University of Chester

Procedures Governing the Occurrence of Academic Malpractice by Students in the Course of Assessment

SECTION 6

Quality and Standards Manual

HANDBOOK F:

The Assessment of Students at Levels Z, 4, 5, 6, 7 and Taught Provision at Level 8

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SECTION 6 – PROCEDURES GOVERNING THE OCCURRENCE OF ACADEMIC MALPRACTICE BY STUDENTS IN THE COURSE OF ASSESSMENT

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, and the taught modules of research degrees, delivered by University of Chester.

1. Definition of Academic Malpractice

1.1 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.

1.2 Academic malpractice can occur whether or not the student intends to deceive.

1.3 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 1.1, if a student is judged to be implying that the phraseology is her or his own.

1.4 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 ideas 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; and
- 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; and

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.

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

2. Academic Malpractice and Disciplinary Procedures

2.1 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 Module 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.

2.2 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.

2.3 If an Academic Malpractice Panel considers that the student's actions or inactions have brought the University into disrepute, the Panel may refer the allegation of bringing the University into disrepute to the University Proctor for consideration under the Disciplinary Procedures (in addition to, or in place of, reflecting the matter in a more severe academic penalty than the intrinsic charge of Academic Malpractice would suggest).

2.4 In cases of suspected academic malpractice by a student on a professional programme, these procedures should normally be used. However, where the Chair of the MAB considers that the Professional Suitability Procedure to be the more appropriate procedure, advice should be sought from Senior Assistant Registrar (Student Affairs) in the first instance.

3. The Role of Chairs of Module Assessment Boards and nominees

3.1 The Chair of the relevant Module Assessment Board (the Chair) shall normally be responsible for considering cases of alleged academic malpractice on behalf of the department.

3.2 The Chair may appoint other members of the department of appropriate standing to act on their behalf in these matters.

3.3 When considering cases of alleged academic malpractice, the Chair, or nominee, must have been independent of the process of marking for the piece of work in question. They must assure themselves that there exists no other conflict of interest that may impair their ability to consider the case impartially.

4. Academic Department Procedures (coursework)

4.1 If an academic member of staff suspects that a student has engaged in academic malpractice, they must inform the Chair, or nominee, as soon as they become aware of the suspected offence. The assignment shall be accepted 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.

4.2 The evidence of suspected academic malpractice shall be prepared with due regard to the relevant section of the *Academic Malpractice Procedures: Guidance for Academic Departments*.

4.3 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.

4.4 Level Z and Level 4 (initial offences)

a. First (alleged) offences of academic malpractice at Level Z or Level 4 will normally be dealt with exclusively by the department.

b. The evidence shall be presented to the Chair, or nominee. If they are of the opinion that it is likely that academic malpractice may have occurred, normally within five working days, they will complete a form AM-1 (given at Appendix 6B).

c. The Chair, or nominee, will write to the student (using the *pro forma* letter given at Appendix 6B), notifying them of the allegation and requiring them to attend a meeting to discuss it. The time and date of the meeting shall be at the discretion of the Chair, or nominee, but will normally take place no sooner than 7 days after the allegation is sent and no later than 21 days after. The letter shall be accompanied by a copy of the evidence. The student may be accompanied to the meeting by another registered student of the University or an officer of the Chester Students' Union.

d. During the meeting with the student, the Chair, or nominee, shall complete form AM-2a (given at Appendix 6D). If the student does not attend the meeting, form AM-2a should be completed and signed in their absence. A copy should then be sent to the student.

e. If the Chair, or nominee, finds that academic malpractice has not occurred, they shall complete and sign form AM-2a accordingly. A copy of the form should be provided to the student. All paperwork held by the department in relation to the allegation should be destroyed.

f. If the Chair, or nominee, finds that academic malpractice has occurred, they shall complete and sign form AM-2a accordingly, detailing the penalty to be applied. The student should then be invited to complete the relevant section:

   i. If the student accepts that academic malpractice has taken place the Chair, or nominee, should 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. The student should be provided with a copy of the completed form AM-2a. A further copy should be kept by the department and the original should be sent to AQSS.

   ii. If the student contests the finding and/or the penalty, the matter will be referred to a hearing of the University Academic Malpractice panel. A case file should be prepared and sent to AQSS. The case file must include:

