

6. REQUIREMENTS GOVERNING THE OCCURRENCE OF ACADEMIC MALPRACTICE BY STUDENTS IN THE COURSE OF ASSESSMENT (2009/10)

The purpose of assessment is to determine the extent to which a student has acquired an independent understanding of the material on which he or she is being assessed. To this end, the University of Chester requires its students to fulfil the stated objectives of assessment as these are set out in section F1 of the Principles and Regulations. These procedures also apply to students studying under a collaborative partnership agreement at another institution or overseas on taught programmes delivered by University of Chester.

The definition of Academic Malpractice is given below.

6.1 Definition of Academic Malpractice

Academic malpractice may be deemed to have occurred where a student has gained, or sought to gain, advantage in assessment contrary to the established conditions under which students' knowledge, abilities or skills are assessed for progression towards, or the conferment of, academic credit.

Note: students may be penalised in the normal course of assessment for work which, in the judgement of the examiners, relies too heavily on the verbatim reproduction of work derived from other published sources where those sources are acknowledged. However, such over-reliance on work reproduced directly from published sources but acknowledged by the student to be taken from those sources may also be regarded as academic malpractice as defined in section F, sub-section F2.14 of the Principles and Regulations, if a student is judged to be implying that the phraseology is her or his own. Plagiarism, and other forms of academic malpractice, can occur whether or not the student intends to deceive.

Specific practices which shall be deemed to constitute academic malpractice are:

- a) plagiarism, that is, where a student incorporates another person's work (including another student's as well as published sources) by unacknowledged quotation, paraphrase, imitation or other device, in a way which suggests that it is the student's original work. Work in this context is to be taken as any intellectual output being assessed for academic credit, and may include text, images, data, oral presentation, sound or performance.

Examples of plagiarism are:

- the verbatim copying of another's work without acknowledgement;
- the close paraphrasing of another's work by simply changing a few words or altering the order of presentation, without acknowledgement;
- unacknowledged quotation of phrases from another's work;
- the deliberate presentation of another's idea as one's own;
- copying or close paraphrasing with occasional acknowledgement of source may also be deemed to be plagiarism if the absence of quotation marks implies that the phraseology is the student's own;
- copying of data.

Plagiarism in creative work

In arts practice the presentation, re-presentation and representation of extant material may explicitly refer to its sources. Where such references are artistically *implicit* they should be *extrinsically* stated in document or orally. The absence of such acknowledgement may constitute academic malpractice.

In arts practice stylistic or structural resemblance to extant material must be *explicitly* or *extrinsically* acknowledged to ensure fitness for purpose of submission for any given assessment.

Where a student is unclear on either point the onus will fall on them to discuss the particular issue with an appropriate member of academic staff prior to assessment.

- b) copying, that is, reproducing verbatim another's work, for example, downloading and incorporating material from the internet or other electronic sources;
- c) collusion, that is, the conscious collaboration, **without authorisation**, between two or more students in the preparation and/or production of work which is ultimately submitted by each in an identical, or substantially similar, form, and is represented by each to be the product of her/his individual efforts. Collusion also occurs where there is unauthorised co-operation between a student and another person in the preparation and/or production of work which is presented as the student's own;
- d) submitting, or assisting in submitting, false evidence of knowledge and understanding, for example by submitting coursework from an outside source or which has been completed by another student;
- e) commissioning another person or persons to undertake an assessment which is then submitted in whole or part of a submission for academic credit;
- f) fabricating references or primary sources;
- g) falsifying data or record, that is, where data or record presented in laboratory reports, projects, dissertation, journalistic interview and so on, based on work purported to have been carried out by the student, has been invented, copied or otherwise obtained by the student;
- h) incorporating material which has been submitted, previously or simultaneously, in support of an application academic credit from this or any other awarding body, except for the purposes of drawing attention, for reference purposes only, to such work, or where resubmission of previously failed work has expressly been permitted.
- i) obtaining data unethically, or by methods which are not in receipt of formal, ethical approval;
- j) communicating with, or copying from, another person by any means during an examination;
- k) copying or gaining information from any unauthorised source, by any means, from either inside or outside of the examination room;
- l) introducing any written or printed material into the examination room unless expressly permitted by the rubric of the examination;

