

Academic Misconduct

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Academic Misconduct

Definitions and descriptions

There can be many different forms of academic misconduct, and this section goes into further detail which will clarify for you the definitions, as well as the differences between offences which are minor and those which are more serious.

Online resources

Students can also access a number of online resources which will assist them in recognising and avoiding academic misconduct. These include the 'Referencing, Plagiarism and Academic Misconduct' section of [Essential Student Skills](#), and the [Academic Misconduct Guidance](#) page on the university website.

What is academic misconduct?

Academic misconduct is a generic term to describe any type of cheating or dishonest behaviour in relation to a formal academic exercise. It is not acceptable practice; it undermines the integrity of the assessment process and academic standards, and ultimately the value of education. The university takes academic misconduct very seriously and will act to prevent it happening, and to address it when it occurs.

Academic misconduct may be deliberate – where students intend to gain an unfair advantage, or to deceive.

It may be unintentional – due to poor academic practice, insufficient referencing, or foolish or negligent behaviour by students.

Scope of academic misconduct policy and procedures

The university's academic misconduct policy and procedures apply to all HE students, ie students on both degree and SQA programmes, students on short / CPD programmes, and research students.

Forms of academic misconduct Academic misconduct can take different forms:

Plagiarism

Plagiarism is incorporating somebody else's work into your own without due acknowledgement of the source or proper referencing. This means using their material, text or ideas, whether directly copied or summarised, or where just a few words have been changed or reordered. It doesn't matter if the source material is published or unpublished, in hard copy or electronic.

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Plagiarism also includes copying (i.e. one student copying the work of another) and commissioning work from someone else.

Self-plagiarism is where a student uses material from their own work which has been submitted for assessment previously, without properly referencing its source. It doesn't matter whether the previous work was assessed at this university or another, or for the student's current course or a different one.

Commissioning

Buying or commissioning work from someone else and passing it off as your own is also known as 'contract cheating'. This includes asking another person to write a (draft or final) assessment for you, buying an essay via internet 'essay mill' sites, or getting another person to collect or interpret data for you. It doesn't matter if there is payment involved or not.

Cheating

Cheating usually relates to formal exams, either written or oral. It covers any action which would or could give unfair advantage over other students, whether this is actual or attempted. For example; getting access to the question paper before it is released, taking unauthorised materials into the exam room, communication with or copying from another student (or allowing this to happen).

Collusion

Collusion is where students work together to complete assessments which are supposed to be an individual effort. Or where one student allows another to copy their work and submit it for assessment.

Falsification or fabrication of data

This includes creating fictitious data in practical or project work (such as lab results or survey responses), or deliberately presenting data in a misleading way, or omitting certain data from reporting and analysis.

Personation

Personation is pretending to be someone else, for example sitting a formal exam in place of another student, or writing an assessment for someone else. Buying or commissioning someone else to write an assessment for you is covered under Plagiarism.

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Criminal or disciplinary offences

Acts of **bribery**, fraud, ethical misconduct, etc may also constitute academic misconduct and will normally be investigated under the relevant process first, then academic misconduct procedure subsequently.

Bribery: Bribery is paying, offering to pay or requesting money or any other inducement for information or other material which may lead to an unfair advantage in an assessment.

Malpractice (SQA provision)

There is a related '**malpractice policy**' (Centre and candidate [malpractice and maladministration policy and procedure](#)) for SQA provision at HE level (PDA, HNC, HND, SVQ). It covers a wider range of situations and acts than those covered by the university's academic misconduct guidance. However, all cases of **suspected candidate malpractice** (Eg inclusion of inappropriate, offensive, discriminatory or obscene material in assessment evidence – would we deal with this under student disciplinary procedure rather than academic misconduct?) are progressed in accordance with the university's academic misconduct procedure.

Academic misconduct

See [ASQR Appendix G](#) for more detail.

Minor and serious academic misconduct

The university distinguishes between minor and serious cases (x-ref to [ASQR Appendix G](#)) of academic misconduct, depending on the gravity of the offence, and the circumstances. There are several factors to take into account:

- whether the student has committed academic misconduct before;
- evidence that the student intended to gain unfair advantage;
- level of study – at higher SCQF levels, a case would be viewed more seriously;
- in cases of plagiarism, the proportion of the assessment that has been plagiarised;
- whether or not critical aspects of the assessment have been plagiarised (ie key ideas central to the assessment and associated learning outcomes);
- impact of offence on other students eg in groupwork assessments, examinations;
- credit value and weighting of the assessment, ie a larger / more significant piece of work would be viewed more seriously.

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Indicative examples of minor offences

- Small proportion of an essay plagiarised e.g. copied from a text book or other source without acknowledgement;
- Incorrect or inadequate referencing (e.g. Turnitin similarity score refers to many short sections which are unacknowledged);
- Misunderstanding about a groupwork assessment brief, where students have collaborated on what should be an individual contribution.

