

PROCEDURE FOR ADDRESSING CHEATING AND OTHER FORMS OF ACADEMIC MISCONDUCT INCORPORATING THE SCHEME AND TARIFF FOR DEALING WITH CASES OF PLAGIARISM AND COLLUSION

A INTRODUCTION

1. The University's regulations give Boards of Examiners the authority to impose penalties against students who are found to have cheated, plagiarised, colluded, attempted to gain an unfair advantage or found to have committed acts of misconduct in any form of assessment or invigilated examination, or in breach of examination or assessment regulations [see Assessment Regulations Section G.4]. Within the University procedure it is not necessary for intent to be proven. It is sufficient that the particular act has occurred. A case will be considered on the basis of the evidence, regardless of whether a student admits misconduct. The penalties available to a Board include failing the student in part or all of his/her assessments and determining whether or not the student shall be permitted to be reassessed. Additionally, such a student may be recommended for expulsion under the regulations for the expulsion of students for academic reasons (see Appendix 3: Procedure for the expulsion of students for academic reasons).
2. The University is aware that some Professional Statutory or Regulatory Bodies (PSRBs) have particular procedures and penalties that should be applied when a student is found to have cheated, plagiarised, colluded, attempted to gain unfair advantage or found to have committed acts of misconduct in any form of assessment or invigilated examination. As far as possible the MMU procedures and penalties should be followed. Where PSRB guidance is at variance to that of MMU the programme team must request variation to the University regulations through ADC and its relevant sub-committee and detail any variation to procedures or penalty that should be applied within the Definitive Document and Student Handbook. This should include any PSRB requirements to report academic misconduct to the PSRB.
3. Indicative definitions are given below of misconduct, cheating, plagiarism and attempting to gain an unfair advantage. The indicative definitions are not intended to constrain or determine the findings of fact by Heads of Department or Assessment Disciplinary Committees and there may be other acts or behaviours that may result in the student being penalised through this procedure. Heads of Department and Assessment Disciplinary Committees will find it useful to refer to these indicative definitions in order to act uniformly and consistently in applying the regulations of the University.
4. Misconduct, which may include the following:
 - (i) disruptive behaviour in an examination;
 - (ii) non-compliance with written or oral instructions to candidates;
 - (iii) non-compliance with examination regulations.NOTE: This is not an exhaustive list
5. Cheating, which may include the following:
 - (i) communicating with or copying from any other candidate during an examination or for an assessment except insofar as the examination or assessment regulations may specifically permit this, e.g. group assessments;

- (ii) communicating during an examination with any person other than the invigilator(s) or other authorised members of staff;
- (iii) introducing into the examination room or being in possession of any written or printed material(s) or any electronically stored information unless expressly permitted by the examination and/or assessment regulations;
- (iv) gaining access to any unauthorised material relating to an assessment, or to an examination prior to or during an examination;
- (v) being in possession of, or obtaining access to, a copy of an examination question paper in advance of the date and time for its authorised release (this covers both 'seen' and 'unseen' papers);
- (vi) the provision or assistance in the provision of false evidence or knowledge of understanding in examinations or assessments;
- (vii) plagiarising (see Section 6 for details);
- (viii) using materials that have been created by others and passed off as your own. This includes all forms of contract cheating – such as the use of auction sites and essay mills.

NOTE: This is not an exhaustive list

6. Plagiarism and Collusion, which may include the following:

- (i) the representation of another person's work, without acknowledgement of the source, as one's own; or
- (ii) the unacknowledged incorporation in a student's work of material derived from the work (published or otherwise) of another, examples of which are:
 - a the unacknowledged inclusion of another person's work;
 - b the unacknowledged summarising of another person's work;
 - c the unacknowledged and/or unauthorised use of the ideas of another;
 - d copying the work of another person with or without that person's knowledge or agreement and presenting it as one's own.
- (iii) the submission by a candidate as entirely his/her own of work done in collaboration with another person;
- (iv) the completion of work with another person which is intended to be submitted as a candidate's own unaided work;

NOTE: This is not an exhaustive list

7. Attempting to gain an unfair advantage, which may include the following:

- (i) the presentation of data in reports, projects etc based on experimental work falsely purported to have been carried out by the candidate, or obtained by unfair means;
- (ii) actions which enable another candidate to access / copy all or part of his/her own work and to submit it as that candidate's own unaided work; (aiding and abetting);
- (iii) the use of third parties and/or websites to attempt to buy assessments or answers to questions set.

