

UNFAIR MEANS REGULATIONS AND PROCEDURES

2009/2010

REGULATIONS REGARDING CANDIDATES' USE OF UNFAIR MEANS DURING ASSESSMENT

- 1. Introduction**
 - 2. Definition of Unfair Means**
 - 3. Responsibilities**
 - 4. Procedures for Dealing with Suspected Cases of Unfair Means in Coursework**
 - 4.1 Tutor's/Programme Leader's Analysis/Meeting with student(s)**
 - 4.2 Minor Offences**
 - 4.3 Serious Offences (School Hearing)**
 - 5. Procedures for Dealing with Suspected Unfair Means in Examinations or Tests**
 - 5.1 Preliminary Action and Invigilator's Report (examinations or tests)**
 - 5.2 School Hearing (examinations or tests)**
 - 6. Unfair Means Panel**
 - 7. Action of the Assessment Board**
 - 8. Students' Right of Appeal**
 - 9. Annual Report on Unfair Means Cases**
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- Annex 1 Unfair Means Flowchart**
- Annex 2 Tutor's or Invigilator's Report on Suspected Use of Unfair Means**
- Annex 3 Framework of Possible Penalties for Unfair Means Offences**

REGULATIONS REGARDING CANDIDATES' USE OF UNFAIR MEANS DURING ASSESSMENT

1. Introduction

- 1.1 Assessment, in any form, is the means by which the University tests whether a student has achieved the objectives of a programme of study and the standards of an award. It is fundamentally important that students are assessed fairly and on equal terms with each other for the same academic credit and award. Any attempt by a student to gain unfair advantage over another student in the completion of assessment, or to assist someone else to gain an unfair advantage, is cheating.
- 1.2 The University has a public duty to ensure that the highest academic standards are maintained in the conduct of assessment and the proper discharge of this duty is essential to safeguard both the legitimate interests of its students and the University's reputation. Alleged use of unfair means which threatens the integrity of the University's assessment procedures and the maintenance of its academic standards is viewed as a serious offence and will be thoroughly investigated.
- 1.3 Certain professional and statutory bodies place upon students registered for a programme to which they give professional recognition an obligation to adhere to principles or standards of professional conduct. Failure to meet these standards may lead to a student not gaining professional recognition, irrespective of the standard of his/her academic performance.
- 1.4 These regulations provide procedures for investigating and resolving suspected cases of the use of unfair means in assessment and encompass all students registered on any taught programme of study and leading to credit or an award of the University or an external awarding body, wherever, by whoever and through whatever means the programme is delivered. Programmes of research, normally leading to the award of MPhil or PhD, are subject to separate procedures on research misconduct and are not encompassed by these regulations.
- 1.5 Where a taught programme is subject to an external awarding body's regulations then that body's regulations will be applied if this is a condition of approval to offer the programme. Otherwise the University's regulations will be applied, possibly as a precursor to those of the external awarding body if this procedure is required by them.
- 1.6 Reference is made within these regulations to aspects of the organisational and staffing structure of the University e.g. Assessment Boards, Directors of Schools, Programme Leaders, tutors. It is recognised, especially (but not only) where programmes are operated through partner organisations, that it may not be possible to apply the regulations precisely in the way described i.e. by involving the named

postholders. Whilst the adaptation of these procedures to particular operational circumstances will not in itself invalidate any investigation into suspected use of unfair means, those of appropriate seniority and/or experience should operate these regulations at the appropriate equivalent level wherever this is occasioned by the circumstances. Similarly, where mention is made of action by specific postholders, it is acceptable and to be taken for granted under these regulations that this action may be delegated to an appropriate nominee or equivalent postholder where warranted by the circumstances e.g. where the School operates with designated nominees for particular duties, where there is or may be any potential conflict of roles or interests, or where relevant University postholder titles change for whatever reason, so long as the nominee has sufficient seniority and/or experience to be able to act on behalf of the designated postholder.

- 1.7 In the case of partner organisations where it would not be practicable for the named University postholders themselves either to interview a student suspected of using unfair means or to participate in any School Hearing or Unfair Means Panel at the partner organisation, then designated alternative postholders at the partner organisation may be nominated in their place, where possible as part of the process of validating the programme at the partner organisation. Use of videoconferencing and/or telephone interviews, hearings and panels may also be considered appropriate in particular circumstances, whether University and/or nominated partner staff are involved. In all such cases the University postholder normally responsible for the equivalent stage of the unfair means procedures shall be consulted and provide advice and guidance. Partner staff nominees and proposals for alternative arrangements shall be subject to the approval of the Dean of Academic Quality and Standards at the University.