Indicative examples of serious offences

- Cheating in an exam;
- Significant sections of an essay plagiarised e.g. copied from a text book or other source without acknowledgement;
- Significant proportion of a report copied from another student's work;
- Essay purchased from internet site and submitted as student's own work;
- Any second offence.

Minor vs serious is not the same as informal vs formal procedure.

A minor offence may be addressed through the informal procedure, and no penalty applied, or just an admonition (informal warning). Alternatively, a minor offence may be taken through a formal investigation, particularly if the student's mark is to be penalised.

A serious offence will always be subject to a formal investigation.

Formal vs informal investigation procedure

Formal investigation

The formal procedure should be initiated where there is reasonable suspicion that there has been misconduct, and, if proven, that the student should be penalised.

It doesn't automatically mean that misconduct has been proven, nor that the offence is deemed 'serious'. However, a formal investigation:

1. signals to the student(s) the importance of the issue and potential consequences
2. allows for one of the higher penalties to be applied
3. ensures there is a formal note on the student's record of the investigation

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The formal procedure must always be followed where there is a suspected serious offence, or when it relates to suspected academic misconduct during an examination.

Informal investigation

The university's procedures allow for informal investigation. This is intended to enable staff to discuss a minor offence with a student(s) or find out more about a situation of potential academic misconduct.

Informal discussion is particularly useful where the student(s) may have misunderstood the assessment brief or may be unfamiliar with academic referencing and good academic practice. The discussion may be brief, and may take place immediately, as soon as the issue occurs. This may be all that is needed to counsel the student, or to give them a 'wake-up call'.

An informal investigation may lead to:

1. No academic misconduct found and no further action
2. Guidance to student highlighting poor academic practice and proper referencing protocols
3. Admonition to student (informal warning)
4. Initiating formal investigation of suspected academic misconduct (but this doesn't necessarily mean a serious offence is suspected)

The student's PAT, and the Quality Manager at the student's HAP should be informed about the discussion, and the outcome.

Prevention and detection

Students of the university are expected to conform to certain standards of behaviour. In addition to the guidance which will have been given to them by staff, they also have access to various online resources which specifically focus on academic misconduct. This includes the detailed [Academic Misconduct Guidance](#) on the Support pages of the university website, and various sections of the [Essential Student Skills](#) online resource.

In exam settings it will be the invigilator who is alert to incidents of misconduct, and will report them accordingly.

For assessments, academic staff are key when it comes to spotting plagiarised material. It must also be cautioned that the results of specific software, for example Turnitin, should only be used as a guide and are not in themselves proof of academic misconduct.

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Within this section we will cover this in more detail, including an overview of the relevant associated policies. It is important to note that students may not object to the use of such software, providing staff are adhering to the policy.



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Turnitin guidance

It is important that all staff ensure the [Originality Checking Policy](#) is being implemented. This policy ensures compliance with the Turnitin licence conditions and failure to comply means that students could be disadvantaged.

When there is an incident of alleged misconduct involving Turnitin evidence, staff must confirm the following;

1. Did they use UHI's assessment coversheet with the Turnitin section? Use of UHI's coversheets is specified in the [Assessment, feedback and feedforward policy](#). This ensures that students understand that Turnitin is being used – students are asked to confirm that they received information about Turnitin and were directed to the training. There are three coversheets:

- [Assessment coversheet: SQA](#)
- [Assessment coversheet: undergraduate](#)
- [Assessment coversheet: postgraduate](#)

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2. To comply with GDPR (as their assessments are sent out of the EU) and the Turnitin policy, did staff notify students about the use of Turnitin at induction, in the student handbook and refer students to:

- [UHI's Turnitin FAQs](#)
- [Turnitin training for students](#)

Students are not allowed to object to Turnitin being used, provided staff adhere to the policy. If staff don't adhere to the policy, then students could have grounds for Turnitin evidence to be disregarded in the event of any disciplinary enquiry.

Locus of decision-making/ roles & responsibilities

Whatever your role, you should refer to the [principles for conducting investigations](#) when considering academic misconduct cases.

Lecturer / Tutor

If you suspect academic misconduct, you should advise the student(s) involved, and investigate the incident further. You can draw on evidence such as your knowledge of the student and their work, reports from similarity checking software (eg Turnitin), information from other staff or students or other sources.

You can consult with other staff for guidance eg another member of the course team, or your local quality manager.

Using your professional judgement (see **evidentiary standards**), if you decide the incident is trivial (and perhaps unintentional), you can give the student(s) an informal warning, and advise them about good academic practice. You should keep a note of any informal meetings, and notify the student's PAT and their local quality manager. This will end the **informal investigation stage**.

If you decide the incident warrants a penalty, you will initiate the formal investigation stage by providing a written report, together with evidence of alleged academic misconduct, to the student's programme leader (PL) or relevant curriculum manager.

