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## Section 23 Academic misconduct policy

### 23.1 Policy introduction

23.1.1 The University is committed to developing a culture of academic integrity and to conducting fair and equitable assessment for all students. Academic integrity involves a commitment to the core values of honesty, trust, fairness, respect and responsibility in all academic endeavours. Individuals sometimes fail to act with academic integrity in an attempt to gain an unfair advantage in an assessment. This is often termed **academic misconduct** and it will be dealt with by the University in accordance with the procedure set out below. As explained below, academic misconduct includes unintentional acts, where students have not familiarised themselves with good academic practice.

### 23.2 Scope

- 23.2.1 The following policy and procedures apply to undergraduates, graduate, taught postgraduates, and the taught component of any research degree. There is a separate 'Research Misconduct Policy and Procedures' for staff and postgraduate research students. The research component of any undergraduate or taught postgraduate component is normally covered by the current policy and procedures and not the 'Research Misconduct Policy and Procedures'.
- 23.2.2 This policy applies to students enrolled on programmes for assessments delivered in whole by the University, or in whole or part by a franchise partner institution (franchise provision).
- 23.2.3 The procedure to be followed in relation to programmes delivered by a validated partner organisation (validated provision) will be set out in **section 23.16** and other programme documentation provided by the validated partner. Students and partners should follow those procedures.

## 23.3 What constitutes academic misconduct?

23.3.1 Academic misconduct may take a number of forms. The following is not an exhaustive list, but academic misconduct includes:

Type	Description
<b>Plagiarism</b>	This happens where a student incorporates the work of others (published or unpublished) in their own work without properly acknowledging it. Students are effectively claiming ownership for work that is not their own. This includes word-for-word borrowing as well as copying with minor changes. 'Work' is not limited to text, but also includes statistics, assembled facts or arguments, figures, photographs, pictures or diagrams. Students must follow the correct referencing guidelines provided by their programme.
<b>Self-plagiarism</b>	For example, a student using the same work for a new assessment that was submitted for a previous summative assessment.
<b>Using an essay-writing service</b>	Buying or otherwise obtaining work online or elsewhere which a student then submits for an assessment. Commissioning an essay is fraud and the most severe penalty, termination of a student's studies, may apply.
<b>Fraudulent or fabricated coursework</b>	For example: reports of practical work that is untrue and/or made up; fabrication of research or dishonest interpretation of data; unethical research practice.
<b>Cheating in examinations</b>	For example: through impersonation; taking into the examination unauthorised materials, mobile phones or other electronic devices; copying from other students or from notes.
<b>Collusion</b>	Submitting work produced jointly with another student (except where the terms of the assessment require collaboration).
<b>Deception</b>	For example, faking exceptional circumstances or forging a signature relating to a placement.
<b>Misuse of translation tools</b>	Inappropriate use of online translation tools to conceal the source of text, or otherwise present work that it not a student's own.

## 23.4 Student responsibilities

23.4.1 It is the student's responsibility to develop good academic practice by taking part in sessions provided for students by tutors and librarians. Good academic practice involves students improving their note-making and writing skills, being motivated to direct their own studies, seeking advice if in doubt and acknowledging the sources used by referencing correctly.

23.4.2 Students are encouraged to show the results of their reading by referring to and quoting from works on their subject, but they must make it clear which work is theirs and which has come from elsewhere, through the use of appropriate referencing as well as in-text citations. Students should take particular care not to copy a third party's summary or paraphrase of an author's work.

23.4.3 When a student submits assessed work, the student will be asked to confirm it is their own.

23.4.4 It is the student's responsibility to access the support provided by the University to help them to develop good study skills. Some examples of the support the University provides include:

- Access to study support sessions which may be about developing a student's writing skills, correct referencing style for their discipline.
- Access to online resources available on our webpages at: <https://www.yorksj.ac.uk/students/study-skills/>
- Access to Turnitin so that the student can test their work.

## 23.5 Consequences

23.5.1 Being accused of academic misconduct is a serious offence in the University and has the potential to result in a number of penalties depending on the stage a student is at in their studies. It can mean that the student is required to resubmit the work; it may mean that the student is given a capped mark; or that the student is asked to resubmit for credits only and with a mark of zero; in the most serious cases, a student's studies may be terminated. If required to resubmit work the student must pay the resit fee.

## 23.6 Monitoring and review

- 23.6.1 The University will keep and dispose of all correspondence relating to case of academic misconduct in accordance with its records management policy.
- 23.6.2 A report on academic misconduct cases and their outcomes will be produced annually and submitted to the Quality and Standards Committee for consideration. A summary report will be considered by Academic Board and the Governing Body through the Annual Quality Report. This process will ensure appropriate monitoring of all academic misconduct cases and related outcomes.