- m) introducing any electronically stored information into the examination room, unless expressly permitted by the rubric of the examination;
- n) gaining access, or attempting to gain access, to unauthorised material before or during an examination;
- o) being a party to impersonation in an examination;
- p) preventing or attempting to prevent another student's assessment taking place properly;
- q) fabricating evidence in support of a mitigating circumstances claim;
- r) fabricating evidence in support of an academic appeal;
- s) any other dishonest practice resulting in, or intended to result in, a student gaining an unfair advantage in assessment, or disadvantaging other students' assessments.

No case for academic malpractice shall be made on the basis of an anonymous accusation by one student against another.

Where a formal accusation of academic malpractice has been made, the University shall not normally permit suspension of studies until the matter is resolved.

6.2 Academic Malpractice and Disciplinary Procedures

Where a student is alleged to have committed an offence which could be considered under the University's disciplinary procedures, if the alleged offence potentially disadvantages other student's assessment in a particular module or modules, then the student may be brought before an academic malpractice panel instead of or in addition to the disciplinary hearing, in consultation with the Chair of the Subject (or Programme) Assessment Board. For example, if a student is accused of damaging or stealing books, documents or other resources belonging to the University which potentially has the effect of disadvantaging the assessment of other students in a particular module or modules.

Where a student is accused of bringing the University of Chester into disrepute by engaging in academic malpractice in a published article or book or in other media, then a disciplinary panel may take the above definitions of academic malpractice into account at the hearing.

6.3 Initial Witnessing and Accusation: Examination

If an invigilator suspects that a student is engaging in academic malpractice (and provided that the student is not disturbing other candidates) the student shall be allowed to continue the examination. However, the invigilator shall immediately require another invigilator to act as a witness and any unauthorised materials shall be removed. The script (or other assessment form where appropriate) shall be endorsed by the invigilator at the point where the occurrence of cheating is suspected, and on the front cover of the examination answer book. In a practical examination, the invigilator will take note of the stage reached when the infringement was observed.

The invigilator should instruct the student to report to them at the end of the examination when other students have been dismissed from the examination hall. The invigilator and

student should then meet with the Examinations Officer (or other senior member of the Registry) who will make a written record of the circumstances and retain or make notes regarding any relevant materials. A form for this purpose may be found as Appendix F. A copy of this record should be sent to both student and invigilator for them to sign and record any comments as soon as possible and no later than 2 working days following the incident.

Immediately after the examination/assessment, a full report shall then be made by the invigilator(s) to the Chair of the relevant Subject (or Programme) Assessment Board. Any unauthorised materials should be attached to the report. The candidate shall be advised, after the examination/assessment, of the procedures for dealing with suspected cases of academic malpractice. Where feasible, the examination script shall be marked in the normal way as for all other scripts. However, the student's mark will be withheld until the case has been judged.

A student who, in the opinion of an invigilator, is behaving in a manner which may disturb other examination candidates or may disrupt the smooth progress of the examination shall be required to leave the examination room forthwith. At the discretion of the chief invigilator, examination candidates may be allowed additional time to compensate for the time lost as a result of any disturbance/disruption.

6.4 Initial Witnessing and Accusation: Coursework

If a lecturer or other academic officer suspects that a student is engaging in academic malpractice, she/he must inform the Chair of the Subject (or Programme) Assessment Board as soon as she/he becomes aware of the suspected offence. In cases of plagiarism, where identical or very similar source material can be found in more than one location, an example source shall be regarded as evidence. The assignment shall be submitted for assessment and, where feasible, marked in the normal way as for all other coursework submissions. However, the student's mark will be withheld until the case has been judged.