NOTE: This is not an exhaustive list

8. Where it is suspected that a student has cheated, plagiarised, colluded, attempted to gain an unfair advantage or found to have committed acts of misconduct in any form of assessment or invigilated examination evidence must be collected. Based on the type and severity of the activity the student will be considered using the guidance detailed in sections B, C or D.
9. Where there is evidence of plagiarism or collusion in multiple assignments that were submitted at the same time or prior to a developmental engagement with a Programme Leader or a formal meeting with the Head of Department this should be treated as a single occurrence.

B DEVELOPMENTAL ENGAGEMENT – plagiarism and collusion

10. In all cases, incidents of suspected plagiarism and collusion must be investigated by the academic member of staff marking the script. If having reviewed the evidence there is no case to answer no record of suspected plagiarism will be reported on the mark sheet or on the student's record. If however, having gathered documentation relating to the case, there is evidence that a student may have plagiarised the full set of documentation must be referred, in the first instance, to the relevant programme leader. Documentation must include the relevant script, annotated to indicate where plagiarism is believed to have occurred and additional evidence to support the case for suspected plagiarism.

NOTE: In the case of Combined Honours students, cases of suspected plagiarism must be referred to the subject leader responsible for the unit of study and not the Combined Honours programme leader.

11. For students undertaking study at level 3 or level 4, where this is a first offence and where the plagiarism or collusion is not extensive (i.e. does not represent more than 20% of the element of assessment), the programme leader will meet with the student to inform him / her that plagiarism or collusion may have occurred. The student will be strongly advised to have a representative present at the meeting with the programme leader who will normally be an advisor of the MMUnion Advice Centre. Prior to the meeting, the student will be informed of the nature of the issue and provided with supporting information. The unit leader will normally be present at the meeting to explain the issue in detail.
12. The programme leader will inform the student that if plagiarism occurs in the future it will be dealt with through a formal meeting with the Head of Department where penalties will be imposed. As the meeting with the programme leader is developmental in nature, students should be advised how to avoid plagiarism, should be referred to material on the website or should be referred to the Faculty Student Support Officer for further essay writing support. At the meeting with the student the programme leader should make a record of the advice given and this should be signed by both the student and programme leader and placed on the students file. A log of such meetings will be maintained in order to take appropriate action if further offences occur. The log will also provide the basis for reporting on this procedure across the University (see Paragraph 27).

NOTE: The element of assessment will be marked and no cap will be applied.

C FORMAL MEETINGS WITH THE HEAD OF DEPARTMENT

13. Heads of Department, acting as Chairs of Boards of Examiners, have authority to impose penalties for plagiarism and collusion on behalf of the Board of Examiners.

Those cases not dealt with in paragraph 11 above will usually be referred to the Head of Department for action. Heads of Department also have the authority to impose penalties on students who admit cases of academic misconduct other than plagiarism or collusion. The student is advised to have a representative present at the meeting with the Head of Department. Prior to the meeting with the Head of Department, the student will be informed of the allegation and given details of the evidence that supports it. They will be invited to submit a plea of mitigation, which they may either bring with them to the meeting or submit to the Head of Department up to 5 working days after the meeting. The programme or unit leader will normally be present at the meeting to explain the allegation in detail.

14. Heads of Department considering cases of plagiarism or collusion are required to:
 - (i) determine the facts of the case before them;
 - (ii) use the tariff (Paragraph 12 - 14) to confirm the penalty that shall be applied, in cases where it is established that an offence has been committed;
 - (iii) maintain a report of the proceedings in accordance with that detailed in 23 and 24 below.
15. Students will have the right to appeal as specified in section I of the University Regulations for Undergraduate and Postgraduate Programmes of Study.
16. The following tariff of penalties is to be applied to students found to have committed the offence of plagiarism or collusion and it will be incumbent on Heads of Department to consider whether or not a particular penalty should be applied or lessened in the light of any statement of mitigation submitted by a student and/or any other factors deemed relevant.¹
17. Penalties for students on Undergraduate Programmes

Offences occurring in level 3 or level 4

- (i) For a first offence where the plagiarism or collusion is extensive (i.e greater than 20% of the element of assessment) – a written warning and a mark of 0 for the element. The mark of 0 gets carried forward to the unit assessment; the student does not get an opportunity to re-work the failed element prior to unit assessment.
- (ii) For a second offence in any unit within the same programme of study – a further warning and a mark of 0 for the element of assessment in which the second offence occurred. The mark of 0 gets carried forward to the unit assessment; the student does not get an opportunity to re-work the failed element prior to unit assessment.

