

## REGULATIONS & PROCEDURE FOR THE INVESTIGATION OF ACADEMIC MISCONDUCT

### DEFINITIONS:

**Cheating** is defined as any attempt to gain unfair advantage in an assessment by dishonest means. Examples include (but are not limited to):

- Being in possession of “crib notes” during an examination
- Breach of examination regulations
- Copying from the work of another student
- Stealing another student’s work
- Prohibited communication during an examination
- Unauthorised use of electronic devices
- Submitting essays downloaded from the internet
- Commissioning of an assessment from a third party
- Impersonation of another student

**Plagiarism** is the act of taking someone else’s work and passing it off as your own. This includes incorporating either unattributed direct quotation(s) or substantial paraphrasing from the work of another/others/or yourself.

*It is important to cite all sources whose work has been drawn on and reference them fully in accordance with the required referencing standard used in each subject area.*

**Collusion** is when two or more people combine to produce a piece of work for assessment that is passed off as the work of one student alone. The work may be so alike in content, wording and structure that the similarity goes beyond what might have been coincidence. For example – where one student has copied the work of another, or where a joint effort has taken place in producing what should have been an individual effort.

### DETECTION:

#### Instructions for Staff

When a member of academic staff believes that there is a potential case of academic misconduct the following action will be taken.

#### **Collusion**

The assignments which exhibit similarity will be passed to the relevant Faculty Administrator. The assignments must be accompanied by a Faculty Academic Misconduct Front Sheet detailing the concerns regarding the work and a report from text matching software if this has been generated. The Faculty Administrator will forward this to the Conduct and Appeals Unit.

In many cases the similarity will be obvious, in that the text will be identical, however there will be occasions (e.g. with scientific or information technology assignments) when additional specialist knowledge will be required by the investigating panel.

### **Plagiarism**

The assignment will be passed to the relevant Faculty Administrator. The assignment must be accompanied by a Faculty Academic Misconduct Front Sheet and a copy of the identified source material and/or the report from text matching software. The Faculty Administrator will forward this to the Conduct and Appeals Unit.

### **Cheating**

#### **Examinations**

The Student Office will submit the original invigilators report and the examination script, with any evidence (e.g. crib notes) to the Conduct and Appeals Unit as soon as possible after the examination has concluded.

#### **In-class tests**

The supervising staff member must take the evidence to the relevant Faculty Administrator. The Faculty Administrator will forward this to the Conduct and Appeals Unit.

#### **Concerns about the authenticity of a student's work.**

This may be due to a suspicion that a student has commissioned an assessment from a third party, has used a translation service or has had an unacceptable level of third party assistance with the work.

Where there is doubt about the authenticity of a student's work the Faculty will invite the student to attend a viva. The purpose of this will be to provide the student with the opportunity to establish, to the Faculty's satisfaction, that the work is their own and that they have met the learning outcomes. Any such viva will be held in accordance with the "Procedure for the Management of a Viva in Cases of Suspected Academic Misconduct" (available on the Conduct and Appeals Website).

A formal record will be made of the meeting. Where the student fails to demonstrate to the Faculty's satisfaction that the work submitted is a genuine representation of their own ability, the record of the meeting, a copy of the assignment and a Faculty Academic Misconduct Front Sheet should be passed to the Faculty Administrator who will forward this to the Conduct and Appeals Unit.

### **Allocation of Grades**

Once the module leader is satisfied that there is sufficient evidence for a case to be forwarded to the Conduct and Appeals Unit then a grade of 0AM should be entered on to the e:Vision system.

The Conduct and Appeals Unit will review the evidence received from the Faculty and if, in their judgement, there is sufficient evidence to warrant further action a date for a hearing will be agreed with the Faculty.

### **Advice and feedback to students**

Academic or administrative staff should not discuss the matter in detail with students. Students who enquire about their assessment should be advised that the Conduct and Appeals Unit are investigating a suspicion of Academic Misconduct and that they will be receiving a letter in due course inviting them to a meeting to discuss the work.