      - A copy of the AM-1 form originally sent to the student
      - A copy of all of the evidence gathered to substantiate the allegation
      - Copies of any relevant correspondence between the student and the department in relation to the matter
      - A copy of the AM-2a form completed and signed by the Chair and by the student (if they were present at the meeting).

   iii. If the student indicates that they do not wish to accept or contest the finding and/or the penalty at that stage, they should still be provided with a copy of the completed form AM-2a. The original should be sent to AQSS. If the student subsequently fails to respond within 5 working days, it will be assumed that they have accepted the finding and the penalty.

g. The penalties available are those listed on the form AM-2a. For the purposes of any future offences of academic malpractice by the student, only a penalty that results in the failure of the piece of work in question will be taken into account.

h. 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.

4.5 Levels 5, 6, 7, 8 and second or subsequent offences at Levels Z and 4

a. The evidence shall be presented to the Chair, or nominee, who may consult with other academic staff as appropriate. Normally, within 5 working days, if they are of the opinion that it is likely that academic malpractice may have occurred, they will complete a form AM-1 (given at Appendix 6B). They will then write to the student (using the *pro forma* letter given at Appendix 6B), notifying them of the allegation and requiring them to attend a meeting to discuss it. The time and date of the meeting shall be at the discretion of the Chair, or nominee, but will normally take place no sooner than 7 days after the allegation is sent and no later than 21 days after. The letter shall be accompanied by a copy of the form AM-1 and the evidence. The student may be accompanied to the meeting by another registered student of the University or an officer of the Chester Students' Union.

b. Where there is a suspicion that academic malpractice has been committed, but where no evidence can be produced, the Chair, or nominee, may decide to require the conduct of a *viva voce* examination. Such an examination shall be conducted by appropriately qualified examiners and shall be recorded either digitally or via the taking of notes. The examiners shall report their findings to the Chair, or nominee who will then determine that:

    i. There is insufficient evidence to proceed with an allegation of academic malpractice or that no offence has been committed; or

    ii. The report of the *viva voce* examination is sufficient to provide, *prima facie*, evidence of academic malpractice and that the case should proceed as described in 4.5.a.

c. During the meeting with the student, the Chair, or nominee, shall complete form AM-2 (given at Appendix 6C). If the student does not attend the meeting, form AM-2 should be completed and signed in their absence. A copy should then be sent to the student.

d. If the Chair, or nominee, finds that academic malpractice has not occurred, they shall complete and sign form AM-2 accordingly. A copy of the form should be provided to the student. All paperwork held by the department in relation to the allegation should be destroyed.

e. If the Chair, or nominee, finds that academic malpractice has occurred, they shall complete and sign form AM-2 accordingly. The student should then be invited to complete the relevant section. The student should be provided with a copy of the completed form AM-2. A further copy should be kept by the department. A case file should be prepared and sent to AQSS. The case file must include:

    - A copy of the AM-1 form originally sent to the student
    - A copy of all of the evidence gathered to substantiate the allegation
    - Copies of any relevant correspondence between the student and the department in relation to the matter
    - A copy of the AM-2a form completed and signed by the Chair and by the student (if they were present at the meeting).

f. For Level 5 and above where the student has not previously been found guilty of academic malpractice, the University Academic Malpractice Panel will normally consider multiple allegations as being concurrent if it determines that there would have been insufficient time for the student to benefit from appropriate academic guidance between the identification of academic malpractice in one piece of work and the submission of another.

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

5. Academic Department Procedures (examinations)

5.1 If an invigilator suspects that a student is engaging in academic malpractice:

a. 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.

b. 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.

5.2 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 6A. 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.

5.3 Immediately after the examination/assessment, a full report shall then be made by the invigilator(s) to the Chair of the relevant Module 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.

5.4 Normally within seven working days of receiving the invigilator(s) report, the Chair of the relevant Module Assessment Board shall determine whether there exists, *prima facie*, evidence of academic malpractice having occurred. They may choose to interview the student and/or the invigilator before making such a determination. The Chair of the relevant Module Assessment Board may determine that:

a. There is insufficient evidence to proceed with an allegation of academic malpractice or that no offence has been committed; or

b. The case should proceed to be heard by the University Academic Malpractice Panel.

