(d-i) or 19.61(d-i).
- 19.13 Where academic misconduct has been admitted or proven on one occasion, a second instance of academic misconduct by that student will normally be treated as serious.
- 19.14 In any instance where the academic misconduct appears to be serious, then the formal investigation procedure below must be followed.

## **PROCEDURES FOR INVESTIGATION OF ALLEGED ACADEMIC MISCONDUCT (TAUGHT PROVISION)**

### **INFORMAL PROCEDURE**

#### **Academic Misconduct in Coursework**

- 19.15 When academic misconduct is suspected in an assessment, the lecturer will initially advise the student(s) of the suspicion and that further investigation will take place. They will investigate the detail of the submitted work using their professional judgement. They may draw on supporting evidence from the university's originality checking software program, but only if this has been used for the assessment in question in accordance with current university policy. No mark or result should be entered onto the student's record until the suspicion of academic misconduct has been resolved.
- 19.16 In dealing with suspected academic misconduct, staff will take into account instances of poor referencing or scholarship, for example, and have due regard for new students' need to develop familiarity with scholarly practice, particularly at SCQF levels 7-8. Using their

professional judgement as to the circumstances of the case, staff may decide not to initiate any formal procedures, but to admonish the student(s) and counsel them with regard to good academic practice. Notification will be sent to the student's Personal Academic Tutor and Quality Manager.

## FORMAL INVESTIGATION

*NB throughout this section, 'programme leader' refers to the role fulfilled by the degree programme leader or the AP programme leader or curriculum leader in the case of SQA provision.*

- 19.17 The lecturer and/or module leader shall make a written report providing evidence of alleged academic misconduct to the programme leader, which triggers the formal investigation procedure. If the lecturer is also the programme leader, the written report should be submitted to the AP head of department responsible for the unit or SNL responsible for the module.
- 19.18 If the lecturer and programme leader are in agreement that academic misconduct appears to have taken place, they will discuss the matter in a formal interview with the student(s) concerned in order to gauge the student's knowledge and ascertain if they are the author of the assessment. The interview also provides an opportunity for the student(s) to present their case. The interview will be held within five working days of receipt of the report from the lecturer.
- 19.19 The student will be informed of details of the process and the purpose of the interview as soon as possible and at least three working days prior to the interview. They will also be advised where they may seek advice, ie the students' association, and that they may wish to be accompanied at the interview by a friend or the students' association representative.
- 19.20 Where the student declines to, or does not, attend an interview without good reason, the programme leader will report the matter and the circumstances to the Dean of Students who will convene the Academic Misconduct Panel.
- 19.21 If the allegation of academic misconduct is proven and deemed to be minor, the lecturer and programme leader will determine an appropriate penalty (see guidance). The student will be advised in writing of the outcome within two working days of the interview, and that details of the offence and the penalty will be held on their student record for five years, or the normal duration of the programme, whichever is the longer. Notification will be sent to the student's Personal Academic Tutor and Quality Manager.
- 19.22 The programme leader is responsible, where relevant, for ensuring that the student record system is updated in accordance with the outcome of the panel, including modification to marks.
- 19.23 Where an allegation of academic misconduct is made after the relevant progression / exam board has met to consider the student's assessment, the procedure set out above will be followed. The chair of the progression / exam board will be advised of the outcome as soon as practicable, and will be responsible for ensuring that the student record system is updated accordingly.

- 19.24 If the allegation of academic misconduct is proven and deemed to be serious, the programme leader will report the matter and the circumstances to the Dean of Students who will convene the Academic Misconduct Panel.
- 19.25 Each report should contain details of any other instances of academic misconduct in the student's record. In cases of plagiarism, collusion or falsification, the report should also contain a statement from the first marker for the module / unit on whether or not there is evidence of the learning outcomes for the assessment having been met by the student(s) involved, despite the student's resort to academic misconduct.
- 19.26 The proceedings and report of the academic misconduct investigation shall be confidential to the parties involved and the Quality Manager.
- 19.27 All cases of academic misconduct which are formally investigated, and the penalties applied, will be reported to the Dean of Students on an annual basis.

#### **Academic Misconduct in Examinations**

- 19.28 Suspected academic misconduct during an examination will automatically be formally investigated, in accordance with the procedure set out in 19.17-27.
- 19.29 Where academic misconduct is suspected in an examination, the invigilator(s) will inform the student of their suspicions and clearly annotate the student's script. The student will also be advised by the invigilator(s) that a full report will be submitted to the examination officer in the academic partner following the examination. This should be conducted with the minimum of disruption to other candidates in the examination room.
- 19.30 The invigilator(s) will seek to confiscate any relevant evidence (for example, any unauthorised material) and allow the student to continue with the examination. However, if the student persists with the irregularity or if they refuse to submit any suspected material to the invigilator(s) they will be expelled from the examination room.
- 19.31 Immediately following the examination, the invigilator(s) will submit a report of the matter (using the Invigilator Report Form) to the examination officer of the relevant academic partner along with the scripts and other examination stationery. The examination officer will ensure that the report is immediately sent to the programme leader and the Quality Manager. The invigilator's report should be accompanied by any relevant evidence.
- 19.32 If a student believes academic misconduct to be taking place during an examination, it is their responsibility to bring this to the attention of the invigilator(s). However, no action can be taken unless the suspected academic misconduct is subsequently verified by the invigilator(s).