Programme Leader / Curriculum manager

On receiving a report of alleged academic misconduct, you and the member of staff should invite the student(s) to a formal interview. If you both agree the allegation is proven, and the misconduct is **minor**, you will apply an appropriate **penalty**, using your professional judgement (see **evidentiary**

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standards). You must advise the student of the outcome in writing. You should notify the student's PAT and their local quality manager (and the university SQA Coordinator if the incident involves SQA provision). This will bring the incident to a close.

If the student does not attend the interview, or if you decide that it is a case of **serious** academic misconduct, you will report the case to the Dean of Students to trigger the Academic Misconduct Panel. You will need to provide the relevant **evidence**.

You can consult with other staff for guidance e.g. another member of the course team, or your local quality manager.

You must ensure that the **student's record is updated** to reflect any penalty applied, whether this is applied by yourself, or as an outcome of an Academic Misconduct Panel. This is particularly important in the event of a repeat offence.

Exam invigilator / Examination officer

If you suspect academic misconduct during an exam, you should advise the student(s) of this immediately, confiscate any relevant materials, and make a note on the student's exam script. You must decide whether to allow the student to continue with the exam or ask them to leave, bearing in mind disruption to other students in the room.

You must report the incident immediately after the exam to the local Examination Officer, together with any evidence.

The Examination Officer will forward the report to the student's Programme Leader for **formal investigation**.

Personal Academic Tutor (PAT)

If you are notified that a student has committed academic misconduct, you should discuss this with them to see if they need further support, e.g. signpost them to [Essential Student Skills](#) and other resources supporting good academic practice.

If the student has been given a penalty for academic misconduct, they may need to be advised on resit options or other implications for continuing their programme of study. You should direct students to support and guidance (see **supporting the student**) if they are going through an academic misconduct investigation.

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Quality Manager

You may be contacted by staff for advice and guidance on investigation procedures for academic misconduct, where to find student-facing support resources, or for discussion on particular incidents and penalties.

You will receive and collate notifications of academic misconduct incidents for students enrolled at your HAP (even if investigation is undertaken by staff in other APs)

You are required to provide an annual summary report of any formal investigations relating to students enrolled at your HAP to the Dean of Students, in order to collate an institution-wide overview.

Academic Misconduct Panel

Academic Misconduct Panel members will consider allegations of serious academic misconduct review, and cases where the student has not participated in the formal investigation. They will review the evidence submitted, and written and/or verbal statements from staff and witnesses, and from the student(s) involved. The panel will decide whether academic misconduct has taken place. If they agree that it has, they will decide the appropriate penalty, depending on the seriousness of the case and its circumstances.

Dean of Students

The Dean of Students is responsible for organising Academic Misconduct Panels, and communicating the outcomes, but is not involved in decision-making. Therefore, the Dean of Students remains able to provide objective advice to staff who may seek advice on complex or sensitive cases.

Dean of Research

On receiving a report of alleged academic misconduct by a PGR student, the Dean of Research will undertake an initial informal investigation, drawing on the evidence available, seeking specialist advice as necessary, and interviewing relevant individuals, including the student(s) involved. If there is a suspected serious academic misconduct, they will report the case to the Dean of Students to trigger the Academic Misconduct Panel.

Deputy Principal

On receiving a student's appeal against the outcome of a formal investigation, or an Academic Misconduct Panel, the Deputy Principal will review the case, together with any additional evidence. They will decide either to uphold or reject the appeal; if it is upheld, they can decide to review or rescind the original penalty.

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Relationship with other policies and procedures

The academic misconduct process can impact across a number of other policies and procedures within the university. This section will explain in more detail the effects this process can have, and what additional information should be taken into account.

Exam boards / progression boards

Academic misconduct cases should be investigated as soon as possible and in accordance with published timescales (See ASQR Section 19). If a case is still in progress when the relevant exam board is held, then the module mark and/or student outcome should be left blank. Final outcomes should be input via Chair's Action once the case is concluded. There is no requirement for academic misconduct cases to be discussed or recorded in exam board minutes.

If evidence of academic misconduct comes to light after the relevant exam board / progression board, the investigation will be conducted as normal. Any penalties can be applied retrospectively by Chair's Action to module marks or student status.



Chairman by [Nick Youngson CC BY-SA 3.0 Alpha Stock Images](#)

Appeal process

A student has the right to appeal against an academic misconduct outcome on certain grounds (See ASQR Section 19). But they cannot appeal against an exam board decision which solely and directly reflects an academic misconduct penalty – they must follow the academic misconduct appeal procedure to its conclusion. If the academic misconduct penalty is changed or overturned on appeal, then the exam board outcome will be revisited.

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Complaints

If a **related** complaint is made by or about a student who is subject to an academic misconduct investigation, the investigations should be conducted independently and separately where reasonable. However, it may be that evidence or outcomes from one process are required to inform the other, in which case they should be taken forward in appropriate sequence.