5.5 If the Chair of the relevant Module Assessment Board determines that the matter should be referred to the University Academic Malpractice Panel, a case file shall be prepared and sent to AQSS. The case file must include:

- The report of the invigilator(s) to the Chair of the relevant Module Assessment Board;
- Any unauthorised materials removed from the student during the course of the examination;
- Any relevant correspondence between the student and the department in relation to the matter; and
- A report from the Chair of the relevant Module Assessment Board requesting the convening of the University Academic Malpractice Panel.

6. Determination of Eligibility for Consideration of a Standard Penalty

6.1 On receipt of the case file, Senior Assistant Registrar (Student Affairs), or nominee, shall determine whether the student might be eligible for consideration of a standard penalty. Eligibility for such shall be confirmed where **all** of the following criteria apply:

a. The offence is one of plagiarism or incorporating material previously submitted for academic credit at this or any other awarding body.

b. It is the student's first offence;

c. The Chair, or nominee, has confirmed that it is their academic judgement that academic malpractice has occurred and that there is sufficient evidence to substantiate that judgement;

d. The student has indicated that they accept the allegation or has not responded to the allegation within 7 days of the signing of the AM-2 form; and

e. The piece of work in question represents either the first or second assessment opportunity. If the second assessment opportunity, the criteria given at Appendix 6E to allow a third assessment opportunity must be met.

f. Additionally, in the case of allegations made where the piece of work in question forms part of the assessment for a Level 7 module on a taught postgraduate programme, the Chair, or nominee, has confirmed that the proportion of the work affected by academic malpractice is less than half.

6.2 Where all of the criteria listed at (6.1) apply, the case shall be referred to the Subgroup on Academic Malpractice Penalties for consideration.

6.3 Where one or more of the criteria listed at (6.1) do not apply, the case shall be referred to a hearing of the University Academic Malpractice Panel.

7. Subgroup on Academic Malpractice Penalties

7.1 The Subgroup on Academic Malpractice Penalties (the Subgroup) shall act on behalf of the University Academic Malpractice Panel to consider cases for which it has been determined that the student might be eligible for consideration of a standard penalty.

7.2 The Subgroup shall consist of a Chair of the University Academic Malpractice Panel and the Dean of Academic Quality and Enhancement, or nominee. The Senior Assistant Registrar (Student Affairs), or nominee, shall act as a procedural adviser.

7.3 A member of the Subgroup who has had any prior involvement in the case presented shall declare it and the case shall be deferred to the next meeting.

7.4 A student whose case is referred to the Subgroup shall not have the right to attend the meeting, but they may make an optional written submission. Any such written submission should be received by AQSS within 7 days of the date that the Chair of the relevant Module Assessment Board, or nominee, signed the form AM-2.

7.5 The Subgroup shall review the case file, any written submission provided by the student and the recommendation that the student is eligible for consideration of a standard penalty and satisfy itself that:

a. Sufficient evidence exists to substantiate the judgement of the Chair of the relevant Module Assessment Board, or nominee, that academic malpractice had occurred;

b. The judgement of the Chair of the relevant Module Assessment Board, or nominee, on the proportion of the work affected by academic malpractice is sound;

c. The recommendation that the student is eligible for consideration of a standard penalty is correct.

7.6 Where the Subgroup has satisfied itself in relation to the points listed at (7.5), it shall act on behalf of the Chair of the relevant Module Assessment Board and apply one of the following penalties:

a. Where the work in question formed part of the assessment in a Level Z, 4, 5 or 6 module and less than half of the work is affected by academic malpractice, the student shall:
   i. Fail, with a mark of 0%, the entire component of assessment; and
   ii. Be entitled to reassessment.

b. Where the work in question formed part of the assessment in a Level Z, 4, 5 or 6 module and more than half of the work is affected by academic malpractice, the student shall:
   i. Fail, with a mark of 0%, the entire module; and
   ii. Be entitled to reassessment.

c. Where the student is registered for a Level 7 or Level 8 postgraduate programme and less than half of the work is affected by academic malpractice, the student shall:
   i. Fail, with a mark of 0%, the entire module; and
   ii. Be entitled to reassessment.