Note: This point also applies to those students where the first offence was not extensive and the student was seen by the programme leader.

¹ Acceptance of Exceptional Factors in elements of assessment or units in which plagiarism or some other form of academic malpractice is found shall not affect the application of the tariff of penalties. This shall be the case even where plagiarism or other form of academic malpractice is established after Exceptional Factors have been accepted. It shall be for the Head of Department to decide, on the basis of any plea or statement of mitigation made by the student, whether the normal penalty set out in the tariff shall be applied or whether, exceptionally, a different penalty is appropriate. Similarly, acceptance of Exceptional Factors in units that are failed or capped as a result of the application of the tariff of penalties shall not change the outcome under the tariff. Heads of Department should refer to the note under D.24 (iii) for guidance on pleas and statements of mitigation from students.

- (iii) For a third offence in any unit within the same programme of study – 0 mark in the unit in which the offence occurred.
- (iv) For any subsequent offence anywhere within the same programme of study – a mark of 0 for all of the units that the student has taken so far at that level, and imposition of a 40% cap on unit marks in all further units taken at that level (see also the note after (viii)).

Offences occurring at level 5 or level 6

- (v) Where there is no previous record in any academic level offence of plagiarism or collusion and it represents not more than 20% of the element of assessment – a maximum mark of 40% for the element of assessment.
- (vi) Where there is no previous record of an offence of plagiarism or collusion and it represents more than 20% of the element of assessment – a mark of 0 for the element of assessment.
- (vii) Where there is a previous offence record in a lower academic level – 0 mark in the unit concerned.

Note: This point also applies to those students where the first offence was not extensive and the student was seen by the programme leader.

- (viii) Where the student has already been penalised for plagiarism or collusion in the same academic level – a mark of 0 for all of the units that the student has taken so far at that level, and imposition of a 40% cap on unit marks in all further units taken at that level.

NOTE: Where a Board of Examiners agrees, under E.2.10 of the Assessment Regulations for Undergraduate Programmes of Study, to allow a student who is subject to the penalties described in (iv) or (viii) above to repeat ab initio units on which he/she has been enrolled in an academic year or equivalent period, or an equivalent group of units, the assessments taken by the student shall be as if for the first time, but the unit marks achieved shall be capped at 40%.

18. Penalties for Students on Taught Postgraduate Programmes

- (i) The *unit* in which plagiarism is established to have occurred will be given a mark of 0. The *element(s)* in which plagiarism occurred must be resubmitted and passed but in any event both the element and *unit* marks shall be capped at 50%.
- (ii) Irrespective of the element/unit in which it occurs, a student found to have plagiarised a second time shall be deemed to have failed the programme

19. Other penalties, re-assessment, recording and reporting

- (i) Subject always to not having more than two re-assessment opportunities, students have the right to be re-assessed in any unit(s) failed as a consequence of plagiarism dealt with under this tariff and their re-assessments shall be capped at 40% for undergraduate work or 50% for taught postgraduate work in the usual way.
- (ii) Heads of Faculty / Campus SAS shall ensure that all offences dealt with under this tariff are formally recorded and decisions are reported to the Board of Examiners and to the Director or Student Services (or nominee) who will prepare

a report of the number and manner of cases dealt with annually for the Academic Board.

D ASSESSMENT DISCIPLINARY COMMITTEE

20. Where an allegation of academic misconduct falls outside the remit of a formal meeting with the Head of Department, the matter shall be separately investigated and determined by an Assessment Disciplinary Committee. The student is advised to have a representative present at the Assessment Disciplinary Committee Meeting.
21. Where a student admits academic misconduct, other than plagiarism or collusion, an Assessment Disciplinary Committee shall not normally be convened. In these cases the Head of Department will consider the matter and impose an appropriate penalty.
22. The University's regulations do not restrict unduly the nature of offences which may be considered by an Assessment Disciplinary Committee. Attempting to gain an unfair advantage, failure to observe examination regulations and misconduct in an examination are all cited in the regulations as offences which can be referred to an Assessment Disciplinary Committee (see paragraphs 4, 5 and 7 above). These should not, however, be viewed as an exhaustive list of possible offences and Academic Disciplinary Committees may consider any allegation of academic misconduct that is not explicitly reserved to Heads of Department under C above.