Criminal proceedings

If the alleged incident were to constitute a crime, the university will be unable to investigate whilst an official police investigation is underway however precautionary actions may be taken, and disciplinary procedures may be applied, to reduce any perceived risk and ensure the safety of others. The university will consult with the police during this period to ensure integrity of investigation.



[Pixabay](#)

Principles for conducting investigations

As a higher education institution, our students are expected to conform to certain standards of behaviour. Cheating, whether in exams or through use of plagiarised materials in assessments, constitutes a threat to our academic standards and risks the perceived integrity of the qualifications we award, thus disadvantaging the majority of students whose achievements are reached through legitimate means. It is therefore the duty of the university, and its academic partners, to investigate any alleged misconduct accordingly.

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[School exam cheating](#) by Santeri Viinamäki [CC-BY-SA-4.0](#), from Wikimedia Commons

Principles of natural justice



[Pixabay](#)

Fair procedures follow the principles of “natural justice”:

- “No one should be a judge in their own cause” – decision makers must come to matters without bias or a reasonable perception of bias;
- “Hear the other side” – each party must have a fair hearing;
- “Justice delayed is justice denied” – the process must be completed without delay.

In addition, decision makers must make reasonable decisions, and give reasons for their decisions. In disciplinary procedures, this means that:

- Students understand any allegation against them;
- The student and the person bringing the allegation have a fair opportunity to present their case and to hear and respond to what the other has said;
- Students are given reasonable notice of any hearing and are given in advance copies of all information to be considered by the decision maker;

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- The burden and standard of proof are clearly explained;
- Decision makers should be free from bias or any reasonable perception of bias;
- Reasons should be given for decisions reached and any penalty imposed;
- There should be a route of appeal; and
- The investigation, any hearing, and any appeal should be carried out as quickly as possible, consistent with fairness.

(Office of the Independent Adjudicator 2020)

Supporting the student

You should direct students to the support services available, for example HISA, which may provide independent support and advice. This applies to students who are going through student academic misconduct procedures and to students who are providing information about someone else's conduct, which is being considered under those procedures. It is good practice to give students access to support and advice and, where it is not practicable to do so internally, you should consider arranging for students to access support at other local community services.

Students who have access to well-trained and resourced student support services will not normally need to seek legal advice, although they may wish to in serious cases.

You should be aware of our duties under the Equality Act 2010 to make reasonable adjustments for disabled students. If the student says the behaviour giving rise to the academic misconduct concern is related to their disability, you should consider carefully whether to proceed with disciplinary action, or to refer the student to support for (or fitness to) study processes.

You may also need to take into account a student's disability when setting penalties. For example, if the student's conduct was linked to an underlying mental health condition, that might mitigate the seriousness of the offence. In some cases it might be more appropriate to refer the student to support for (or fitness to) study processes than to apply an academic misconduct penalty.

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[Pixabay](#)

You should tell students who have mental health difficulties about the specific support services available to them, for example counselling services. If a student appears unable to engage effectively with the academic misconduct process, the provider may suggest that the student appoints a representative. It may be appropriate to suspend the misconduct process until the student has accessed appropriate support.

Confidentiality and anonymity

You should have regard to obligations under the General Data Protection Regulation regarding sensitive personal information, or “special category data”. Information about students who are subject to academic misconduct proceedings should be kept confidential as far as possible. The information should be disclosed to as few people as possible, and only to those involved in investigating or deciding the matter.

It is not normally appropriate to keep the identity of witnesses secret during disciplinary proceedings. To do so may undermine the student’s ability to defend themselves. If the witness does not agree to the student knowing their identity it may not be appropriate to rely on their evidence.



[Pixabay](#)

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Evidentiary standards

The starting point for any academic misconduct process is an allegation: this is a charge that must be answered by the student. You must keep appropriate records of the process; it is not good practice to consider a misconduct matter on an entirely informal basis without keeping any record.

Where there is an allegation of misconduct, you should first consider whether the matter should be considered under its academic misconduct procedures or under another process. It may be more appropriate to refer the student to a different procedure such as non-academic misconduct, fitness to practise or fitness to study procedures.

In all cases, you must tell the student the specific offence(s) they are suspected of committing at the earliest possible time and must give them the opportunity to answer the allegations against them. If you bring additional or alternative charges against the student during the process, it is important that the student is told about the new or amended allegations and offered the opportunity to respond.



[Pixabay](#)

You should keep comprehensive records of each stage of the procedure including correspondence with the student, documents and information received, evidence considered, notes of meetings or discussions held, and the reasoning for any decision reached and for any penalty applied.

Burden of proof

The “burden of proof” determines whose responsibility it is to prove an issue. In an academic misconduct case we would expect the burden of proof to be on the university: that is, we must prove that the student has done what they are accused of doing. The student should not have to disprove the allegation. So, for example, if a student is accused of taking a mobile phone into an examination, it will be for the university to prove that they had the phone with them during the examination. Sometimes the student will need to prove that they have or have not done something, or that something has happened. For example, if two students are accused of plagiarism, and one student provides evidence that the original work was theirs and the other student copied it, the

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other student will need to rebut that evidence. Students will also need to prove any mitigating factors that they rely on when you consider the penalty.