If students require further information they can be referred to the Academic Misconduct Policies and Procedures on the Conduct and Appeals Website [www.wlv.ac.uk/conductandappeals](http://www.wlv.ac.uk/conductandappeals). Students can also contact the Conduct and Appeals Unit via email to [conductandappeals@wlv.ac.uk](mailto:conductandappeals@wlv.ac.uk). In addition students should be advised to contact the Students' Union Advice and Support Centre via [advice.wolvesunion@wlv.ac.uk](mailto:advice.wolvesunion@wlv.ac.uk) or by calling 01902 322038.

## **THE STAGE ONE HEARING:**

## **For Students based on campus in the UK**

The Faculty Administrator will write to the student on behalf of the Chair of the Academic Misconduct Panel inviting them to the hearing. A copy of this letter will be sent to the Student's University email account. A standard invite template, which must be used, will be provided by the Conduct & Appeals Unit.

The student will be given at least 7 working days' notice of the hearing. The letter will clearly state the allegation that is being made and identify in which piece of assessment the offence has allegedly been committed.

The letter will contain a statement in relation to the standard of proof to be applied. The standard and burden of proof is for the University to prove the allegation(s) of misconduct and if on the available evidence it is more likely than not that misconduct has occurred then the burden and standard of proof is fulfilled and a penalty will be imposed as appropriate. The letter will inform the student that they have the right to present evidence in person, and provide written statements if they are unwilling or unable to attend the meeting.

The student will be informed that an audio recording will be taken of the meeting. Students who would prefer a note taker instead will be required to request this in advance.

The student will be provided with information about what to expect in an academic misconduct hearing to help them to prepare for the meeting.

It must be made clear to the student that if they fail to attend the meeting without a valid reason then a decision will be taken in their absence.

The student will be informed that they can be accompanied by a "friend". This will normally be a fellow student, or an Officer of the Students' Union.

The Students' Union Advice & Support Centre can be contacted via email to [advice.wolvesunion@wlv.ac.uk](mailto:advice.wolvesunion@wlv.ac.uk) or by calling 01902 322038. Details of the Students Union Representation Service are available on their website: [www.wolvesunion.org](http://www.wolvesunion.org) and will be included in the invite letter.

Under no circumstances will it be appropriate to bring a member of University staff as a "friend".

The hearing will have in attendance

- Chair - a senior member of academic staff from the Faculty to which the module belongs.
- The Head or Deputy Head of the Conduct & Appeals Unit
- Student (and friend)

- Note taker to provide a summary of the meeting (provided by the Conduct and Appeals Unit, on request)

During the meeting the student will be given the opportunity to discuss with the panel the circumstances which have led to the assessment which is at the centre of the allegation. The standard and burden of proof is for the University to prove the allegation(s) of misconduct and if on the available evidence it is more likely than not that misconduct has occurred then the burden and standard of proof is fulfilled and a penalty will be imposed as appropriate.

The student will be informed in writing of the outcome of the hearing by the Head or Deputy Head of the Conduct and Appeals Unit by post and to their University email account. The letter will confirm whether or not the Panel found the case proven and if so why. It will clearly state the penalty to be imposed and may also contain further advice where appropriate. This will normally be sent within seven working days. It must be noted that at busy times of the academic year there may be delays. In these circumstances the student will be notified by email to their University email account of any delay, within the seven working day deadline.

**THE STAGE ONE HEARING:  
by correspondence**

**For students studying overseas, distance learners and students at partner institutions.**

The Faculty Administrator will write to the student on behalf of the Chair of the Academic Misconduct Panel. The letter will clearly state the allegation that is being made and identify in which piece of assessment the offence has allegedly been committed. The letter will provide details of the grounds for suspicion and will offer the student the opportunity to respond in writing. The letter will be sent to the Student by post and to their University email account. A standard template, must be used, which will be provided by the Conduct & Appeals Unit.

The student will be given at least 14 days to respond to the allegation.

The letter will contain a statement in relation to the standard of proof to be applied. The standard and burden of proof is for the University to prove the allegation(s) of misconduct and if on the available evidence it is more likely than not that misconduct has occurred then the burden and standard of proof is fulfilled and a penalty will be imposed as appropriate.