## 23.7 Other university policies

- 23.7.1 Where relevant, other university policies and procedures (such as those relating to discipline, fitness to practise or research misconduct) may be used as well as or instead of this policy and procedure.
- 23.7.2 This procedure shall be implemented with due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations. The procedure applies equally to all students irrespective of age, disability, gender identity, pregnancy or maternity, race, religion or belief, sex or sexual orientation.
- 23.7.3 The University is committed to procedures that are fair and transparent, and decisions that are reasonable and have regard to law.

## 23.8 Procedures – What happens if a student is suspected of academic misconduct?

- 23.8.1 It is the University's responsibility to establish that academic misconduct is more likely than not to have taken place.
- 23.8.2 Investigation:

Investigating academic misconduct in	Action
<b>Examinations</b>	<ul style="list-style-type: none"><li>• If a student is suspected of cheating in an examination, the invigilator will make a note on the student's examination script and remove any suspect objects.</li><li>• The student will be allowed to finish the examination.</li><li>• At the end of the examination, the student will be told that an investigation will take place. The matter will be reported to the student's School and an investigation will take place.</li><li>• If the evidence indicates that the student has committed academic misconduct, the case will be forwarded to the Student Appeals and Conduct Committee as set out below.</li></ul>
<b>Assessments</b>	<ul style="list-style-type: none"><li>• If a student is suspected of academic misconduct in an assessment other than an examination, this concern will be reported to the student's School, which will decide whether a further investigation is warranted, who will record the decision and the reasons for it.</li></ul>

- 23.8.3 The person who is investigating the allegation will determine the best way of doing this. This may include the use of plagiarism detection software. The student may also be asked to provide their notes, drafts and any other records relating to their preparatory work for the assessment. Any failure to provide this material is likely to be considered when a decision is made about potential academic misconduct.
- 23.8.4 The student may be required to attend an oral examination to allow the student an opportunity to demonstrate that the work is indeed theirs. This is not a compulsory part of the process, and only takes place where it is necessary for the investigation. The purpose of the oral examination is to establish whether the student is likely to be the author of the work submitted. The School will seek the approval of a panel of Student Appeals and Conduct Committee to hold this oral examination before doing so. **At least two members** of academic staff will assess whether the student's responses indicate authorship of the work. If a student does not participate in the oral examination, negative inferences may be made regarding their authorship of the work.
- 23.8.5 If such an oral examination is held, the student may choose to bring a supporter with them to provide support, but not to speak on their behalf. The student may find it helpful to ask a representative from the Students' Union to be their supporter, but it can also be, for example, a friend or relative. The student will be asked to provide the name and capacity in which the supporter is attending in advance. Should the student's

supporter behave inappropriately at any point during the oral examination or the following procedures, they will be asked to withdraw.

## 23.9 School enquiry

- 23.9.1 Once the investigation described above is complete, and normally within **ten working days** of the concern first arising, the student will be given a copy of all the evidence. The student will be invited to a meeting at the School. **At least two members** of the academic staff will be present at this meeting.
- 23.9.2 The student may be accompanied by a fellow student or officer of the Students' Union to provide support. This meeting is different to the oral examination described in **section 23.8.4**, as the purpose is to allow the student the chance to comment on the evidence and respond to the allegation of academic misconduct made against them.
- 23.9.3 At this meeting, the School will decide from the following outcomes:

Action	Description
<b>No further action</b>	<ul style="list-style-type: none"> <li>There is insufficient evidence to justify a finding of academic misconduct.</li> <li>If so, no further action will be taken under these procedures.</li> </ul>
<b>Poor scholarship</b>	<ul style="list-style-type: none"> <li>The matter should be considered poor scholarship rather than academic misconduct.</li> <li>No further action will take place under these procedures, although the poor scholarship will be considered through the normal marking process.</li> <li>The finding will be noted on the student's record and may be considered in the context of any future allegations that the student has committed academic misconduct.</li> </ul>
<b>Academic misconduct</b>	<ul style="list-style-type: none"> <li>There is a case to be answered that academic misconduct has indeed taken place.</li> <li>The student will be informed of this decision, and all the evidence will be forwarded to the Student Appeals and Conduct Committee, along with a School recommendation with regard to the penalty.</li> </ul>

- 23.9.4 Whichever decision is made, the student may be referred to appropriate support and guidance to develop their academic skills. This may include, for example, a referral to the relevant Academic Liaison Librarian. If the student fails to take up the support offered, this will be considered negatively should any further allegation of academic misconduct be made.

