

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 This policy applies to students as set out in [section 1](#). There is a separate '**Research Misconduct Policy and Procedures**' for staff and the research components undertaken by postgraduate research students.

23.2.2 The procedure to be followed in relation to programmes delivered by a validated partner organisation (validated provision) is set out in [section 23.16](#) and programme documentation provided by the validated partner.

23.3 What constitutes academic misconduct?

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

Type	Description
Plagiarism	This happens where a student incorporates the work of others (published or unpublished) in their own work without properly acknowledging it.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. It also includes the use of artificial intelligence (AI) which is not properly acknowledged, including the use of AI in the creation of reference lists. '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.
Self-plagiarism	For example, a student using the same work for a new assessment that was submitted for a previous summative assessment. This includes resubmitting previous work when a student is repeating study. It also applies to work submitted during previous study elsewhere. Students may use their previously submitted work for their own learning and reference, in the same way they would use third-party information, but they may not rework and/or resubmit their previous work for assessment when repeating a module. This would be considered as self-plagiarism and will be regarded with the same severity as plagiarism in general in submitted work.
Using an essay-writing service	Buying or otherwise obtaining work which a student then submits for an assessment. Commissioning an essay is fraud and the most severe sanction, enforced withdrawal of enrolment due to programme failure, may apply. It should be noted that the Skills and Post-16 Education Act 2022 has made essay mills in the UK illegal.
Fraudulent or fabricated coursework	For example: reports of practical work that are untrue and/or made up; fabrication of research or dishonest interpretation of data; unethical research practice including failure to obtain the correct ethical approval.

Type	Description
Cheating in examinations	For example: through impersonation; taking into the examination unauthorised materials, mobile phones, or other electronic devices; copying from other students or from notes; not obeying examination regulations.
Collusion	Submitting work produced jointly with another student (except where the terms of the assessment require collaboration).
Deception	For example, forging a signature relating to a placement or other academic material.
Misuse of translation tools	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, quoting from or paraphrasing 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 or footnotes/endnotes.
- 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 effective 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, etc.
 - Access to online resources by visiting our [Study skills page](#).
 - Access to Turnitin so that the student can test their work.
- 23.4.5 Translation tools are acceptable to use and do not require citation if they only influence the form but not the content of an assessment or other output. They should not be used as a substitute for the application of required thinking and communication skills.

23.5 Consequences

- 23.5.1 Committing academic misconduct is a serious offence in the University and has the potential to result in several sanctions 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; in the most serious cases, enforced withdrawal of a student from a programme may be required. Information on sanctions can be found in [section 23.15](#).

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 Board of Governors 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.

23.8 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
Examinations	<ul style="list-style-type: none"> • 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. • The student will be allowed to finish the examination. • 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 Module Director/Lead and an investigation will take place. • If the evidence indicates that the student has committed academic misconduct, the case will be forwarded to the Appeals and Conduct Committee as set out below.
Assessments	<ul style="list-style-type: none"> • The matter will be reported to the Module Director/Lead and/or Programme/Course Lead and an investigation will take place. • If the evidence indicates that the student has committed academic misconduct, the case will be forwarded to the Appeals and Conduct Committee as set out below.

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.

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 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 Appeals and Conduct Committee to hold this oral examination before doing so. **At least 2 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 The student may choose to be accompanied by a supporter at the meeting as defined in [section 2.1.11](#). They cannot ask questions, interpret the student's responses, or speak on the student's behalf. If the student's supporter behaves inappropriately at any stage during the meeting, they will be asked to withdraw their involvement.

23.9 School enquiry

23.9.1 Once the investigation described above is complete, and normally within **10 working days** of the concern first arising, the student will be given a copy of all the evidence and the academic misconduct referral form which details why the evidence provided leads to a suspicion of academic misconduct. The student will be invited to a meeting at the School. Students should normally be given at least 3 working days' notice to attend. **At least two members** of staff with appropriate knowledge and expertise will be present at this meeting. For franchise partners, at least one member from York St John should be present alongside an academic member of staff from the partnership.

23.9.2 The student may choose to be accompanied by a supporter at the meeting as defined in [section 2.1.11](#). 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. As an alternative to the meeting, the School may share the concerns with the student and invite comments from the student through an email exchange or ask the student to provide a written statement.

23.9.3 Audio or video recordings of the meeting must not be made.

23.9.4 When invited to the meeting, or responding to concerns via email, the student may 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.

23.9.5 At this meeting, the School will decide from the following outcomes:

Action	Description
No further action	<ul style="list-style-type: none"> • There is insufficient evidence to justify a finding of academic misconduct. • If so, no further action will be taken under these procedures.
Poor scholarship	<ul style="list-style-type: none"> • The matter should be considered poor scholarship rather than academic misconduct. • No further action will take place under these procedures, although the poor scholarship will be considered through the normal marking process which should resume following completion of the investigation. • 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.
Academic misconduct	<ul style="list-style-type: none"> • There is a case to be answered that academic misconduct has indeed taken place. • The student will be informed of this decision, and all the evidence will be forwarded to the Appeals and Conduct Committee, along with a School recommendation about the sanction.