#### **PROCEDURES FOR INVESTIGATION OF ALLEGED ACADEMIC MISCONDUCT (PGR PROVISION)**

- 19.33 Allegations of academic misconduct will be investigated as soon as it is practical to do so.
- 19.34 Where academic misconduct is suspected in the thesis or progress monitoring reports and/or associated work, the member of staff / examiner should submit a written statement,

together with all related documentation, directly to the Dean of Research.

- 19.35 If academic misconduct is alleged or suspected in the actual thesis during the examination process, the examination process must be stopped immediately, even if this is on the day of the ORAL examination.
- 19.36 If academic misconduct is alleged or suspected in the actual thesis after the oral examination has taken place, but before the award has been made, the award or conferment process shall be suspended pending the outcome of the investigation.
- 19.37 Investigations can be conducted after an award has been made if credible evidence comes to light which suggests misconduct may have taken place.

#### **INFORMAL PROCEDURE**

- 19.38 The Dean of Research will undertake an initial informal investigation, including meetings with the student and the Director of Studies. They may seek advice from other internal or external subject specialists and/or draw on supporting evidence from the university's originality checking software programme (if this has been used in accordance with current university policy).
- 19.39 Given the complexity of research programmes, for allegations involving more than one student, individual hearings should normally be convened.
- 19.40 If, as a result of the initial informal investigation, the Dean of Research concludes there is no case to answer, no further action will be taken.
- 19.41 If an internal examiner, external examiner or supervisor makes an allegation of academic misconduct, and it is found there is no case to answer, the examiner or supervisor should be replaced, where practicable, unless both the student and the examiner or supervisor agree otherwise.

#### **FORMAL INVESTIGATION**

- 19.42 If, as a result of the initial informal investigation, there is a potential case of serious academic misconduct, the Dean of Research will report the matter and the circumstances to the Dean of Students, who will convene an Academic Misconduct Panel in accordance with the procedures below. The Panel will normally be chaired by the Dean of Research.

#### **ACADEMIC MISCONDUCT PANEL**

- 19.43 Where an allegation of serious academic misconduct has been made, or where a student(s) has not attended for formal interview, the matter will be investigated as soon as reasonably practicable by an Academic Misconduct Panel.
- 19.44 The Dean of Students is responsible for convening the Academic Misconduct Panel, but this is solely a coordination role. The Dean of Students does not sit on the panel themselves, nor review the evidence submitted to the panel.

- 19.45 The panel will comprise:
- Chair - the dean of faculty responsible for the module/unit on which the academic misconduct is alleged to have taken place, Dean of Research or their nominee
  - two other members of staff not directly involved with the student
  - president of the students' association (or nominee) not directly involved with the student
  - clerk to the panel.
- 19.46 The staff initially involved in the discovery of the alleged academic misconduct shall not sit on the panel; however they must submit a written statement concerning the alleged academic misconduct for consideration by the panel.
- 19.47 The Academic Misconduct Panel is responsible for establishing whether or not academic misconduct has taken place and, thereafter, to determine what penalty should be imposed. The Dean of Students will convene the panel within ten working days of receipt of notification from the programme leader/Dean of Research.
- 19.48 Notification of the date, time and place of the hearing will be provided, in writing, to members of the panel and the student(s) concerned at least five working days prior to the hearing. Both the panel and the student(s) will be provided with full details of the alleged academic misconduct and any supporting documentation. The panel has the right to request the attendance of relevant staff members.
- 19.49 The student(s) will be advised of their rights and, if attending the hearing, that they may be accompanied by a friend or the students' association representative. Under this procedure, the definition of 'friend' does not include members of the legal profession engaged to act in their professional capacity.
- 19.50 The student(s) may submit a written statement of mitigation concerning the alleged academic misconduct.
- 19.51 It is not mandatory for the student(s) to attend the hearing. However the student(s) should be aware that if they do not attend (without good reason), they will forgo the opportunity to present their case directly to the panel.
- 19.52 The panel will hear the student(s), staff, and witnesses as appropriate, and consider the student's statement. The student(s), staff and witnesses shall withdraw while the panel deliberates. In reaching its conclusion, the panel will also determine the penalty to be imposed. The panel will report its conclusion to the Dean of Students, including information about any other instances of academic misconduct in the student's record. The penalty will be held on their student record for five years, or the normal duration of the programme, whichever is the longer.
- 19.53 The Dean of Students will, within two working days, advise the student(s) in writing of the outcome of the panel, and that, where relevant, details of the offence and the penalty will be held on their student record. The Dean of Students will also inform the programme leader, Personal Academic Tutor and quality manager of the outcome of the panel. For PGR students, the Dean of Students will advise the Director of Studies, quality manager and Graduate School.