(a) Occurrence of Academic Malpractice by Students at Level 4 (coursework)

i) Accusation

First (alleged) offences of academic malpractice at Level 4 will normally be dealt with initially by the Subject (or Programme) Assessment Board, without recourse to University Academic Malpractice Panel

If the Chair, or nominee, of the Subject (or Programme) Assessment Board is of the opinion that it is likely that academic malpractice may have occurred, the Chair, or nominee, will write to the student (using the format in Appendix G (i) notifying her/him of the allegation and require her/him to provide a written response to the allegation within 7 days. The letter will include a copy of the evidence and will state that the student should attend an interview with the Chair, or nominee, where the allegation and the student's written reply will be discussed. The student may be accompanied by a fellow student of the University of Chester or an officer of the Chester Students' Union (CSU). A copy of this section of the Handbook should be included with the letter along with a copy of the relevant evidence.

(ii) Outcome

If the student accepts that academic malpractice has taken place the Chair, or nominee, will inform the student orally that the Subject Assessment Board will impose a penalty. The Chair should also counsel the student on approaches to study, and sources of study skills support, which could assist the student in developing academic skills and avoiding any recurrence of the offence in future.

Note: It may be the case that the Chair decides that academic malpractice has not occurred.

iii) Penalty

The penalty would normally be recommendation (c) in Section 6.9 of this Handbook. A copy of the letter containing confirmation of the offence from the Chair to the student should be sent to AQSS, together with notification of the penalty applied.

Note: All cases of academic malpractice accepted by students after an interview with the Chair of the Subject Assessment Board must be reported directly to AQSS.

iv) Second and subsequent¹ (alleged) offences of academic malpractice at Level 4

If the student contests the allegation, or if having been dealt with as in the previous paragraph, a student is accused of a second or subsequent offence at Level 4 and the Chair, or nominee, is of the opinion that there is a *prima facie* case, then the allegation will be referred to a University Academic Malpractice Panel, as described elsewhere in this Handbook. The Chair will write to AQSS, using the form in Appendix G(ii) and request the convening of the University Academic Malpractice Panel.

6.5 Formal Accusation

The decision to accuse a student of academic malpractice shall be made only by the relevant Chair of the Subject (or Programme) Assessment Board. Academic malpractice procedures may not be implemented if a mark has already been confirmed by an Awards Assessment Board.

Within five working days of receiving notification of an allegation of academic malpractice, the Chair of the relevant Subject (or Programme) Assessment Board will review the evidence submitted. The Chair may consult with other academic officers as appropriate. The Chair of the SAB may decide to conduct a *viva voce* examination where there is a suspicion that academic malpractice has been committed, but where no evidence can be produced. Guidelines are available at Appendix G(iv).

If s/he is of the opinion that there is a *prima facie* case (sufficient evidence to proceed to a University Academic Malpractice Panel, the Chair of the Subject (or Programme) Assessment Board will write to the student, by pro forma letter (Appendix G(i)), notifying her/him of the allegation and requiring her/him to provide a written response to the allegation within seven working days of the date of the letter. A copy of the relevant sections of this handbook should be included with the letter. In a case of suspected academic malpractice, the initial letter of accusation to the student shall stand in place of the normal feedback.

¹ In the event of one or more offences of plagiarism, all cases at Level 4 will be regarded as concurrent, until formal written feedback about plagiarism has been given to the student. Any further academic malpractice in work submitted for assessment after this point will be regarded as constituting a subsequent offence

If the Chair of the Subject (or Programme) Assessment Board judges, if necessary after the conduct of a *viva voce* examination, that there is insufficient evidence to proceed, the case will be dismissed with no blame attached. Where, for any reason, the student has been made aware of the initial accusation, but where the case is dismissed by the Chair of the Subject (or Programme) Assessment Board, the Chair shall inform the student by letter that she/he has been exculpated.

If the Chair judges, on the basis of the evidence available to him or her, that there is a *prima facie* case for proceeding to the stage of a University Academic Malpractice Panel, the Chair shall write to AQSS, using the form in Appendix G(ii), and request the convening of such a Panel.