Standard of proof

The “standard of proof” is the level of proof required. In legal proceedings the standard of proof in criminal cases is normally “beyond reasonable doubt”, which is a very high standard. In civil cases, it is normally “the balance of probabilities”: that is, it is more likely than not that something happened. Although the “balance of probabilities” standard is lower than “beyond reasonable doubt”, decisions must still be supported by evidence. The standard is higher than simply believing that something is likely to have happened.

Section 112 of the Health and Social Care Act 2008 says that the civil standard of proof must be used in fitness to practise procedures. This standard should also be used in academic misconduct cases which may lead to fitness to practise proceedings against a student.

The question of intent

Many institutions apply the principle of “strict liability” to academic misconduct offences. Strict liability means that a student’s intentions are not relevant to whether or not they have committed the offence. For example, if a student accidentally takes notes into an exam they are still guilty of an examination offence, even if the student did not take the notes out of their pocket during the exam. Whether or not the student intended to use the notes during the exam is not relevant to the offence. Some procedures require the student to have acted intentionally for an offence to be committed. This is sometimes referred to as “premeditation”, “deception” or “dishonesty”. It is a question of fact whether the student intended to cheat or gain an advantage. In such cases the decision makers should consider the evidence regarding intention, including the student’s own account, and record the reasons for their conclusions. The student’s intention may not be relevant to whether they committed the offence, but it is likely to be a relevant consideration when the penalty is decided.

Academic judgment

Identifying suspected academic misconduct and making decisions on disciplinary cases will often, but not always, involve academic judgment. Where an academic judgment is made, it should be evidence based. For example, an academic member of staff who says that the standard of an assignment is out of line with the student’s other work should be able to support that with examples from the student’s other work. The interpretation of academic misconduct detection software reports will involve academic judgment. It is good practice to share the academic analysis of such a

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report with the student as well as the report itself. Deciding questions of fact does not involve academic judgment.

Questions normally involving Academic judgment

- Is the standard of work so out of line with the student's other work that it suggests cheating?
- Are the ideas copied from someone else's work?
- Is the plagiarism serious or minor?
- Do the student's working notes support their case that the submitted work is theirs?
- Are the ideas the student is referring to in such common usage that it is not plagiarism?

Questions of fact that do not normally involve Academic judgment

- Did the student advertise for someone to do the work for them?
- Did the student buy an essay online?
- Did the student take notes into the examination?
- Are the quotations marked by indented text or quotation marks?
- Did the student intend to cheat?

Decisions on the penalty to apply in academic disciplinary cases will not normally involve academic judgment.

Cases involving more than one student

It is important that joint or group allegations are dealt with in a manner that is fair to all the students involved. You should think carefully about how processes and meetings are conducted. Is there:



[Pixabay](#)

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- An equal opportunity to hear/respond?

It is good practice to ensure that all students involved hear and can respond to what the other/s have said or evidence they have provided. Where it is not possible or practical to do so, steps should be taken to ensure there is a consistent approach to all the students involved.

- Consistency of decision making?

It is good practice for the same people to consider the case against all the students involved whether at a joint meeting or individually.

- Consistency of penalty?

A decision should be made for each student individually, taking their particular circumstances into account. However, there should be broad consistency in the penalty given to all students who commit the same offence with similar circumstances.

It is important to ensure that decisions are not reached by default. You should ensure that where cases are heard separately, a conclusion that one student has not committed the offence does not automatically mean that another student is guilty, if before their case has been heard.

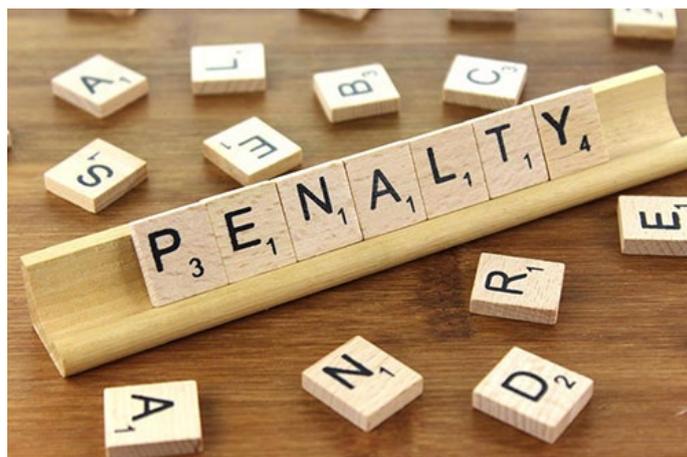
References

Office of the Independent Adjudicator (2020) Good disciplinary procedures: Key principles [online]. Available from <<https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/disciplinary-procedures/good-disciplinary-procedures/>> [17 June 2020]

Penalties

Once a student has been found to have committed academic misconduct, a penalty must be applied. In this section we outline the various penalties as listed in the university Academic Standards and Quality Regulations, and also provide some guidance on what level of penalty might be appropriate and proportionate, and what additional information should be considered when making a decision.