The student will be provided with specific information about how academic misconduct investigations are conducted by correspondence, to assist them in the preparation of their written response.

Students will be advised to contact the Students' Union for advice and support. The Students' Union Advice & Support Centre can be contacted via email to [advice.wolvesunion@wlv.ac.uk](mailto:advice.wolvesunion@wlv.ac.uk) or by calling 01902 322038. Details of the Students Union Representation Service are available on their website: [www.wolvesunion.org](http://www.wolvesunion.org) and will be included in the invite letter.

It must be made clear to the student that if they fail to respond then a decision will be taken based on the available evidence.

Students studying with a Partner Institution who are willing to travel to attend a hearing on University Campus may request to do so.

The evidence provided by the Faculty and the student's written response will be reviewed by an Academic Misconduct Panel.

The Panel will consist of

- Chair - a senior member of academic staff from the Faculty to which the module belongs.
- The Head or Deputy Head of the Conduct & Appeals Unit

The standard and burden of proof is for the University to prove the allegation(s) of misconduct and if on the available evidence it is more likely than not that misconduct has occurred then the burden and standard of proof is fulfilled and a penalty will be imposed as appropriate.

The student will be informed in writing of the outcome of the meeting by the Head or Deputy Head of the Conduct and Appeals Unit by post and to their University email account. The letter will confirm whether or not the Panel found the case proven and if so why. It will clearly state the penalty to be imposed and may also contain further advice where appropriate. This will normally be sent within seven working days. It must be noted that at busy times of the academic year there may be delays. In these circumstances the student will be notified by email to their University email account of any delay, within the seven working day deadline.

**APPEAL PROCEDURE:** *Against the outcome of a stage one hearing.*

A student will have the right to appeal against the decision reached by a Stage One hearing. The grounds for appeal are:

- That an administrative error or material irregularity has occurred in the conduct of the investigation.
- That there were personal circumstances which they believe would have affected the decision taken by the panel had they been made aware of them. The student must have a good reason not to have revealed the circumstances to the Stage One hearing.

Appeals must be made within **20 working days** of the receipt of the letter which informs the student of the penalty imposed.

Students are advised to contact the Students' Union for advice and support prior to submitting an appeal. The Students' Union Advice & Support Centre can be contacted via email to [advice.wolvesunion@wlv.ac.uk](mailto:advice.wolvesunion@wlv.ac.uk) or by calling 01902 322038. Details of the Students Union Representation Service are available on their website: [www.wolvesunion.org](http://www.wolvesunion.org) and will be included in the invite letter.

Appeals should be made in writing to:

The Head of Conduct and Appeals Unit  
Registry  
University of Wolverhampton  
MX Building  
Camp Street Molineux  
Wolverhampton  
WV1 1AD  
Email: [conductandappeals@wlv.ac.uk](mailto:conductandappeals@wlv.ac.uk)

The Head of the Conduct and Appeals Unit (where they have had no previous involvement with the case) or the Academic Registrar will review the request for an appeal to determine whether or not the appellant has demonstrated valid grounds for an appeal to proceed. To determine whether it is appropriate for the appeal to be considered by a Stage Two Appeals Panel additional documentation may be requested.

If it is determined that the student has demonstrated a valid case for an appeal to proceed then the case will be referred to a Stage Two Appeal Hearing. If this is not found to be the case a Completion of Procedures letter will be issued, in accordance with the format prescribed by the Office of the Independent Adjudicator for Higher Education<sup>1</sup>.

An appeal review should normally be completed in no more than 30 working days.

## **THE STAGE TWO APPEAL HEARING:**

The membership of a Stage Two Appeal Panel will be:

- Chair - a Dean of a Faculty other than that to which the student belongs, or their nominee.
- A senior member of academic staff from a Faculty other than that to which the student belongs.
- A Students' Union representative.

Members of the appeal panel shall not have been involved in the original Academic Misconduct Hearing.

