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## **Academic Misconduct Policy and Procedures**

### **POLICY**

#### **1. Introduction**

York St John 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.

#### **2. Scope**

The following policy and procedures apply to undergraduates, 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.

#### **3. What constitutes academic misconduct?**

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

- Plagiarism: this happens where you incorporate the work of others (published or unpublished) in your own work without properly acknowledging it. You are effectively claiming ownership for work that it not your 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. You must follow the correct referencing guidelines provided by your programme.

- Self-plagiarism, ie. using the same work that you submitted for a previous summative assessment.
- Using an essay-writing service, buying or otherwise obtaining work online or elsewhere which you then submit for an assessment. Commissioning an essay is fraud and the most severe penalty, termination of your programme, may apply.
- Fraudulent or fabricated coursework, such as reports of practical work that is untrue and/or made up; fabrication of research or dishonest interpretation of data; unethical research practice.
- Cheating in exams e.g. through impersonation, taking in unauthorised materials or mobile phones, copying from other candidates or from notes.
- Collusion: submitting work produced jointly with another student (save where the terms of the assessment require collaboration)
- Deception, for example faking mitigating circumstances or forging a signature relating to a placement.

#### **4. Your responsibilities**

It is your responsibility to develop good academic practice by taking part in sessions provided for you by your tutors and librarians. Good academic practice means improving your note-making and writing skills, being motivated to direct your own studies, seeking advice if in doubt and acknowledging the sources you use by referencing correctly.

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

When you submit assessed work, you will be asked to confirm it is your own.

It is your responsibility to access the support provided by the University to help you to develop good study skills. Some examples of the support we provide include:

- Access to study support sessions which may be about developing your writing skills, correct referencing style for your discipline,
- Access to online support through [SMILE](#)<sub>2</sub>

- Access to Turnitin so that you can [test your work](#)

## 5. Consequences

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 you are at in your studies. It can mean that you are required to re-submit the work; it may mean that you are given a capped mark; or that you are asked to resubmit for credits only and with a mark of 0; in the most serious cases, your studies may be terminated.

## 6. Monitoring and review

The University will keep and dispose of all correspondence relating to case of academic misconduct in accordance with its **records management policy**.

A report on academic misconduct cases and their outcomes will be produced annually and submitted to the Academic Leadership Team and 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.

## 7. Other University Policies

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.

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 reassignment, pregnancy or maternity, race, ethnic origin or national identity, religion or belief, sex or sexual orientation.

The University is committed to procedures that are fair and transparent, and decisions that are reasonable and have regard to law.

## **PROCEDURES**

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

### **What happens if you are suspected of academic misconduct?**

#### **8. Investigation**

##### **a. Investigating Academic Misconduct in Examinations**

If you are suspected of cheating in an examination, the invigilator will make a note on your exam script, and remove any suspect objects. You will be allowed to finish the exam. At the end of the exam, you will be told that an investigation will take place. The matter will be reported to your School and an investigation will take place. If the evidence indicates that you have committed academic misconduct, the case will be forwarded to the Student Appeals and Conduct Committee as set out below.

##### **b. Investigating Academic Misconduct in Assessments**

If you are suspected of academic misconduct in an assessment other than an examination, this concern will be reported your School, which will decide whether a further investigation is warranted, and will record the decision and the reasons for it.

The person who is investigating the allegation will determine the best way of doing this. This may include the use of plagiarism detection software. You may also be asked to provide your notes, drafts and any other records relating to your preparatory work for the assessment. Any failure to provide this material is likely to be taken into account when a decision is made about potential academic misconduct.

You may be required to attend an oral examination to allow you an opportunity to demonstrate that the work is indeed yours. The examination will focus on the content of the work. 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 be present at the oral examination.

You may be accompanied by a fellow student or an officer of the Students' Union to provide support, but not to speak on your behalf. Should your supporter behave inappropriately at any point during the oral examination or the following procedures, they will be asked to withdraw.

#### **9. School enquiry**

Once the investigation described above is complete, and normally within ten working days of the concern first arising, you will be given a copy of all the evidence. You will be invited to a meeting at the School. At least two members of the academic staff will be present at this meeting.

You 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 8b, as the purpose is to allow you the chance to comment on the evidence and respond to the allegation of academic misconduct made against you.

At this meeting, the School will decide whether:

- (a) There is insufficient evidence to justify a finding of academic misconduct. If so, no further action will be taken under these procedures.
- (b) OR  
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 taken into account through the normal marking process. The finding will be noted on your student record and may be taken into account in the context of any future allegations that you have committed academic misconduct.  
OR
- (c) There is a case to be answered that academic misconduct has indeed taken place. You 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.

Whichever decision is made, you may be referred to appropriate support and guidance to develop your academic skills. This may include, for example, a referral to the relevant Academic Support Librarian. If you fail to take up the support offered, this will be considered negatively should any further allegation of academic misconduct be made against you.

## **10. Consideration by the Student Appeals and Conduct Committee**

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

### **a. Panel hearing**

Your case will be reviewed by a Panel, normally comprised of two members of the Student Appeals and Conduct Committee.

This panel will consider:

- (a) Whether the evidence is sufficient to justify the conclusion that you have committed academic misconduct
- (b) Whether the proposed penalty is appropriate in the light of all the evidence and in accordance with the guidelines set out below.

You will not be present at this Panel meeting, and neither will anyone from your School. 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.