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Penalty by [Nick Youngson](#) CC BY-SA 3.0 Alpha Stock Images

Penalties in the regulations

The general principle is that the penalty should be appropriate to the scale of the offence and to the stage reached in the student's academic career.

A student who is deemed to have committed academic misconduct may be liable to one or more of the following penalties.

Academic misconduct penalties

1. an admonition (informal warning);
2. a reprimand (a formal written warning which will remain on the student's record for a specified period);
3. a reduction in the mark awarded for one or more assessments in one or more modules / units (see guidance), with the opportunity to resit where appropriate;
4. a mark of zero / fail grade for one or more assessments in one or more modules / units, with the opportunity to resit;
5. a mark of zero / fail grade in one or more modules / units with no opportunity to resit;
6. a reduction in the classification of award at honours level (only where the offence relates to honours level provision);
7. suspension from the university for a specified period;
8. permanent exclusion from the university.

For students on awards of other awarding bodies, they may be subject to the regulations and penalties of that awarding body relating to academic misconduct.

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[Pixabay](#)

The decision maker should give reasons for the penalty selected. They should explain why any lesser penalty was not suitable. It is good practice for the decision maker to go through the range of penalties available and consider each one from the lowest to the most severe and to record that they have done so. If the misconduct is so serious that the most severe penalty is the only option, then the decision maker should explain why that is.

Decision makers should bear in mind that being found guilty of an academic misconduct offence might have more serious implications for some students. For example, a penalty limiting a student's progression may have an unintended impact on a student with a deteriorating health condition or an international student's visa status. The decision maker should explain how they have taken these implications into account, as well as the student's extenuating circumstances and other mitigating factors.

Students should have the opportunity to present any mitigating circumstances or factors that they believe should be taken into account. Those factors are not normally relevant to deciding whether a student is guilty of an offence. They should normally be taken into account, however, when deciding on the penalty if the student is found to have committed an offence. Mitigating factors might include:

- It is a first offence;
- The student admitted the misconduct at the earliest opportunity;
- The student has expressed remorse;

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- The student was found in possession of unauthorised material in an exam but did not intend to gain an advantage;
- The student has compelling personal circumstances that affected their judgment.

Indicative penalties in cases of plagiarism

The following guidance is indicative only, and the penalty to be applied in each case will be determined through the formal investigation process. Other factors will be considered as well as the proportion of the assessment which has been plagiarised.

| Reduce mark by: | | | | | |
|--|---------|---------|---------|----------|----------|
| Proportion of plagiarised text | Level 7 | Level 8 | Level 9 | Level 10 | Level 11 |
| Less than 5% ie up to 125 words in a 2,500-word essay | -5% | -10% | -15% | -20% | -20% |
| Between 5-15% ie 125-375 words in a 2,500-word essay | -10% | -20% | -30% | -40% | -40% |
| More than 15% i.e. more than 375 words of a 2,500-word essay (plagiarised text may or may not be continuous) | Fail | Fail | Fail | Fail | Fail |

Relevance of previous offences

A student's previous misconduct record will not normally be relevant to whether they have committed an offence. However, if the student has previously committed the same or a very similar offence then it may be relevant. For example, the fact that a student has previously been penalised for poor academic practice may be relevant to whether they have committed plagiarism.

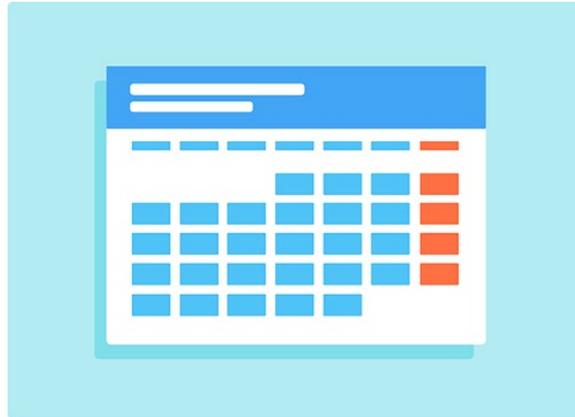
The student's previous academic misconduct record is likely to be relevant to decisions about penalty.

Timelines and responsiveness

Academic misconduct procedures can be particularly stressful for students, and the outcomes can have serious consequences for their studies and future careers. It is therefore particularly important that the investigations, meetings and appeals are conducted as quickly as possible, consistent with fairness.