## 23.10 Consideration by the Student Appeals and Conduct Committee

- 23.10.1 The Academic Board has delegated to the Student Appeals and Conduct Committee the power to make decisions in cases of alleged academic misconduct.

## 23.11 Panel hearing

- 23.11.1 Cases will be reviewed by a Panel, normally comprised of two members of the Student Appeals and Conduct Committee. This Panel will consider:
- Whether the evidence is sufficient to justify the conclusion that the student has committed academic misconduct.
  - Whether the proposed penalty is appropriate in light of all the evidence and in accordance with the guidelines set out below.
- 23.11.2 The student will not be present at this Panel meeting, and no representative from the student's School will attend. The Panel may dismiss the case on the basis that the evidence does not justify a finding of academic misconduct, or it may ask the School to investigate further and provide additional supporting evidence for its view that academic misconduct has taken place. If it finds the evidence does justify a finding of academic misconduct, it may uphold the penalty recommended by the School or substitute another penalty. It may also decide that the matter would be more appropriately heard by a full hearing of the Student Appeals and Conduct Committee.
- 23.11.3 The student will be notified in writing of the outcome **within five working days** of the Panel hearing.
- 23.11.4 If the student wishes to dispute either the finding that they have committed academic misconduct or the appropriateness of the penalty, the student may choose to have their case heard at a full hearing of the Student Appeals and Conduct Committee. If the student chooses a full Committee hearing, the student must

inform the Student Casework Manager ([casework@yorks.ac.uk](mailto:casework@yorks.ac.uk)) within **ten working days** from the date on Panel outcome letter.

## 23.12 Full hearing of the Student Appeals and Conduct Committee

- 23.12.1 A full hearing of the Student Appeals and Conduct Committee will take place if the Panel has referred the matter for a hearing or if the student has chosen to dispute the finding of academic misconduct or the penalty. The student will be notified **at least five days in advance** of the time and place of the meeting.
- 23.12.2 At least two Committee members will be present at the hearing. The Committee will not include any representatives from the student's School, in order to ensure that its decision-making is independent. It will consider:
- Whether the evidence is sufficient to justify the conclusion that the student has committed academic misconduct.
  - Whether the proposed penalty is appropriate in light of all the evidence and in accordance with the guidelines set out below.
- 23.12.3 A representative from the student's School will be present to represent the School perspective. The student is also entitled to be present to speak on their own behalf.
- 23.12.4 The student may choose to bring a supporter to the Committee hearing. The student may find it helpful to ask a representative from the Students' Union to be their supporter, but it can also be, for example, a friend or relative. The student will be asked to provide the name and capacity in which the supporter is attending in advance. It is not normally expected that the student will have legal representation, but if the student believes it is justified in the circumstances, the student should make these reasons known to the University Secretary **at least three working days** in advance of the hearing. If the University Secretary believes the student has established compelling grounds for legal representation, it will be permitted.
- 23.12.5 If the student is unable to physically attend the meeting, the student may request alternative arrangements such as the use of videoconferencing. The request should be made **at least three days** in advance of the meeting to the Student Casework Manager ([casework@yorks.ac.uk](mailto:casework@yorks.ac.uk)) and will be granted at the Student Casework Manager's discretion.
- 23.12.6 If it is not possible to make contact with the student or if the student chooses not to attend, the Committee may go ahead in their absence.
- 23.12.7 Whether or not the student attends, the student may submit explanations or evidence about the case in writing **at least three days** in advance of the meeting, and this will be considered by the Committee members.
- 23.12.8 The student will be informed of the outcome and of any penalty in writing, with reasons, **within five working days** of the Committee hearing.

## 23.13 Right to appeal

- 23.13.1 If the student remains dissatisfied with the outcome, the student has the right to appeal to the Vice Chancellor. The appeal should be submitted **within ten working days** from the date on the outcome letter. It is recommended that the student uses the 'Appeal to Vice Chancellor' form available on the University website.
- <https://www.yorks.ac.uk/policies-and-documents/appeals-and-complaints/>
- 23.13.2 The only grounds on which a student can appeal are as follows:
- The decision of the Committee was unreasonable in light of the evidence available.
  - The procedure of the hearing was deficient in a way which materially prejudiced the student's case.
- 23.13.3 A student's appeal will be reviewed by the Vice Chancellor or nominee, and this decision will be final with regard to university procedures. This review will normally limit itself to the written material relating to the case at all previous stages along with the student appeal form. However, the Vice Chancellor (or nominee) reserves the discretion to interview the student and/or other relevant individuals.
- 23.13.4 The student will receive the outcome in writing as soon as possible. At this point, the student will receive a 'Completion of Procedures' letter explaining that the student has come to the end of university procedures. If the student is still dissatisfied, the student may apply for a review by the Office of the Independent Adjudicator for Higher Education.