23.9.6 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 Appeals and Conduct Committee

23.10.1 The Academic Board has delegated to the 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 Appeals and Conduct Committee. This Panel will consider:

- a) Whether the evidence is sufficient to justify the conclusion that the student has committed academic misconduct.
- b) Whether the proposed sanction is appropriate considering 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 sanction recommended by the School or substitute another sanction. It may also decide that the matter would be more appropriately heard by a full hearing of the Appeals and Conduct Committee.

23.11.3 The student will be notified in writing of the outcome **within 5 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 sanction, the student may choose to have their case heard at a full hearing of the Appeals and Conduct Committee. If the student chooses a full committee hearing, the student must inform the Student Casework team (casework@yorks.ac.uk) within **10 working days** from the date on their panel outcome letter. Any requests received **after 10 working days** will not be permitted unless there are exceptional circumstances which can be supported by evidence which delayed the student requesting this (see Exceptional Circumstances policy for details on appropriate evidence [section 17](#)). If the request is not permitted, the University will, if requested by the student, issue the student with a 'completion of procedures' letter to allow the student to have the decision reviewed by the Office of the Independent Adjudicator.

23.12 Full hearing of the Appeals and Conduct Committee

- 23.12.1 A full hearing of the 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 sanction. The student will be notified **at least 5 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 programme area 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 sanction is appropriate considering 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 be accompanied by a supporter at the hearing as defined in [section 2.1.11](#). They cannot ask questions, interpret the student's responses, or speak on the student's behalf. If the student's supporter behaves inappropriately at any stage while the hearing is being dealt with, this person will be asked to withdraw involvement. 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 Head of Governance and Compliance, as Chair of Appeals and Conduct Committee, **at least 3 working days** in advance of the hearing. If the Chair believes the student has established compelling grounds for legal representation, it will be permitted.
- 23.12.5 The meeting may take place physically or via video-conferencing.
- 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 3 working days** in advance of the meeting, and this will be considered by the Committee members.
- 23.12.8 The student will not usually be informed of the outcome on the day of the hearing. The student will receive the outcome in writing, with reasons, as soon as possible after the hearing, and normally **within 10 working days**.

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 10 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 [Appeals page](#).
- 23.13.2 Students may also wish to seek guidance and support from the [York St John Students' Union](#).
- 23.13.3 The only grounds on which a student can appeal are as follows:
- The decision of the Committee was unreasonable considering the evidence available.
 - The procedure of the hearing was deficient in a way which materially prejudiced the student's case.
- 23.13.4 A student's appeal will be reviewed by the Vice Chancellor or nominee, and this decision will be final regarding 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.
- 23.13.5 The student will receive the outcome in writing as soon as possible and normally within **10 working days**. 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 1 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 12 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](#).
- 23.14.2 Students may also wish to seek guidance and support from the [York St John Students' Union](#).

23.15 Sanctions

- 23.15.1 The following is an indicative range of sanctions when academic misconduct is confirmed:

Offence	Sanctions
First Offence	<ul style="list-style-type: none">For capped pass for the module (all levels)
Second Offence	<ul style="list-style-type: none">For capped pass for the module (if committed when studying Levels 3 to 5)Enforced withdrawal of enrolment due to programme failure (if committed when studying Levels 6 to 8)
Third Offence	<ul style="list-style-type: none">Enforced withdrawal of enrolment due to programme failure (all levels)

- 23.15.2 If a student had an offence(s) at undergraduate level and went on to have an offence at postgraduate level, this would be considered a subsequent offence.
- 23.15.3 If a student had an offence and then restarts their studies, whilst marks may be voided, the offence would still be considered as an offence, so any further instances would be considered subsequent offences.
- 23.15.4 The sanction 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.
- 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. Where reference to exceptional circumstances is made, evidence will be required and will be shared with the ACC panel reviewing the case. A sanction 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, or had IT difficulties.

- 23.15.5 Multiple offences of alleged academic misconduct will be classed as concurrent offences if they occur within 1 month of each other or before the student receives notification, in writing, that they are under investigation for suspected of academic misconduct, e.g., where a student submits 2 assignments at the same time. This means that a student is considered to have committed 2 first offences (for example), rather than a first and second offence.
- 23.15.6 No mark is awarded, for work affected by academic misconduct and this means that the student does not receive any credits for that work.
- Where a sanction is for a module mark to be capped at the pass mark, credits are awarded provided all the module's component marks are sufficient to achieve an overall pass for the module. If successfully passed the module mark will always be capped at the pass mark due to reassessment regulations.
 - Credit may be awarded if the final module mark is in the compensatable range, where eligible, when applying the compensation rules.
 - Where the academic misconduct reassessment is not of passing standard the mark for the component is retained and is used to determine the final module mark, and a grade of AF will be given.

- 23.15.7 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.**
- 23.15.8 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

- The partner organisation will follow its own procedures for hearing an academic misconduct case.
 - These procedures are approved by York St John University when the programme is validated.
 - Students should be able to access information about these procedures.
 - Students will receive the decision in the writing.
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- 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.
 - The student should do so within 10 working days of the date of the outcome letter.
 - The Vice Chancellor or nominee will review the case and will decide upon it. The Vice Chancellor may seek the advice of the Appeals and Conduct Committee.
 - The decision of the Vice Chancellor will be final. A 'Completion of Procedures' letter will be issued following the Vice Chancellor's decision.
 - 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.

23.17 Academic misconduct procedure flowchart