Also present will be:

- The student (and friend/representative) – to present the appeal
- A representative from the Stage One Academic Misconduct Panel to present a response to the appeal
- A senior member of staff from the Conduct and Appeals Unit (with no prior involvement in the case at stage one) to provide procedural and regulatory advice to the panel.
- An officer of the Conduct and Appeals Unit to take notes

An audio recording will also be taken. Students who would prefer not to have an audio recording made will be required to request this in advance.

Both parties may call witnesses to appear before the panel

The appellant must be given written notice, at least 7 working days prior to the hearing, of the date and place of the hearing, and a copy of the University's Academic Misconduct procedure, drawing attention to the appellant's rights under the procedure. The standard and burden of proof applied will be the same as at stage one of this procedure.

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<sup>1</sup> Further details of the review scheme operated by the Office of the Independent Adjudicator for Higher Education (OIA) are available at their website: [www.oiahe.org.uk](http://www.oiahe.org.uk)

Students will be advised to contact the Students' Union for advice and support. The Students' Union Advice & Support Centre can be contacted via email to [advice.wolvesunion@wlv.ac.uk](mailto:advice.wolvesunion@wlv.ac.uk) or by calling 01902 322038. Details of the Students Union Representation Service are available on their website: [www.wolvesunion.org](http://www.wolvesunion.org) and will be included in the invite letter.

At least 5 working days before the hearing, members of the Stage Two Panel and the appellant and the representative from the Faculty will be provided with the appropriate documentation. The appellant may also provide an additional written statement to the panel.

The student has the right to appear before and be heard by the Stage Two panel. They may be accompanied by a friend (the student shall be responsible for notifying the Conduct and Appeals Unit of the identity of the friend or witness not less than 2 working days prior to the hearing). The role of the friend can be either to provide support (in which case they would not be expected to speak) or to act as a representative (in which case the student would attend but the representative would speak on their behalf).

The Student would normally be expected to attend the stage two hearing. If the student fails to attend the meeting without a valid reason then a decision will be taken in their absence. Students who do not wish to attend the meeting may submit written representations which should be received no later than 2 working days prior to the hearing.

The Chair of the panel shall have discretion to manage the conduct of the hearing including to adjourn, continue or postpone a hearing and to limit the length of the hearing, the questioning of witnesses, and the number of witnesses called.

The student and the representative from the stage one Academic Misconduct Panel may present evidence and call witnesses, who may be questioned by the other party and by the Panel. The student will always be afforded the opportunity to make a final closing statement.

The panel will consider its decision in private. The panel, at the end of its deliberation will either uphold the appeal in whole or part or dismiss the appeal. Where the appeal is upheld the panel can decide to impose an alternative penalty or to rule that no penalty should be imposed.

The decision taken by this panel will be final.

The student will be informed of the outcome and reasons in writing within 5 working days of the hearing. A Completion of Procedures letter will also be issued to the student, in accordance with the format prescribed by the Office of the Independent Adjudicator<sup>1</sup>.

The Panel decision will be communicated to the Chair of the Assessment Board.

It is anticipated that the full appeal process will take no longer than 90 calendar days to conclude.

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<sup>1</sup>Further details of the review scheme operated by the Office of the Independent Adjudicator for Higher Education (OIA) are available at their website: [www.oiahe.org.uk](http://www.oiahe.org.uk)

## **OFFICE OF THE INDEPENDENT ADJUDICATOR:**

If having exhausted all Stages of the University's internal procedure, the student considers that the University has failed to consider and respond to their appeal appropriately, they can refer the case to the Office of the Independent Adjudicator (OIA). This office provides an independent scheme for the review of student complaints and appeals.

In order to refer their case to the Office of the Independent Adjudicator they will require a Completion of Procedures Letter. A Completion of Procedures letter will be issued when all applicable stages of the procedure have been exhausted. The letter will be issued in accordance with the format prescribed by the Office of the Independent Adjudicator.

Details of the rules of the scheme and information about how to make an application for review by the OIA are available at their website:

[www.oiahe.org.uk](http://www.oiahe.org.uk)

Students are advised to contact the Students' Union for advice and support prior to submitting a complaint to the OIA. The Students' Union Advice & Support Centre can be contacted via email to [advice.wolvesunion@wlv.ac.uk](mailto:advice.wolvesunion@wlv.ac.uk) or by calling 01902 322038.