Academic Misconduct

Delays are likely to occur where the case is complex, the student or witnesses are not available to attend meetings or hearings, or where proceedings are put on hold because of a criminal investigation or the student's impending assessments. In those cases, you should keep the student and any witnesses informed about the progress of the investigation, and when it is likely to conclude.



[Pixabay](#)

The following academic misconduct procedural flowchart includes information about the normal time lines for differing stages.

Academic Misconduct

Record keeping and administration

To allow an Academic Misconduct Panel to reach a fair conclusion it is vital they are provided with all the relevant information including details of any informal investigations which have already taken place. In this section we will provide some examples of the material the panel will require, and also outline the processes which will need to take place once the panel have communicated their decision to key staff.

Record keeping at each stage

It is important that details of all communication regarding the alleged misconduct are kept by the Programme Team, including any emails between staff and also between staff and the student/s.

For assessments, the panel will require the assessment document the alleged misconduct relates to, along with the report from any software used to check the document, for instance Turnitin. If the alleged misconduct involves more than one student, i.e. it appears a student has copied another's work, then both assessment documents and the relevant reports will need to be provided.

For exams, the panel will require a copy of the student's exam paper along with the invigilator's report detailing the alleged incident.

Copies of any communication with the student/s regarding the alleged misconduct should be provided in full, along with any relevant communication between staff members. This includes emails.

Any informal meeting which takes place with the student/s as part of the local investigation should be minuted, and a copy of this provided for the benefit of the panel.

It may be that the student's lecturer, the Programme Lead, or the student's Personal Academic Tutor wish to provide additional information about the student or the situation for the panel to take into consideration, and this should be submitted as a written statement. It is acceptable for this to be in email form, if necessary.

Documentation for the panel

Below is a list of essential documentation required by the formal panel, to be provided by the Programme Team:

- All correspondence with the student/s, including copies of any emails

Academic Misconduct

- All correspondence between staff regarding the alleged misconduct, including copies of any emails
- A written record of any meetings with the student/s undertaken as part of the local informal investigation
- For assessments, the student's assessment document including any software report, i.e. Turnitin
- A copy of the assessment information provided to the student, including any guidance
- If the alleged misconduct involves more than one student copies of all the assessment documents will be required, for comparison
- If there is evidence of material being plagiarised from an external source copies of this should also be provided, for comparison
- For exams, a copy of the student's exam paper along with the written report from the invigilator
- Any additional details the Programme Team wish to provide, for instance a written statement from a lecturer or the student's Personal Academic Tutor if there is information it is felt is relevant to the investigation i.e. potential mitigating circumstances

It is also useful for the panel to be informed of academic details such as whether the assessment or exam relates to a core module, which may have an impact on progression, as this can be taken into account when any penalty is being considered. In addition, whilst the panel will not make judgements on previous instances of academic misconduct, if there have been any prior investigations for the student/s where misconduct was proven then details of this should be provided. This will be particularly relevant when penalties are being considered.

Responsibilities for recording outcomes

PL / Curriculum manager is responsible for ensuring that the student's record is updated to reflect any penalty applied.'

How and where are details of the investigation recorded

All documentation relating to the academic misconduct investigation is saved in a secure area in Sharepoint, for each individual case. This includes a written record of the formal panel meeting. Access to this area is limited to the Dean of Students and the university Student Support Assistant, who acts as clerk to the panels.

Academic Misconduct

Once a panel has been held, all panel members are required to securely destroy any documentation they have been provided with and sign an agreement beforehand assuring compliance.

All documentation will subsequently be archived in accordance with agreed university guidelines, in compliance with national GDPR legislation.

Precedents and examples: Case studies

The university convened panels for 31 cases of academic misconduct from 2015/16 to 2017/18.

Although the cases involved a variety of alleged misconduct, the majority dealt with plagiarism with the remainder concerning cheating in exams.

To give you an overview of the types of cases the university deal with we have summarised a selection to provide anonymised case studies, which you will find listed here. These will contain details of the alleged misconduct, the conclusions of the panel, and the penalties applied where appropriate.



[Pixabay](#)

Case Study 1

During an exam a student was found with material in their possession which may have contained information relevant to the subject of the examination. The student attended the panel by VC and admitted the offence, stating that they'd had 10 pieces of coursework to hand in with exams in between, which left them feeling stressed. This was the student's second attempt at the exam and they had taken in a piece of paper with bullet points on it to help their memory. The student understood that this was cheating and regretted their actions. At the time they had refused to hand over the paper or allow the invigilator to take photographs because they were embarrassed by the situation.

Academic Misconduct

The panel acknowledged that the student expressed remorse and had been honest in their account of their actions.



[Illustration for Cheating](#) by Hariadhi [CC-BY-SA-3.0](#), from Wikimedia Commons

The decision of the panel was that the student be given a formal written warning and allowed to resit all elements with a capped mark of 50%. The student was advised that any further proven academic misconduct could result in permanent exclusion.

