

Title: Student Academic Misconduct
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## 2L: Student Academic Misconduct

### Introduction

1. Southampton Solent University is fully committed to helping and supporting students understand the expectations associated with academic writing and provides advice, guidance and self help material so that students can fully understand what is not acceptable behaviour. Students are expected, with the support provided by the University, to make themselves fully conversant with what constitutes good academic conduct and consequently academic misconduct.
2. The University's approach is developmental rather than punitive, but in order to protect the standard and integrity of its awards, the University will identify any incidence that meets the definition of academic misconduct and will bring this to the attention of the student and where appropriate the University will impose an academic penalty. It is the expectation that students will learn from this experience and any previous offence will be taken into account when determining penalties for subsequent offences. Proven academic misconduct will remain on the student's record for the entire registration period and will include any period of suspension, repeat year or transfer of course.
3. As such, there are no time limits associated with the investigation of suspected academic misconduct and where a case of suspected academic misconduct is identified, including after credit has been given, an award has been made or the student has left the University, the case will be fully investigated.
4. This policy should be read in conjunction with the University's 'Student Academic Misconduct Procedure'.
5. The University will have effective arrangements through the Learning, Teaching and Student Achievement Committee (LTSAC) to monitor, evaluate and improve the effectiveness of its policy and procedure.

### Principles

6. The University is committed to:-
  - i. The determination of academic misconduct being an academic judgement;
  - ii. Having fair, effective and timely procedures for handling allegations of student academic misconduct;
  - iii. The concept of natural justice, such that students have the right to defend themselves in person against an allegation of academic misconduct and that staff

- involved in any panels do not have a personal relationship with the student or any involvement in the setting and marking of the work in question;
- iv. Transparency and equity in terms of penalties imposed for the varying types of misconduct;
  - v. Remedies for academic misconduct being developmental as well as punitive; and
  - vi. Effective monitoring and reporting processes.
7. In allegations of academic misconduct, the burden of proof is upon the University, i.e. it is for the University to prove that academic misconduct has occurred, not for the student to prove that it has not.
  8. In determining whether a case is proven or not the standard of proof is on the 'balance of probability' rather than 'beyond all reasonable doubt'.
  9. In the most serious cases the University may determine that a student should be withdrawn from their course. In such cases the decision must be approved by the Chair of Academic Board.
  10. If academic misconduct in groupwork is found and it is clear that it was the act of specific member(s) of the group, then the appropriate penalties may be applied to those specific members. If plagiarism is confirmed but it is still unclear who in the group was the originator(s), then all students in the group will have the appropriate penalties applied.
  11. Subsequent breaches of the academic misconduct regulations will normally receive a more severe penalty than earlier ones. Normally, a breach will only be deemed sequential if, at the time of committing the second offence, the student could reasonably be assumed to be aware that he or she was committing a second offence.

## Definition

12. It is an offence for any student to be party to or commit academic misconduct in an examination or in the preparation of work which is submitted for assessment.
13. The practices listed below will automatically constitute academic misconduct. The list of practices is not exhaustive and does not preclude the University from taking action where other forms of academic misconduct are identified.
  - i. **plagiarism** - "where a student incorporates another person's or body's work by unacknowledged quotation, paraphrase, imitation or other device in any work submitted for assessment in a way which suggests that it is the student's original work";
  - ii. **collusion** - "Where the student(s) in the same cohort knowingly allows their work to be viewed by another student, in any form, and this work is subsequently incorporated in, or represented as, the work of another student; or, the collaboration without official approval between two or more students in the presentation of work, which is submitted as the work of a single student";
  - iii. **falsification** - "where the content of any assessed work has been invented or falsely presented by the student as their own work";
  - iv. **replication** - "where a student submits the same or similar piece of work, or substantial sections of the same work, which has already been submitted for any

assessment within the University or elsewhere. Students repeating an assessment, unit or level are expected to produce new coursework for all assessments except where the referral brief allows students to re-work a failed assessment". Students will, therefore, be required to attempt a new piece of work where they are referred in an assessment or repeating assessments as part of a repeat year;