7.7 The outcome shall be communicated to the Chair of the relevant Module Assessment Board and the Deputy Registrar, or their nominees, who shall be responsible for ensuring that the penalty is applied.

7.8 Where the Subgroup cannot satisfy itself in relation to the points listed at (7.5), it shall determine whether the case has not been proven and should be dismissed or whether it should be referred to a hearing of the University Academic Malpractice Panel.

7.9 The decision of the Subgroup on Academic Malpractice Penalties shall be communicated to the student in writing normally within 10 working days of the decision being made.

8. University Academic Malpractice Panel

8.1 Cases referred to the University Academic Malpractice Panel (the Panel) will normally be scheduled for the next meeting. However, cases may need to be scheduled out of order, for example to avoid a conflict of interest with Panel members.

8.2 The student shall be informed of the date of the hearing as soon as reasonably practical and will normally be given no less than 5 working days' notice.

8.3 The student shall be informed of their right to appear before the Panel and/or submit a further written statement beyond that already made to the Chair of the Module Assessment Board, or nominee.

8.4 No less then 2 working days prior to the meeting of the Panel, the student against whom the allegation has been made will be provided with a copy of the case file (described at 4.4.f.ii, 4.5.e or 5.5). 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. Where this happens, the student must be provided with a copy of the additional evidence against them and be given an appropriate amount of time to prepare a defence should they wish to do so.

8.5 If the department considers that the affected portion of the work is particularly significant to the overall piece, and merits a more severe application of penalty than the guidelines would suggest, they may make application to the Panel, before the hearing, providing a written rationale as part of the case file.

8.6 Both staff and students have the opportunity to present their case in writing and in person to the Panel. Other than through these channels, neither students, staff nor other individuals may seek to influence the Chair or members of the Panel or in any other way seek to sway the operation of the University's academic malpractice procedures, regarding a case which has been submitted to a Panel, or is expected or proposed to be submitted. Doing so may lead to the case being deferred until a new Panel with a different Chair and members can be convened.

8.7 Composition of the Panel

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

i. Chair
Each Faculty may nominate members of academic staff to act as a Chair. Nominees shall normally be either a head or deputy head of department.

ii. Members
Each head of department may nominate members of academic staff who have experience of academic malpractice matters, and knowledge of assessment procedures.

b. At least one of the members of the panel must be independent of the Faculty from which the allegation originates.

c. The Panel shall be academically independent of the student and as such it shall not contain anyone who has been involved in the teaching or assessment of the student. The University reserves the right to involve such other individuals in the hearing as it sees fit.

8.8 The Dean of Academic Quality and Enhancement (or nominee) shall appoint a procedural advisor. The panel will be serviced by AQSS. Formal minutes will be taken and kept in AQSS.

8.9 The Chair of the Panel will normally request that a member of staff with knowledge of the alleged offence attend the hearing to present the case on behalf of the Chair of the Module Assessment Board, or nominee.

9. Request to Defer a Hearing

9.1 The student may request a rescheduling of a hearing on one occasion only, and for good reason. Such reason for a hearing scheduled during term time being, but not exclusively:

a. a clash with an examination or class test;

b. a clash with a field trip or with Work Based Learning;

c. a clash with another academic requirement; or

d. illness of the student, or someone for whom the student has a caring responsibility.

9.2 In all cases a request for a deferral shall be accompanied by appropriate documentary evidence. For example, in the case of clashes with other academic requirements, written confirmation from the programme or module leader would be acceptable. In the case of illness, a valid medical certificate should be supplied.

9.3 A request for deferral of a hearing due to a holiday taken during term time will not be permitted.

9.4 For hearings during vacation time, requests may be made for the reasons stated above, because of a pre-booked holiday, or because of work commitments.

10. Conduct of the hearing of the University Academic Malpractice Panel

10.1 A student may request that the hearing of the University Academic Malpractice Panel goes ahead in their absence.

10.2 Where a student fails, by a stipulated deadline, to notify AQSS of their intention to attend, or fails to submit an acceptable deferral request, the hearing will go ahead in their absence. Failure of the student to arrive at the hearing at the time indicated by AQSS will also result in the hearing going ahead in their absence.