## 23.14 Office of the Independent Adjudicator for Higher Education

23.14.1 The Office of the Independent Adjudicator for Higher Education (OIA) is an independent body which was established by the Higher Education Act 2004 to consider student complaints which had not been resolved through an institution's internal procedures. It became the statutory body for dealing with such student complaints on 1st January 2005. If a student receives a 'Completion of Procedures' letter from the University and the student remains dissatisfied with the outcome, the student may ask the OIA to review their case. The student must normally apply to the OIA **within twelve months** of the date of the 'Completion of Procedures' letter. This service is free to students. More information can be found on the OIA website: [www.oiahe.org.uk](http://www.oiahe.org.uk).

## 23.15 Penalties

23.15.1 The following is an indicative range of penalties:

### The penalty should clearly state:

#### How much of the student's work is affected?

- An assessment component
- The assessment(s) for an entire module
- All assessments carried out during a specified period

#### The maximum mark allowed for any repeated attempt:

- Capped pass
- Other capped mark
- For credits only and a retained mark of zero

23.15.2 The penalty may be made more or less severe depending on the evidence available.

### Relevant factors may include:

- The amount of the student's work affected by the academic misconduct
- The level of the student's studies
- Whether the student knowingly committed the offence
- The level of deception involved
- Early admission by the student of the misconduct
- Previous academic misconduct offences

The student may ask for other factors to be considered, but personal difficulties are unlikely to be seen as excusing academic misconduct. A penalty will not be reduced based on the fact that the student ran out of time to complete their work or the student mistakenly submitted a draft rather than a final version. Resubmitted work that is not of a passing standard may nevertheless be accepted as sufficient to enable progression or an award if it satisfies the requirements of a 'serious attempt'.

23.15.3 Multiple offences of alleged academic misconduct will be classed as concurrent offences if they occur before the student receives notification, in writing, that they have been found guilty of academic misconduct, e.g. where a student submits two assignments at the same time. The student would then only receive one penalty, rather than two or more.

23.15.4 No mark is awarded, or credit assigned for work affected by academic misconduct. The penalties below are examples of how the student may be permitted to resubmit work, with the opportunity to be awarded credits, provided that the resubmitted work is free from academic misconduct, and of a passing standard.

### Potential penalties (indicative only)

Level	1st offence	2nd offence	3rd offence
3	Warning	Resit as pass/fail	Termination of studies
4	For capped pass	For capped pass	Termination of studies
5	For capped pass	For capped pass	Termination of studies
6	For capped pass	Termination of studies	
7 (Taught Postgraduate and Integrated Master's)	For credits only*	Termination of studies	
8 (Doctoral with taught modules)	For credits only*	Termination of studies	

\* The penalty will state if the assessment mark is capped at zero or if the module mark is capped at zero

23.15.5 The student may be obliged to undertake an alternative assessment. The student will only be permitted to resubmit work where they are entitled to another resubmission attempt in accordance with the University Regulations. If the academic misconduct affects resubmitted work, **students will not normally be entitled to a further attempt.**

23.15.6 If academic misconduct is identified after the student has graduated with an award, the award may be revoked or otherwise amended, for example by reducing the degree classification.

## 23.16 Arrangements for validated partners

23.16.1 Academic misconduct in programmes of study leading to an award of York St John University delivered by a partner organisation through a validation arrangement will be dealt with as follows:

Arrangements
<ul style="list-style-type: none"> <li>The partner organisation will follow its own procedures for hearing an academic misconduct case.</li> <li>These procedures are approved by York St John University when the programme is validated.</li> <li>Students should be able to access information about these procedures.</li> <li>Students will receive the decision in the writing.</li> </ul>
<ul style="list-style-type: none"> <li>If a student is dissatisfied with the outcome, the student may submit a request in writing to the Vice Chancellor of York St John University that it be reviewed.</li> <li>The student should do so <b>within ten working days</b> of the date of the outcome letter.</li> <li>The Vice Chancellor or nominee will review the case and will decide upon it. The Vice Chancellor may seek the advice of the Committee on Special Applications and Appeals.</li> <li>The decision of the Vice Chancellor will be final. A 'Completion of Procedures' letter will be issued following the Vice Chancellor's decision.</li> <li>If the student is still dissatisfied, the student may then refer the matter to the Office of the Independent Adjudicator for Higher Education as set out above.</li> </ul>

## 23.17 Academic misconduct procedure flowchart