2. Definition of Unfair Means

- 2.1 Use of unfair means during assessment, encompassing plagiarism or other form of academic dishonesty or misconduct, may be defined as any attempt by a student to gain an unfair advantage in any assessment.
- 2.2 It may be demonstrated by using or attempting to use, whether successfully or not, any one or more of the following (note that absence of a particular form of unfair means from this list does not mean that it will not be treated as such):
- i. AIDING AND ABETTING a student in any form of dishonest practice.
 - ii. BRIBERY – paying or offering inducements or coercing another person to obtain an advance copy of an unseen examination or test paper or to obtain a copy of a coursework assignment in advance of its distribution to the students concerned.

- iii. COMMISSIONING another person to complete an assignment which is then submitted as your own work.
- iv. COMPUTER FRAUD – the use of the material of another person stored on a hard or floppy disk as if it were your own.
- v. DUPLICATION – the inclusion in coursework of any material which is identical or similar to material which has already been submitted for any other assessment within the University or elsewhere eg submitting the same piece of coursework for two different modules.
- vi. FALSE DECLARATIONS in order to receive special consideration by Assessment Boards.
- vii. FALSIFICATION OF DATA – the presentation of data in projects, laboratory reports, etc. based on work purported to have been carried out by the student which have been invented by the student or altered or copied or obtained by other unfair means.
- viii. MISCONDUCT IN EXAMINATIONS OR TESTS such as:
 - having at the examination desk any unauthorised notes or other unauthorised material (whether or not concealed in any manner)
 - having at the examination desk an unauthorised computer disk or other storage medium containing pre-coded data, preprogrammable calculator, watch, organiser, mobile telephone, pager, tape recorder, CD or DVD player, or any other electrical or electronic device; (whether or not concealed in any manner);
 - the use of an unauthorised dictionary;
 - the use of unauthorised material obtained via a preprogrammable calculator, watch, organiser, mobile telephone, pager, tape recorder, CD or DVD player, or any other electrical or electronic device;
 - obtaining an advance copy of an 'unseen' written examination or test paper;
 - communicating or trying to communicate in any unauthorised way (oral, written, electronic, non-verbal) with another person during an examination or test except where the examination rubric permits this eg group assessments;
 - copying or attempting to copy from another student sitting the same examination or test;
 - being party to impersonation where another person sits an examination or test in the place of the actual student or a student is knowingly impersonated by another;
 - leaving the examination or test venue to refer to concealed notes or other unauthorised material;

- taking rough notes, stationery, scripts or examination or test papers, which indicate that they are not to be removed, away from the examination or test venue;
 - provision or assistance in the provision of false evidence or knowledge or understanding in examination or tests;
 - disruptive behaviour;
 - theft, destruction or forgery.
- ix. PLAGIARISM may be defined as the representation of another person's work, without acknowledgement of the source, as the student's own for the purposes of satisfying formal assessment requirements. Examples of plagiarism are:
- the use in a student's own work of normally more than a single phrase from another person's work without the use of quotation marks and/or indentation, or other conventionally accepted form of identification and acknowledgement of the source, normally including at least the name of the author, date of publication and page number where the quotation is to be found;
 - the summarising of another person's work by simply changing a few words or altering the order of presentation, without acknowledgement;
 - the use of ideas or intellectual data of another person without acknowledgement of the source, or the submission or presentation of work as if it were the student's own, which are substantially the ideas or intellectual data of another person;
 - copying the work of another person;
 - collusion, where two or more students collaborate to produce a piece of work which is then submitted as though it was an individual student's own work; where students in a class are instructed or encouraged to work together in the pursuit of an assignment, such a group activity is regarded as approved collaboration; where there is a requirement for the submitted work to be solely that of the individual, collaboration is not permitted; students who improperly work collectively in these circumstances will be regarded as being guilty of collusion;
 - the submission of work, as if it were the student's own, which has been obtained from the internet or any other form of information technology;
 - the submission of coursework making significant use of unattributed digital images such as graphs, tables, photographs, etc. taken from books/articles, the internet or from the work of another person;
 - the submission of a piece of work which has previously been assessed for a different award or module or at a different institution as if it were new work;
 - a student who allows or is involved in allowing another student to copy another's work (including physical or

digital images) would be deemed to be guilty of plagiarism.

x. **Note**

The following is particularly relevant to practice in creative subjects including art and design and creative writing and related subjects such as film and video making, making installations, photography, play and script writing and other forms of practical media and performance generation and presentation.