10.3 An audio recording of the hearing shall normally be made.

10.4 At the hearing, the University Academic Malpractice Panel shall consider:

a. The case file (described at 4.4.f.ii, 4.5.e or 5.5);

b. Any written representations from the student, not otherwise included in the case file;

c. Any oral representations to the Panel that the student may elect to make in person;

d. Any written or oral representations from any other relevant sources, including any representative of the Chair of the relevant Module Assessment Board, or nominee, who referred the case.

10.5 If further evidence has come to light before or during the hearing (as described in 8.4), the student must be provided with a copy of the additional evidence and be given an appropriate amount of time to prepare a defence should they wish to do so. The Chair of the University Academic Malpractice Panel shall adjourn the hearing if necessary to give the student the opportunity to do this.

10.6 The student shall have the right to see and comment on any evidence that the University Academic Malpractice Panel intends to take into account and any representations made to the Panel.

10.7 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.

10.8 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. Further information about the status of the person accompanying the student can be found at appendix 6H.

10.9 If a student has previously been found to have committed academic malpractice, this information shall only be shared with the Panel if the student is found guilty in the case under consideration and before moving to consider a penalty.

10.10 Where a student is studying at a partner institution abroad, is an overseas student who is no longer resident in the UK, or is a student based in the UK but is overseas as part of their programme, and at the discretion of the Chair, the academic malpractice panel may be conducted via videolink.

11. Decisions of the University Academic Malpractice Panel

11.1 At the conclusion of the hearing the student, their accompanier (if any) and the representative of the Chair of the relevant Module Assessment Board, or nominee, shall withdraw.

11.2 The Panel's deliberations as to the outcome of the hearing and any subsequent penalty shall be conducted in private.

11.3 The decision of the Panel is one of academic judgement.

11.4 For each allegation, the Panel shall determine one of the following outcomes:

a. the student has not engaged in academic malpractice, and that the assessment marks should therefore be released in the normal way or;

b. the student has engaged in academic malpractice and that the student receives a formal warning as to their future conduct and shall be given an academic penalty.

11.5 Where the Panel determines that an academic penalty should be applied, it shall have due regard to the guidelines on penalty (given at Appendix 6E). In all cases, the Panel shall decide to apply one of the following:

That the student:

a. Should fail (with a mark of 0%) the entire component of assessment within the relevant module; or

b. Should fail (with a mark of 0%) the entire module.

11.6 Where the Panel finds that the student has engaged in malpractice in multiple pieces of work or in such a way that the Panel deem the case to be exceptionally serious, in addition to the decision at (11.5) it may recommend to the relevant Assessment Board:

That the student:

a. has marks for all modules at a particular level capped at 40%;

b. (registered for a Foundation degree) should be barred from receiving a Merit or Distinction;

c. should have their degree classification lowered;

d. should fail (with a mark of 0%) the entire level;

e. (registered for, or existing with, a Level 7 award) shall be barred from being awarded a merit or a distinction;

f. (registered for, or exiting with, a Level 7 award) shall have their programme of study terminated and not be permitted to submit any further work. They may be awarded a qualification up to the level of a Postgraduate Certificate where credits that can be awarded on the basis of all work submitted to date entitle them to such an award;

g. (registered for, or exiting with, a Level 7 award) shall have their programme of study terminated and not be permitted to submit any further work. They may be awarded a qualification up to the level of a Postgraduate Diploma where credits that can be awarded on the basis of all work submitted to date entitle them to such an award; or

h. shall have their programme of study terminated, shall not be entitled to any award and may not enrol for any other award at the University. Where this penalty is applied, the penalty of a reduction of marks shall also be specified.

11.7 Where appropriate, the Panel shall also make a recommendation about whether reassessment is permissible.

11.8 Where the Panel recommends that reassessment should be permitted, any resultant module mark must be capped at 40% and in the case of Bachelor's degree students at Level 5 and 6, the capped module mark may not be discounted in the calculation of the final degree classification; in the case of Foundation degree students, the capped module mark may not be discounted in the calculation for determining whether a merit or distinction shall be awarded.