- 19.54 The programme leader is responsible, where relevant, for ensuring that the student record system is updated in accordance with the outcome of the panel, including modification to marks or the student's enrolment status. Where necessary, the programme leader will communicate with the quality manager of the student's HAP.
- 19.55 The proceedings and report of the Academic Misconduct Panel shall be confidential to the parties involved, the programme leader/Director of Studies, Personal Academic Tutor and quality manager.

#### **PENALTIES FOR ACADEMIC MISCONDUCT (TAUGHT PROVISION)**

- 19.56 The general principle is that the penalty should be appropriate to the scale of the offence and to the stage reached in the student's academic career.
- 19.57 A student who is deemed to have committed academic misconduct may be liable to one or more of the following penalties:
- a. an admonition (informal warning)
  - b. a reprimand (a formal written warning which will remain on the student's record for a specified period)
  - c. a reduction in the mark awarded for one or more assessments in one or more modules / units (see guidance), with the opportunity to resit where appropriate
  - d. a mark of zero / fail grade for one or more assessments in one or more modules / units, with the opportunity to resit
  - e. a mark of zero / fail grade in one or more modules / units with no opportunity to resit
  - f. a reduction in the classification of award at honours level (only where the offence relates to honours level provision)
  - g. suspension from the university for a specified period
  - h. permanent exclusion from the university
  - i. revocation of university award.
- 19.58 For students on awards of other awarding bodies, they may be subject to the regulations and penalties of that awarding body relating to academic misconduct.

#### **REASSESSMENT AFTER ACADEMIC MISCONDUCT IS PROVEN**

- 19.59 A penalty for academic misconduct may or may not result in a fail mark for a module / unit, depending on the other assessed components in the module / unit. Where a penalty is imposed but the module / unit is passed, the student will not have the opportunity to re-submit the penalised work for a higher mark.
- 19.60 Where further attempts are allowed at assessments, the student's work should be marked without reference to the academic misconduct of the previous assessment, but will be subject to normal regulations relating to reassessment.

#### **PENALTIES FOR ACADEMIC MISCONDUCT (PGR STUDENTS)**

- 19.61 A student who is deemed to have committed academic misconduct may be liable to one or more of the following penalties:
- a. an admonition (informal warning)

- b. a reprimand (a formal written warning which will remain on the student's record for a specified period) with potential requirement to amend submitted work
- c. student's upgrade to PhD is deferred
- d. transfer to lower degree
- e. thesis to be revised and resubmitted (with or without second oral examination)
- f. suspension from the university for a specified period
- g. de-registration from research programme
- h. permanent exclusion from the university
- i. revocation of university award.

## **COMMUNICATION WITH EXTERNAL FUNDING AGENCIES**

19.62 The university will inform an external funding agency, in confidence and at the earliest opportunity, of allegations of serious academic misconduct where there are reasonable grounds for the allegation. Exceptionally, external funding agencies may wish to undertake their own investigation into allegations which concern their funded researchers, for example, where it deems there is reputational risk, or where it is dissatisfied with the investigation undertaken by the university. Any investigation undertaken by an external funding agency would normally only be undertaken following consultation between the agency and appropriate university staff.

## **STUDENTS' RIGHT OF APPEAL**

19.63 The student has a right of appeal against the outcome of the formal investigation or the decision of the Academic Misconduct Panel.

19.64 A student may appeal in writing to the Deputy Principal. The appeal must be submitted within ten working days of the receipt of the decision and may be made on the following grounds:

- the penalty was outwith the scope of the academic misconduct policy and procedures
- the penalty imposed was unreasonable
- there was a procedural irregularity in the process undertaken by a member of staff or the Academic Misconduct Panel
- the decision reached was unreasonable as a result of actions or omissions by a member of staff or the Academic Misconduct Panel
- new evidence is now available which might have caused the panel to reach a different conclusion, but could not have been made available at the time of the hearing.

19.65 The Deputy Principal will consider the written appeal together with the documented proceedings of the panel, and shall notify their decision within fifteen working days of receipt of the appeal.

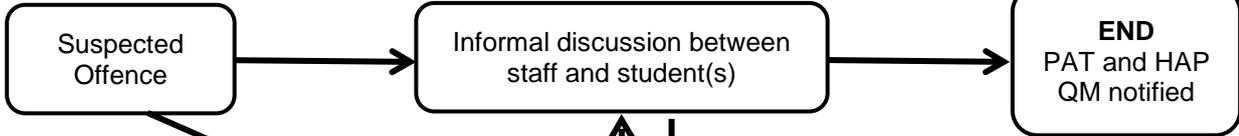
19.66 If the Deputy Principal allows the appeal they may review or rescind the penalty imposed.

19.67 The decision of the Deputy Principal will be final in this regard.

19.68 If the student believes that the university has not correctly followed this process, they have a right of appeal to the Scottish Public Services Ombudsman.

**ACADEMIC MISCONDUCT PROCEDURE FLOWCHART (TAUGHT PROVISION)**

**Informal procedure**



**Formal Investigation**