- Programme Specification Documents, Student Handbooks and Module outlines will normally outline aspects of originality, independence and creativity expected of students in achieving aims and outcomes and meeting assessment criteria in Creative Subjects.
- It is recognised that in generating new work in Creative Subjects use is sometimes made of previously published, exhibited or performed material such as words, images, objects, sounds and recordings from specific sources. Such material sometimes may be quoted or reproduced in whole or in part as part of a new work of art. It is not expected that identification through bibliographical data, or other acknowledgement of the source material will be incorporated or exhibited overtly in the new creative work itself in the way that footnotes appear in essays or scientific papers.
- However, it is required that the use of appropriation, allusion and quotation as outlined above will be acknowledged fully and clearly in students' personal commentaries or self-evaluations on their work where such written or verbal self-evaluation is a part of the assessment requirements. Students must be prepared to list and explain such source material to tutors and assessors as required.
- Creative work may be marked and assessed inter alia in response to the originality, inventiveness and creativity of appropriation, allusion and quotation. However, a student may be penalised for refusal to acknowledge and discuss such usage if and when it has been identified. Absence of the acknowledgement of such material in the appropriate format may be deemed to be use of unfair means and may result in the unfair means procedures being implemented.

THE ABOVE LIST IS NOT EXHAUSTIVE AND SHOULD NOT BE INTERPRETED AS SUCH BY STUDENTS

- 2.3 Plagiarism within a distributed learning environment will be dealt with in the same way as for more traditional learning methods.

3. Responsibilities

- 3.1 Schools are responsible for ensuring that all their students are made aware of these regulations and the definitions contained therein. All Programme Handbooks are to include clear advice to students on this matter, cross-referenced to these Regulations which are included in the University's Student Handbook issued to new students at the start of their programme of study and referred to during induction sessions held at that time.
- 3.2 Students are also to be made aware of the seriousness with which proven cases of use of unfair means will be dealt and the likely penalties which Assessment Boards may impose. Students who are unclear about any of the above definitions should seek advice from their tutor, from the Library or from the Students' Union.
- 3.3 All students will have been asked to sign a declaration or otherwise confirm that they acknowledge that they are bound by University regulations, that they have received a copy of the Student Handbook and Programme Handbook and that they will comply with all of the regulations contained therein.
- 3.4 A lack of awareness or understanding of these regulations will not necessarily constitute grounds for a case of use of unfair means to be dismissed by any body authorised to investigate such.
- 3.5 Schools are to require students to sign an appropriate declaration or otherwise confirm that work submitted for assessment is their own, taking account of the programme of study being followed and the work being submitted, which may for instance have involved group activities.

Example declaration for use or adaptation by Schools

'This submission is the result of my own work. Primary and secondary sources of information and any contributions to the work by third parties, other than my tutors, have been fully and properly attributed. Should this statement prove to be untrue I recognise the right and duty of the University to take appropriate action in keeping with the regulations regarding candidates' use of unfair means during assessment'.

- 3.6 Assessment should be designed with consideration for reduction in opportunities for use of unfair means, particularly plagiarism.
- 3.7 Modules covering 'learning to learn' topics, including study skills, essay and report writing, referencing and the like, should include

discussion and exercises on plagiarism and how to avoid it, making reference to the University's study skills software, BISSTO.

- 3.8 These regulations give responsibility for establishing the facts at various stages of cases of suspected use of unfair means to tutors and Programme Leaders, Directors of Schools or their nominees, and the Quality Assurance and Enhancement Coordinator. It is not for Assessment Boards to determine whether unfair means have been used (this is the responsibility of the tutor and the Programme Leader, or the School Hearing or the Unfair Means Panel) which, although they may use mitigating facts to moderate the imposed penalty or suggested penalty band, will not allow such facts to affect their decision on whether or not use of unfair means has in fact occurred. The facts must be established before consideration of the consequences on a student's progress, following which the Assessment Board will judge the seriousness of the case and exercise its reasonable discretion accordingly in determining a penalty, moderated as the Board sees fit by any mitigating factors brought to the Board's attention. (In cases of minor offences this authority is initially delegated to the tutor and Programme Leader.)

4. Procedures for Dealing with Suspected Cases of Use of Unfair Means in Course Work

(see Annex 1 for flowchart)

4.1 Tutor's/Programme Leader's Analysis/Meeting with student(s)

4.1.1 Where a tutor suspects that an act of unfair means involving plagiarism or other form of academic dishonesty or misconduct in relation to coursework has been committed, he/she should analyse the work in question in order to assess the extent and nature of the act. This initial investigation may require a meeting between the student and the tutor in order for discussion of the case, without prejudice. Tutors should use their academic judgment to determine whether written feedback on the work, together with tutorial advice where deemed appropriate, will provide sufficient academic guidance to the student proportionate to the case, or whether they suspect **an intention to deceive on the part of the student**. In the latter case a formal interview may be required and the opinion of the host module's Programme Leader should be sought before deciding whether to proceed (see 4.1.5 below).