11.9 Where the Dean of Academic Quality and Enhancement (or nominee) confirms that a student would ordinarily have been eligible for consideration for a standard penalty had they chosen not to contest the case, the Panel may only recommend a penalty equal to the standard penalty that would have been applied.

11.10 The Panel shall act on behalf of the Chair of the relevant Module Assessment Board to give effect to any penalty that it determines in accordance with 11.5. The Panel's decision shall be communicated to the Chair of the relevant Module Assessment Board and the Deputy Registrar, or their nominees, who shall be responsible for ensuring that the penalty is applied.

11.11 Where the Panel recommends a further penalty in accordance with 11.6, this shall be communicated to the relevant Assessment Board via the Deputy Registrar, or nominee.

12. The Role of the Assessment Board

12.1 The Assessment Board shall ratify the penalty judgement.

12.2 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.

12.3 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 Governing the Assessment of Students: Assessment Boards*).

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

13. Appeal Against Decisions Regarding Academic Malpractice

13.1 The decision of the Chair of the relevant Module Assessment Board, or nominee, or the University 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 the Chair of the relevant Module Assessment Board, or nominee, or the University Academic Malpractice Panel.

13.2 For the purposes of an appeal the term 'academic malpractice procedures' shall be taken to mean the procedures and business conducted by an academic department in relation to a case of academic malpractice, or by the Subgroup on Academic Malpractice Penalties, or by the University Academic Malpractice Panel, or any combination of these.

13.3 A student may make an academic appeal based on the following grounds:

a. That the academic malpractice procedures were not conducted in accordance with the relevant regulations;

b. That there was administrative error on the part of the University which had a demonstrable and substantial negative impact on the operation of the academic malpractice procedures;

c. That some other material irregularity on the part of the University occurred in the conduct of the academic malpractice procedures; and

d. The penalty imposed unreasonably exceeded the penalty which would normally be applied for such an offence.

13.4 A student whose case was considered by the Subgroup on Academic Malpractice Penalties, but who made no response to the allegation put to them by the Chair of the relevant Module Assessment Board, or nominee, may also appeal on the following ground:

a. That they had personal illness or exceptional personal circumstances, which affected their ability to mount a defence of the allegation, only if they were unable, or for valid and compelling reasons unwilling, to either request a deferral of the

meeting with the Chair of the relevant Module Assessment Board, or nominee or otherwise respond to the allegation in writing.

13.5 A student whose case was referred to a hearing of the University Academic Malpractice Panel may also appeal on the following ground:

a. That they had personal illness or exceptional personal circumstances, which affected their ability to mount a defence of the allegation, only if they were unable, or for valid and compelling reasons unwilling, to either request a deferral of the hearing of the University Academic Malpractice Panel or divulge such illness or circumstance(s) to the University Academic Malpractice Panel, prior to or during the hearing.

13.6 Appeals against the decision of the Subgroup on Academic Malpractice Penalties or of the University Academic Malpractice Panel shall be considered under the academic appeals procedure (see Handbook F, Section 10).

13.7 A student should lodge any appeal within 14 calendar days of notification of the decision of the Subgroup on Academic Malpractice Penalties or of the University Academic Malpractice Panel.

13.8 Where an appeal against the decision of the Subgroup on Academic Malpractice Penalties or of the University Academic Malpractice Panel has been upheld, the decision of the Appeals Committee shall normally be that the student shall be afforded the chance to defend the allegation at a hearing of the University Academic Malpractice Panel as if for the first time.

14. Office of the Independent Adjudicator for Higher Education

14.1 Where a student has exhausted internal procedure, and a Completion of Procedures letter has been issued, there exists a right to take the case to the Office of the Independent Adjudicator for Higher Education (OIA). If the student wishes to take his/her complaint to the OIA, s/he must send a Scheme Application Form within three months of the date of the Completion of Procedures letter. A Scheme Application Form can be obtained from the Institutional Compliance Officer, from Chester Students' Union or downloaded from the OIA website www.oiahe.org.uk.

14.2 Where a student does not have grounds for making an academic appeal against the decision of the Subgroup on Academic Malpractice Penalties or against the recommendations of the University Academic Malpractice Panel, but is nonetheless dissatisfied with the outcome of the hearing, they may request a Completion of Procedures letter from the Dean of Academic Quality and Enhancement.