- v. **taking unauthorised notes or devices into an examination;**
- vi. **obtaining an unauthorised copy of an examination paper;**
- vii. **communicating, or trying to communicate, with another student or individual during an examination, or attempting to observe or copy another student's written and/or electronic examination script;**
- viii. **providing assessments for the purpose of academic misconduct - "where a student sells to, writes or provides assessments for another student";**
- ix. **being a party to impersonation in relation to an examination;**
- x. **failure to obtain, or breach of ethical approval, where this is a requirement of the assessment;**
- xi. **purchasing of essays from a third party;**
- xii. **submitting a fraudulent Extenuating Circumstances claim.**

## **Prevention**

- 14. In order to prevent academic misconduct all students are provided with appropriate guidance on referencing and a full explanation and definition of academic misconduct. The associated rules and regulations are covered as part of student induction and a summary included in student handbooks. The guidance and related policy are also made available through the student portal and students should be reminded throughout their course.
- 15. All students are therefore expected to be fully conversant with the rules and regulations associated with academic misconduct.
- 16. In addition, students are required to confirm that the work submitted for assessment is their own work and has not been previously submitted for credit for another unit assessment.

## **Detection**

- 17. The University will use all appropriate mechanisms for detecting suspected academic misconduct, including but not limited to, the opinions of academic staff and the use of software packages.
- 18. The University will ensure that suitable briefings are provided for all staff involved in detecting and handling student academic misconduct.

## Academic Misconduct Process

19. Where a tutor considers academic misconduct has occurred the evidence together with a completed Academic Misconduct pro-forma stating the nature and extent of the academic misconduct should be submitted to the Student Conduct, Complaints and Appeals team in Academic Services.
20. Academic Services shall review the evidence, undertaking any further investigation where required, and determine whether the offence is minor or major.
  - i. **A Minor offence is defined as any** first offence at all levels except for where the academic misconduct allegation meets the criteria for a Major Offence.
  - ii. **A Major offence is defined as any:**
    - a. second or subsequent offence at any level,
    - b. any first offence at levels 6 or 7 where the assessment is 100% of the unit or a final major project or dissertation;
    - c. any multiple offence (three or more assessments) at any level where the academic misconduct is deliberate, calculated and extensive;
    - d. All allegations of obtaining an unauthorised copy of an examination paper, being a party to impersonation in relation to an examination and providing assessments for the purpose of academic misconduct shall automatically be treated as a major offence.

## Minor Offences

21. Where an offence is considered 'Minor', Academic Services shall determine the appropriate penalty from the penalty tariff (Annex 1). Academic Services shall write to the student, outlining the offence, the penalty to be imposed and referring the student to [succeed@solent](mailto:succeed@solent), library resources and a Student Achievement Officer (SAO) for further help and guidance.
22. Where the details of a minor offence cannot be determined without further investigation, the case will be referred to an academic misconduct inquiry panel for investigation. The penalty will still be deemed a minor penalty.
23. Where the student refutes the decision or believes that the penalty tariff was incorrectly applied they shall have the opportunity to appeal. In such instances the case will be considered by an academic misconduct inquiry panel.

## Appeal against a Minor Offence

24. The inquiry panel will comprise the Director of School/Service or Head of Subject (HoS) and one member of academic staff independent from the course. A member of Academic Services will act as clerk and advise the panel on procedural matters.
25. The student will be invited to attend the panel and may be accompanied by a friend<sup>1</sup> or Student Union representative and will be provided with copies of the documentation presented to the panel.
26. Where the panel does not uphold the original judgement, the student shall be informed that no further action will be taken and their work will be marked as normal.

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<sup>1</sup> The definition of friend excludes professional representation, unless the case is made that this would not be natural justice, and cannot be another student who is involved in the academic misconduct case.