The student shall then be informed by AQSS of the appointed time at which the panel will be held and shall be informed of her/his right to appear before the Panel and/or submit a further written statement beyond that already made to the Chair of the Subject (or Programme) Assessment Board. Before the University Academic Malpractice Panel meets, the student against whom the allegation has been made will be supplied with a copy of the written evidence submitted by the member of academic staff submitting the accusation. However, if further evidence of malpractice in the piece of work comes to light during or before the hearing, the University reserves the right to take this additional evidence into account.

6.6 Acceptance of the Charge of Academic Malpractice

If the student accepts the charge of academic malpractice, and does not wish to appear before the University Academic Malpractice Panel then they may write to the Panel, using the form provided (Appendix G(vii)), accepting the charge, and any penalty applied.

6.7 University Academic Malpractice Panel: Composition

The Panel shall consist of a Chair and two members. The Panel shall be drawn from a pool of the following:

Chair

Each Faculty shall nominate a Chair who is either a head or deputy head of subject or a Chair of a Programme Assessment Board.

Members

Each head of subject shall nominate a member of academic staff who has experience of academic malpractice matters, and knowledge of assessment procedures. At least one of the members of the panel must be from a Faculty other than that of the student. Normally, the panel shall not contain anyone who is involved in the teaching or assessment of the programme in which the student is accused. Nominated panel members shall declare any interest they have in the student which may prejudice their membership of the panel and will entitle them to decline membership accordingly. The University reserves the right to involve such other individuals in the hearing as it sees fit.

A member of AQSS staff will be present and shall act as a procedural advisor. The panel will be serviced by AQSS. Formal minutes will be taken and kept in AQSS and a copy sent to Registry Services.

A written submission shall be presented to the panel by the department, on a form provided by AQSS (Appendix G (ii)) unless the Chair of the University Academic Malpractice Panel has requested that a member of staff with knowledge of the alleged offence attend the hearing.

Upon initial consideration of the case, the Chair of the University Academic Malpractice Panel may request that additional evidence be sought from the department.

Normally the case shall be considered at the next meeting of the University Academic Malpractice Panel. The student shall be informed of the date of the hearing within seven working days of the date set for receipt of a response from the accused student.

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6.8 The Meeting of the University Academic Malpractice Panel

At its meeting, the Panel shall consider:

- all evidence adduced in the course of the bringing of the allegation against the student; this might include evidence such as reportage from a *viva voce* examination held on behalf of an SAB in order to determine whether there is a *prima facie* case for academic malpractice;
- any written statement by the student in question;
- any oral statement the student may elect to make in person to the Panel;
- oral or written evidence from any other relevant sources, including members of the Assessment Board to which the student is subject.

Where a student elects to make an oral statement to the Panel, she/he may be accompanied by a member of the University of Chester, who should be either a fellow student or an officer of Chester Students' Union. The student's parent or guardian shall only be permitted to attend the hearing if the student is under 18 years of age. At the discretion of the Chair of the Panel, the person accompanying the student may be invited to make a statement. The name and status of the person accompanying the student shall be communicated in advance to the Chair of the Panel. The student shall respond to the allegation personally and cannot delegate the response to a third party, nor shall a third party be permitted to attend the hearing on behalf of a student without their presence. No discussions will be entered into with a third party about the matter. If the student elects not to make an oral statement, the case will be heard in their absence. Further information about the status of the person accompanying the student can be found in appendix **XXXXX**

If a student has previously been found to have committed academic malpractice, this shall be disclosed to the Chair of the panel, before the hearing. Members of the panel will be informed before the penalty is applied if the student is found to have previously engaged in academic malpractice.

6.9 Decision and Subsequent Recommendation of Penalty

If the department considers that the affected portion of the work is particularly significant to the assessed work, and merits a more severe application of a penalty than the guidelines would suggest, they may make application to the University Academic Malpractice Panel, before or during the hearing, providing a written or oral rationale.

After the hearing, the University Academic Malpractice Panel shall make a decision based on the evidence presented. The panel shall then send a written report to the appropriate Assessment Board, detailing the outcome of the hearing and making recommendations accordingly. Typically, these recommendations will be one of the following.