## ACADEMIC MISCONDUCT PENALTIES:

The penalty will be determined by the investigating panel.

In cases of proven academic misconduct the following penalties should normally be applied, to maintain consistency and parity of treatment for similar offences across the University. This is a cumulative range of penalties which will be applied to any continuous period of registration for study with the University.

Examples of a continuous period of registration would include:

- *Foundation Degree or HND followed in the next academic year by a Top-up course.*
- *Undergraduate degree followed in the next academic year by a postgraduate course.*

Offence	Penalty
A first offence	<p>Failure of the assessment task in question (e.g. 0%).</p> <p>The student may be permitted to <b>resit</b>* the assessment but the subsequent grade will be restricted to a minimum pass grade (e.g 40% for undergraduate modules, 50% for postgraduate modules)</p> <p>A failure in a resit resulting from proven Academic Misconduct will not be eligible for compensation.</p> <p>In addition, the Panel may recommend that a student undertake a designated Learning Centre Academic Skills course within a defined timescale.</p> <p>Students who provide authorised proof of engagement in the required skills course will be permitted to resit the assessment with no restriction applied to the resit grade.</p> <p>This option is not available where the academic misconduct occurs in a resit.</p>
A second offence	<p>Failure of the module in question (e.g. 0% for the module overall)</p> <p>The student may be permitted to <b>retake</b>*† the module but the overall grade will be restricted to a minimum pass e.g 40% for undergraduate modules, 50% for postgraduate modules)</p>
A third offence	Exclusion from the University‡.

## Serious Offences

Serious academic misconduct is defined as any case, which has either been admitted by a student, or which a panel has judged to include:

- deliberate, premeditated cheating,
- premeditated attempt to deceive and gain unfair advantage,
- a significant degree of Academic Misconduct affecting critical aspects<sup>o</sup> of an assignment.

<sup>o</sup> “Critical aspects” refers to key ideas central to the assignment.

In deciding the seriousness of an offence the panel will take into consideration the nature of the offence, the significance of the assessment, the level of study and any evidence of deliberate attempts to avoid detection. Examples of a serious offence may include:

- *theft of another students work,*
- *cheating in an examination,*
- *commissioning work,*
- *submitting essays downloaded from the internet*
- *impersonation of another student,*

*significant plagiarism in a critical piece of work i.e Dissertation/Thesis.*

## Undergraduate

First Serious Offence	Failure of the module in question (e.g. 0% for the module overall)  The student may be permitted to <b>retake</b> <sup>*†</sup> the module but the overall grade will be restricted to a minimum pass e.g 40%.
Second Serious Offence	Exclusion from the University <sup>‡</sup> .

<b>Postgraduate</b>	
First Serious Offence	<p>Failure of the module in question (e.g. 0% for the module overall)</p> <p>The student may be permitted to <b>retake</b><sup>*†</sup> the module but the overall grade will be restricted to a minimum pass e.g 50%.</p> <p><b>Or</b></p> <p>Exclusion from the University where there is evidence of deliberate premeditated cheating<sup>‡</sup>.</p>
Second Serious Offence	Exclusion from the University <sup>‡</sup> .
* Resits and retakes may only be taken where permitted within University Academic regulations and/or Professional Body requirements.	
† The University will normally apply a charge for a retake module at its applicable rate per credit	
‡ In cases of exclusion from the University the student would receive the award to which they were entitled at the time the exclusion was imposed.	

**Associated documents:**

- University of Wolverhampton Policy on tackling academic misconduct – available at [www.wlv.ac.uk/polsregs](http://www.wlv.ac.uk/polsregs)
- Procedure for the Management of a Viva in Cases of Suspected Academic Misconduct ([www.wlv.ac.uk/conductandappeals](http://www.wlv.ac.uk/conductandappeals)).

VERSION:	FINAL APPROVED	AUTHOR/ OWNER:	Conduct & Appeals Unit, Registry
Approved:		Approved By:	Academic Board for implementation effective -
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