27. Where the panel upholds the original judgement the panel will either confirm the penalty recommended at the Academic Services review stage or impose a lower penalty. The panel cannot raise the penalty from that initially imposed prior to the appeal.
28. The student and members of staff will be sent copies of the outcome of the panel, which will clearly state the process undertaken and the rationale for the outcome determined by the panel.
29. This marks the end of the appeal stage for minor offences. The student will be issued with a 'completion of internal procedures' letter confirming that they have exhausted the University's internal appeals procedure relating to academic misconduct and advising that any further request for redress will need to be made to the Office of the Independent Adjudicator (OIA).

## Major Offences

30. All offences determined as 'Major' will be investigated independently by an academic misconduct inquiry panel.
31. The academic misconduct inquiry panel will comprise the Director of School/Service or HoS and one member of academic staff independent from the course. Where the student has a previous Major offence of academic misconduct or has appealed against a minor offence, the inquiry panel must not include anyone who sat on the previous panel. In such cases an independent Director of School/Service or HoS from outside the School/Service shall hear the case. A member of Academic Services will act as clerk and advise the panel on procedural matters.
32. The student will be invited to attend the panel and may be accompanied by a friend<sup>2</sup> or Student Union representative and will be provided with copies of the documentation presented to the panel.
33. Where the panel after reviewing the evidence considers that academic misconduct has not occurred the student shall be informed that no further action will be taken and their work will be marked as normal.
34. Where the panel considers academic misconduct has occurred they will impose a penalty in line with the penalty tariff guidance at Annex 1 and refer the student to [succeed@solent](mailto:succeed@solent) as well as library resources for further help and guidance.
35. Where the panel considers that the student should be withdrawn from their course this must be approved by the Chair of Academic Board. The approval process should only be carried out once the student has exhausted the internal appeals procedure. Relevant Award External Examiners will be informed after a student has been withdrawn; they will be requested to confirm in their external examiner report that University procedures were consistently and fairly applied.
36. The student and members of staff will be sent copies of the outcome of the panel, which will clearly state the process undertaken and the rationale for the outcome determined by the panel.

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<sup>2</sup> The definition of friend excludes professional representation, unless the case is made that this would not be natural justice, and cannot be another student who is involved in the academic misconduct case.

## Appeal against a Major Offence

37. The student may appeal against the conclusion (i.e. proven or not proven) or penalty of the academic misconduct inquiry panel where either:
  - i. there is new evidence that was not available to the panel at the time of their deliberations; or
  - ii. there is evidence that University procedures and/or guidance have not been implemented correctly; or
  - iii. The penalty tariff was incorrectly applied.
38. The Head of Student Achievement (or nominee) will review the evidence on which the appeal is based and will determine whether there is sufficient evidence to warrant referral to an appeal panel.
39. The Appeal Panel will comprise:
  - i. a Director of School/Service or HoS independent of the School/Service in which the course runs or an Executive Dean;
  - ii. one staff member from Academic Board or the LTSAC;
  - iii. one member of academic staff, independent of the school/service in which the course is based; and
  - iv. an elected officer of the Students' Union.
40. The student will be invited to attend the panel and may be accompanied by a friend<sup>3</sup> or Student Union representative and will be provided with copies of the documentation presented to the panel.
41. Where the panel after reviewing the evidence considers that academic misconduct has not occurred the student shall be informed that no further action will be taken and their work will be marked as normal.
42. Where the panel confirm academic misconduct has occurred they will either confirm the penalty recommendation of the original academic misconduct inquiry panel or impose an alternative penalty based on the published penalty guidelines at Annex 1. The student will also be referred to [succeed@solent](mailto:succeed@solent) and library resources for further help and guidance.
43. Where the appeal panel considers that the student should be withdrawn from their course this must be approved by the Chair of Academic Board. Relevant Award External Examiners will be informed after a student has been withdrawn; they will be requested to confirm in their external examiner report that University procedures were consistently and fairly applied.
44. This marks the end of the appeal stage. The student will be issued with a 'completion of internal procedures' letter confirming that they have exhausted the University's internal appeals procedure relating to the case of academic misconduct and advising that any further request for redress will need to be made to the Office of the Independent Adjudicator (OIA).

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<sup>3</sup> The definition of friend excludes professional representation, unless the case is made that this would not be natural justice, and cannot be another student who is involved in the academic misconduct case.