23. Assessment Disciplinary Committees are required to:

- (i) determine the facts of the case before them;
- (ii) in cases where it has been established that an offence has been committed, report to the relevant Board of Examiners as to the penalty which should be applied.

The composition of the Assessment Disciplinary Committee is set out in G 4.5 of the Assessment Regulations for Undergraduate and Taught Postgraduate Programmes of Study.

24. In determining the facts of the case the following stages are involved in the sequence indicated:

- (i) the finding of the primary facts of the case;
- (ii) the finding of secondary facts; i.e. the reaching of a conclusion or conclusions which, in the judgement of the committee, can reasonably be drawn from the primary facts;
- (iii) the hearing of any pleas in mitigation;

NOTE: An Assessment Disciplinary Committee (and a Head of Department dealing with a case under C.13 to C.19 above) will normally be guided by Section 3 of Appendix 2: "Procedures for the Submission and Consideration of Exceptional Factors Affecting Students' Assessment" when considering such pleas. It should be noted, however, that most events and circumstances that result in Exceptional Factors being approved for a student will not provide a sufficient basis for a plea of mitigation to an Assessment Disciplinary Committee (or to a Head of Department dealing with a case under C.13 to C.19 above).

- (iv) the recommendation of penalty/penalties (which includes recommending that no penalty be applied).

NOTE: Using the evidence before it an Assessment Disciplinary Committee will normally determine whether or not an offence has been committed on a balance of probabilities.

25. A report of the proceedings of Assessment Disciplinary Committees must be produced under the authority of the Head of Faculty/Campus SAS. The report shall include the following:
- (i) a list of those present as members of the Committee;
 - (ii) a list of the servicing officers;
 - (iii) a list of any other persons present for whatever purpose which shall be specified;
 - (iv) the name of the student whose case was before the Committee;
 - (v) a clear and unambiguous statement of the charge(s) against the student; it is important that particular attention be paid to the wording of this and that this should be the same as the wording issued to the student at the stage of the serving of notice of the charge(s) and hearing;
 - (vi) a list of any items, documents or reports (which may be oral or in some other form) submitted in evidence (both by the prosecution and the defence);
 - (vii) a clear and unambiguous statement as to the finding of facts by the Committee, both primary and secondary, and a declaration as to whether the student is found to have committed the offence relating to the alleged charge(s);
 - (viii) a full account and list of any items, documents or reports submitted or made in mitigation to the Committee by or on behalf of the student;
 - (ix) a statement as to whether or not the plea(s) in mitigation is/are accepted or otherwise by the Committee and the weight attached thereto;
 - (x) the recommendation of the Committee made in the light of its findings and in the light of any mitigating plea(s) made and considered – these must be fully detailed together with the view/decision of the committee on the validity and degree of acceptability thereof;
 - (xi) a statement confirming that a student can, on specific grounds that are set out in the assessment regulations, appeal against the penalties imposed by an Assessment Disciplinary Committee
 - (xii) the signature of the Chair approving the report as accurate in every respect.
26. The student shall be given a copy of the report of the Assessment Disciplinary Committee and informed that the report, together with such additional information as he/she may wish to submit in mitigation, will be placed before the Board of Examiners and retained on the student record in accordance with MMU Record Retention and Disposal Schedule.
27. In cases where it has been established that an offence has been committed and the Assessment Disciplinary Committee has decided not to recommend expulsion or further disciplinary proceedings then it must recommend a penalty to the Board of Examiners. It can, of course, recommend that no penalty be applied to a particular case if it considers there are valid reasons for so doing. It is incumbent upon Assessment Disciplinary Committees to satisfy themselves that an offence has occurred; it is not for the student to prove his/her innocence. The full report and recommendations of the Assessment Disciplinary Committee shall be presented to the

Board of Examiners. The recommendations shall take account of the Committees' view of any evidence submitted in mitigation by the student or on his/her behalf.

28. Boards of Examiners must not attempt to re-hear or reconsider a case that has been already determined by an Assessment Disciplinary Committee. The function of the Board of Examiners in such cases is to implement the recommendation of the Assessment Disciplinary Committee having regard for any applicable regulations.
29. Heads of Faculty / Campus SAS shall ensure that all cases considered by Assessment Disciplinary Committees are formally recorded and decisions are reported to the Board of Examiners and to the Director or Student Services (or nominee) who will prepare a report of the number and manner of cases dealt with annually for the Academic Board paying particular regard to equality issues.

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