You will be notified in writing of the outcome within five working days of the Panel hearing.

If you wish to dispute either the finding that you have committed academic misconduct or the appropriateness of the penalty, you may choose to have your case heard at a full hearing of the Student Appeals and Conduct Committee. If you choose a full Committee hearing, you must inform the Student Casework Manager ([casework@yorks.ac.uk](mailto:casework@yorks.ac.uk)) within 10 working days from the date on Panel outcome letter.

#### **b. Full hearing of the Student Appeals and Conduct Committee**

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 you have chosen to dispute the finding of academic misconduct or the penalty. You will be notified at least five days in advance of the time and place of the meeting.

At least two Committee members will be present at the hearing. The Committee will not include any representatives from your School, in order to ensure that its decision-making is independent. It will consider:

- (a) Whether the evidence is sufficient to justify the conclusion that you have committed academic misconduct.
- (b) Whether the proposed penalty is appropriate in the light of all the evidence and in accordance with the guidelines set out below.

A representative from your School will be present to represent the School perspective. You are also entitled to be present to speak on your own behalf.

You may choose to bring a supporter to the Committee hearing. You may find it helpful to ask a representative from the Students' Union to be your supporter, but it can also be, for example, a friend or relative. You will be asked to provide the name and capacity in which the supporter is attending in advance. It is not normally expected that you will have legal representation, but if you believe it is justified in the circumstances, you should make these reasons known to the University Secretary at least three working days in advance of the hearing. If the University Secretary believes you have established compelling grounds for legal representation, it will be permitted..

If you are unable to physically attend the meeting, you may request alternative

arrangements such as the use of video-conferencing. 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.

If it is not possible to make contact with you or if you choose not to attend, the Committee may go ahead in your absence.

Whether or not you attend, you 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.

You will be informed of the outcome and of any penalty in writing, with reasons, within five working days of the Committee hearing.

## **11. Right to appeal**

If you remain dissatisfied with the outcome, you have 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 you use the "Appeal to Vice Chancellor" form available on our website: <http://www.yorks.ac.uk/student-admin/student-administration/policies/appeals-and-complaints.aspx>

The only grounds on which you can appeal are as follows:

- (a) The decision of the Committee was unreasonable in the light of the evidence available.
- (b) The procedure of the hearing was deficient in a way which materially prejudiced your case.

Your appeal will be reviewed by the Vice Chancellor of York St John University or nominee, and this decision will be final with regard to York St John University procedures. This review will normally limit itself to the written material relating to the case at all previous stages along with your appeal form. However, the Vice Chancellor (or nominee) reserves the discretion to interview you and/or other relevant individuals.

You will receive the outcome in writing as soon as possible. At this point, you will receive a Completion of Procedures letter explaining that you have come to the end of York St John University procedures. If you are still dissatisfied, you may apply for a review by the Office of the Independent Adjudicator for Higher Education.

## **12. Office of the Independent Adjudicator for Higher Education**

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 you receive a Completion of Procedures letter from us and you remain dissatisfied with the outcome, you may ask the OIA to review your case. You 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)

### **13. Penalties**

The following is an indicative range of penalties. The penalty should clearly state:

- (a) How much of your work is affected (an assessment component; the assessment(s) for an entire module; or all assessments carried out during a specified period).
- (b) The maximum mark allowed for any repeated attempt (capped pass, other capped mark; for credits only and a retained mark of 0).

The penalty may be made more or less severe depending on the evidence available. Relevant factors may include amount of your work affected by the academic misconduct, the level of your studies, whether you knowingly committed the offence, and the level of deception involved. You may ask for other factors to be taken into account, but please note that personal difficulties are unlikely to be seen as excusing academic misconduct. A penalty will not be reduced based on the fact that you ran out of time to complete your work or you mistakenly submitted a draft rather than a final version.

No mark is awarded or credit assigned for work affected by academic misconduct. The penalties below are examples of how you 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. 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'

You may be obliged to undertake an alternative assessment. You will only be permitted to resubmit work where you are entitled to another resubmission attempt in accordance with the University regulations. If the academic misconduct affects resubmitted work, you will not normally be entitled to a further attempt.

TABLE 1 – POTENTIAL PENALTIES; INDICATIVE ONLY

Level	1st offence	2nd offence	3rd offence
4	for capped mark	for credits only	termination of studies
5	for capped pass	for credits only	termination of studies
6 or more	for credits only	termination of studies	
Taught Postgraduate (Level 7)	for credits only	termination of studies	

#### Annex – Validation Arrangements

##### Academic misconduct in programmes of study leading to an award of York St John University delivered by a partner organisation through a validation arrangement.

- A1. 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. You should be able to access information about these procedures. You will receive the decision in the writing. It will be communicated to York St John University along with the supporting evidence, within 10 working days of the decision being made.
- A2. If you are dissatisfied with the outcome, you may submit a request in writing to the Vice Chancellor of York St John University that it be reviewed. You 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 Committee on Special Applications and Appeals. The decision of the Vice Chancellor will be final. A "Completion of Procedures" letter will be issued following the Vice Chancellor's decision. If you are still dissatisfied, you may then refer the matter to the Office of the Independent Adjudicator for Higher Education as set out above.

Scope	Academic misconduct for undergraduates, taught postgraduates and the taught component of postgraduate research degrees
Effective Date	September 2016
Responsible Dept.	Registry
Last Updated	July 2016