Case Study 2

A high level of similarity had been noted between essays submitted by two students. Upon investigation, the electronic file showed the author of both essay documents to be student A, with amendments made by student B. Student A attended the panel in person while student B did not attend or submit a statement. During the panel student A expressed shock at being informed of the allegation of plagiarism and could not understand how both essay documents came have the same content. Student A had not worked with student B and had finished their essay on the day it was due, having used a computer on campus at their college. There was electronic evidence that student B had accessed the essay file in UHI space without the agreement or knowledge of student A.



[Pixabay](#)

Academic Misconduct

The panel concluded that there was no evidence academic misconduct had been committed by student A. For student B, the decision of the panel was that academic misconduct had taken place. Student B was given a mark of zero/fail grade for the whole module and offered the opportunity to enrol to repeat the module, with teaching. In the letter of outcome to student B, reference was made to the seriousness of allegedly accessing another student's file without their knowledge or consent.

Case Study 3

A student had admitted to the programme team that the essay they submitted had been purchased from an essay writing service.

The student did not respond to the invitation to attend the panel and, in their absence, the decision of the panel was that academic misconduct had taken place. The student was given a formal written warning and the essay was given a mark of zero/fail grade with the opportunity to resit.



[Pixabay](#)

Case Study 4

It had been discovered that an essay submitted by a student contained content lifted wholesale from an essay by an identified student from another university. The student attended the panel by VC and admitted the offence, stating they had 'no excuses' and knew it was wrong at the time of submitting the essay. The student was self-employed and working two separate jobs, which left them with limited time for their studies. A family summer holiday was extended so that they could help their brother with some work, which meant they returned later than expected and had run out of time. When offered a copy of an old essay by a friend they altered a few things and submitted it as their own work, whilst 'not thinking straight'.

Academic Misconduct

The student expressed remorse for their actions and regretted not seeking the support they needed. The student provided the panel with a detailed outline of the changes they had made to their work/study balance to ensure the situation did not occur again. It was noted that the student had been otherwise diligent in their studies and that this was a first offence.



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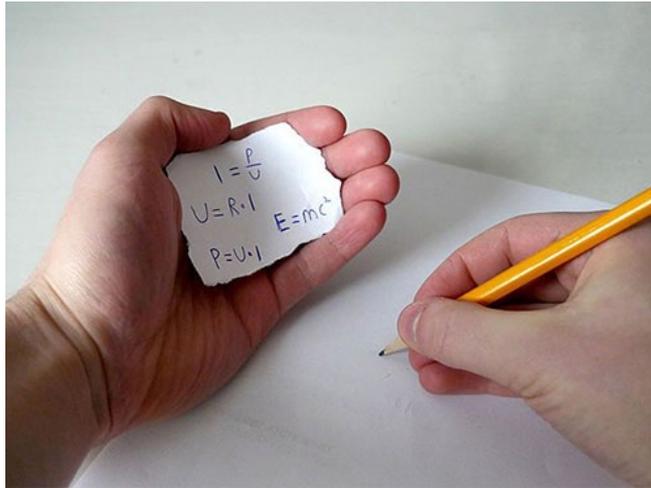
The decision of the panel was that academic misconduct had occurred. The student was given a mark of zero/fail grade for the module and offered the opportunity to retake the whole module.

Case Study 5

During an exam the invigilator discovered a student had written formulae, pertinent to the assessment, on their forearm. This was hidden under their sleeve however the student was seen consulting it. The student attended the panel by VC and admitted the offence. The student stated they had felt a lot of pressure due to several resits and had 'taken the easy way out', which they regretted. The student felt these actions did not reflect their entire personality but understood it was not acceptable and that they should have been honest rather than cheating.

The decision of the panel was that academic misconduct had taken place, but they acknowledged the student's honesty and expression of remorse. The student was given a formal written warning and a mark of zero/fail grade with the opportunity to resit following a suspension from the university for a period of 6 months following the date of the panel.

Academic Misconduct



[School exam cheating](#) by Santeri Viinamäki [CC BY-SA 4.0](#), from Wikimedia Commons

Case Study 6

A high level of similarity had been noted between dissertation documents submitted by two students. Student A attended the panel by VC, accompanied by their Personal Academic Tutor. Student B did not attend but provided a written statement for the panel. Student A advised that they had been friends with student B for several years and they often studied together. Student B had called student A in tears, panicking about the dissertation, and student A had sent them sections of their work to review. Student A confirmed they had not seen any copies of the work of student B at any time. Student A also confirmed they were no longer on speaking terms with student B. In the statement provided by student B, they declared they had shared drafts of their dissertation with student A and insinuated that student A had copied their work.

Following deliberations, the panel were unanimous in their decision that in the case of student A academic misconduct had not occurred. In the case of student B the decision of the panel was that academic misconduct had occurred. The student received a formal written warning and a mark of zero/fail grade for the module. The student was suspended for one year and given the opportunity to resit the following academic year, which would be capped.



[Pixabay](#)