That the student:

- a) has not engaged in academic malpractice, and that the assessment marks should therefore be released in the normal way

- b) has engaged in academic malpractice and that the student receives a formal warning as to future conduct and shall be given a mark reduction for the module in question. The mark reduction shall be as follows:

That the student:

- i) should fail (with a mark of 0%) the particular element within an assessment component to which the accusation relates;
- ii) should fail (with a mark of 0%) the entire component of assessment within the relevant module (e.g. all the examination component or all the course work component);
- iii) should fail (with a mark of 0%) the entire module;

In exceptionally serious cases, where the Panel finds the student has engaged in academic malpractice, the Panel may recommend that the student:

- iv) has marks for all modules at a particular level capped at 40%
- v) should have their degree classification lowered;
- vi) should fail (with a mark of 0%) the entire level;
- vii) at Level 7, the student shall only be permitted the award of Postgraduate Certificate, and may not take further modules which may lead to the award of Postgraduate Diploma
- viii) at Level 7, the student shall only be permitted the award of Postgraduate Diploma, and may not take further modules which may lead to the award of a Masters' degree.
- ix) be required to withdraw from the University and may not enrol for any other award at the institution. Where this penalty is applied, the penalty of a reduction of marks shall also be specified.

The penalty shall include a recommendation, where appropriate, about whether reassessment is permissible. However, the panel shall not normally recommend a penalty less severe than the outcome which would have resulted from a failure to submit the work in question. In all cases of academic malpractice at Level 7, the student shall be barred from being awarded a distinction.

All judgements and recommendations relating to penalties for academic malpractice shall be ratified by an Assessment Board. Those penalties which relate to individual modules shall be ratified by a Subject Assessment Board; where the penalty directly relates to progression or to an award, the decision shall be ratified by an Awards Assessment Board. (Chair's Action may be taken as necessary to expedite the outcome.)

6.10 The Role of the Assessment Board

The Assessment Board shall ratify the penalty judgement.

Normally, the final module mark(s) awarded shall be treated in the same way, and have the same consequences with regard to the assessment of the candidate's overall performance, as a similar mark awarded to other candidates. However, the result of any

module in which a student has been found to have committed academic malpractice may not be discounted for the purpose of calculating the degree classification. When reassessment is allowed in modules which the student is deemed to have failed on account of academic malpractice, the requirements governing reassessment shall apply (please refer to Requirements for the Conduct of Assessment by Awards Assessment Boards).

The permanent record of the student should record both the findings of the University Academic Malpractice Panel and the penalty imposed.

6.11 Appeal against the decision of the Academic Malpractice Panel

The decision of the academic malpractice panel is one of academic judgement. A student may not therefore appeal against the decision on the ground of disagreement with the decision of the academic malpractice panel.

A student (known as an appellant in the academic appeals procedure) may make an academic appeal based on the following grounds:

- 1 that the appellant had exceptional circumstances which affected her/his ability to mount a defence of the allegation, only if s/he was unable, or for valid and compelling reasons unwilling, to divulge such illness or circumstance(s) to the academic malpractice panel;
- 2 that the academic malpractice panel was not conducted in accordance with the relevant regulations;
- 3 that there was administrative error which had a demonstrable and substantial negative impact on the operation of the academic malpractice procedures or of the academic malpractice panel;
- 4 that some other material irregularity occurred in the conduct of the academic malpractice procedures or conduct of the academic malpractice panel assessment outcome.

Appeals against the decision of the academic malpractice panel shall be considered under the academic appeals procedure (see section 7 of the assessment handbook).

A student may only appeal once the decision has been ratified by the Awards Assessment Board. A student may, however, lodge notice of intent to appeal at any time from receipt of the decision of the academic malpractice panel up until 7 days following the publication of the Awards Assessment Board's decision.

Where an appeal against the decision of an academic malpractice panel has been upheld, the decision of the Assessment Review Board shall normally be that the student shall be afforded the chance to defend the allegation at a hearing of the academic malpractice panel as if for the first time.