## Annex 1: Penalty Tariff and Guidelines

### Guidelines

1. Plagiarism in groupwork. If plagiarism is confirmed, and it is clear that it was the act of specific member(s) of the group, then the appropriate penalties may be applied to those specific members. If plagiarism is confirmed but it is still unclear who in the group was the originator(s), then all students in the group will have the appropriate penalties applied.
2. In a case of alleged collusion, where for one or more of the students it is a second or subsequent case of academic misconduct, it will be automatically referred to an academic misconduct inquiry panel. This is for all students named in the allegation regardless of whether it is another student's first offence and has been deemed a Minor offence. However, the penalty imposed on each individual will still be in line with the penalty tariff below.
3. An offence will be deemed sequential if, at the time of committing the second offence, the student could reasonably be assumed to be aware that he or she was committing a second offence.

### The following penalties may be imposed:

\*please note there are different penalties listed in the tariff for unauthorised copy of examination paper, impersonation in relation to an exam and providing assessments for the purpose of academic misconduct.

Type of offence	Description	Penalty
Minor	<ul style="list-style-type: none"> <li>• Where for good reason the student was not aware of the regulations.</li> <li>• Exceptionally where there are circumstances that would suggest that natural justice means the lightest penalty should be imposed.</li> </ul>	(i). the student should receive a letter of caution that will remain on their file for the duration of the student's course and will be taken into account in the result of any further allegations of academic misconduct. Those sections of the work not subject to academic misconduct would be marked as normal.
Minor/Major	<ul style="list-style-type: none"> <li>• Any minor first offence at level all levels *</li> </ul>	(ii). the student should fail the particular assessment to which the allegation relates, with the right to resit and with the unit mark capped at the pass mark. The right to resit would be subject to the relevant assessment regulations.

Major	<ul style="list-style-type: none"> <li>• Second offences at any level *</li> <li>• First offence at any level of obtaining an unauthorised copy of an examination paper</li> </ul>	<p>(iii). the student should fail the assessment to which the allegation relates. The student shall be given one final reassessment attempt for that element, subject to the relevant assessment regulations. Students will be required to produce new assessments for the failed element and will not be permitted to re-work assessments. The unit mark will be capped at the pass mark.</p> <p>(iv). the student should fail the whole unit, all marks for any assessment on the unit to be set at zero. The student shall be given one final reassessment attempt in all elements, subject to the relevant assessment regulations. Students will be required to produce new assessments for the unit and will not be permitted to re-work assessments or resubmit elements which have previously passed. The unit mark will be capped at the pass mark;</p> <p>(v). the student should fail the whole unit to which the allegation relates with no right to resit, all marks for any assessments on the unit to be set at zero; in such instances, the student will not be eligible for an honours degree and can achieve the maximum award of an Ordinary Degree.</p>
Major	<ul style="list-style-type: none"> <li>• Any third offence at any level</li> <li>• Multiple offences at any level where academic misconduct is deliberate, calculated and extensive *</li> <li>• Any second or subsequent offences of obtaining an unauthorised copy of an examination paper.</li> <li>• Any first offence of being a party to impersonation in relation to an examination.</li> <li>• Any first offence of providing assessments for the purpose of academic misconduct.</li> </ul>	<p>The following penalties may be considered:</p> <p>(vi). the student should be withdrawn from their course. The student may be eligible for award of credit or an exit award, where they have sufficient credit and meet the learning outcomes for that award. In such cases the student is not eligible for admission onto any other University course;</p> <p>(vii). the student should fail the entire level/stage of the course to which the allegation relates with no right to re-sit. All credit and marks for that level to be withdrawn. The student may be eligible for an exit award, where they have sufficient credit and meet the learning outcomes for that award. In such cases the student is not eligible for admission onto any other University course;</p>

		<p>(viii). the student should be withdrawn from their course and all credit and marks would be withdrawn. In such cases the student would not be eligible for any award of the University or for admission onto any other University course. In the case of a student who has received an award and has left the University the award should be withdrawn.</p>
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