4.1.2 The module tutor may consider that written feedback on the work, together with tutorial advice where deemed appropriate, will provide sufficient academic guidance to the student proportionate to the case, in light of one or more of the following circumstances:

- i. the student is at an early stage in their academic programme of study in a UK Higher Education institution,

usually the first semester/term or the first or second piece of work submitted;

- ii. the overall academic level of the module concerned is relatively low, principally level one (or below for relevant programmes);
- iii. no previous proven case of using unfair means has been recorded for the student;
- iv. use of unfair means is evident in a relatively small proportion of the work submitted;
- v. there is, in the opinion of the tutor, **little likelihood of an intention to deceive** on the part of the student but, rather, **evidence of genuine and justifiable lack of understanding of the nature of plagiarism or other form of academic misconduct or dishonesty and how to avoid it.**

4.1.3 If it is decided that written feedback on the work, together with appropriate tutorial advice, will provide sufficient academic guidance to the student proportionate to the case, the tutor should provide appropriate feedback to the student, including advice and guidance as appropriate. This will always include a warning to the student about the future consequences of using unfair means, advice on how to avoid it (especially in relation to plagiarism) including recommended reading and possibly completion of relevant tutorial exercises or assessments.

4.1.4 The student's work will be marked as appropriate without applying a penalty for any unfair means and no record of the case will be entered on the Unfair Means Register.

4.1.5 If it is agreed by the tutor and Programme Leader that a suspected offence has been committed, it should be decided if the suspected offence is to be treated as minor or serious.

4.1.6 Where a student is suspected of unfair means and whose details are shown on the Unfair Means Register, a case deemed to be minor may be elevated to a suspected serious offence and passed to the Director of School or nominee, responsible for the module, for consideration at a School level hearing (see 4.3 below).

4.2 Minor Offences

4.2.1 A formal meeting to consider a minor offence will normally require the student to attend an interview with the tutor and the host module's Programme Leader to

test the tutor's suspicions and/or to submit documentary evidence in response to the charge of using unfair means.

- 4.2.2 The tutor shall first prepare a written report (see Annex 2), outlining the facts and nature of the case, the evidence for the alleged offence and whether any prior offence(s) are recorded on the Unfair Means Register maintained by the Quality Assurance and Enhancement Coordinator, which can be accessed by the School managers.
- 4.2.3 A copy of the report, a copy of these regulations, a letter explaining the possible consequences of being found guilty of the offence and any other papers considered relevant by the tutor shall be provided for the student along with the invitation to attend the meeting and/or provide a documentary response, as appropriate.
- 4.2.4 All papers should be copied, as appropriate, to the Programme Leaders(s) responsible for the programme and student concerned, where different from the Programme Leader of the programme hosting the module.
- 4.2.5 The student will be given at least five clear days' written notice of the tutor's intention to hold the meeting (excluding weekends and statutory public/bank holidays) normally using first class recorded delivery to the appropriate recorded address and via the student's University e mail address. The student has the right to be accompanied at the meeting by one friend, relation, fellow student or representative from the Students' Union.
- 4.2.6 If the student does not attend the interview, or chooses not to attend but to submit documentary evidence, the meeting will go ahead in the student's absence and the hearing will consider the case based on any documentary evidence submitted by the tutor and the student in response to the charge of using or attempting to use unfair means.
- 4.2.7 The **outcome** of the meeting involving the tutor and Programme Leader, with or without the attendance of the student, will be that the minor case of the use of unfair means is **either proven (including where admitted by the student) or not proven.**
- 4.2.8 Minor Offences where the case is proven
- 4.2.8.1 If the suspected case of unfair means is deemed to be proven, the tutor and Programme Leader will

confirm with the student, either in person or in writing within 5 working days of the meeting (excluding weekends and statutory public/bank holidays) the action to be taken. This will always include a warning to the student about the future consequences of using unfair means, advice on how to avoid it (especially in relation to plagiarism) including recommended reading and possibly completion of relevant tutorial exercises or assessments.

In addition, the tutor and Programme Leader will determine whether any penalty should be imposed (see 7.3 below) up to a maximum of a requirement to repeat or replace the work in question for a bare pass mark (section 7.3 iii), considering the extensiveness and severity of the use of unfair means and taking account of the possible mitigating factors listed in section 4.1.2 above and any other such factors made known by the student which the tutor and Programme Leader consider to have a bearing upon the case. The tutor and Programme Leader are considered to be acting on behalf of the Assessment Board in respect of the penalty for a minor offence and any reassessment will increment the number of attempts at the relevant module by one.

4.2.8.2 If the student acknowledges that he/she is guilty of the minor offence of using or attempting to use unfair means and concurs with the recommended action, they will be asked to sign the report immediately upon its completion by the tutor, or return it signed to the tutor, or to acknowledge the offence and recommended action in writing within 5 working days of receipt (excluding weekends and statutory public/bank holidays). It is the student's responsibility to ensure that the University has received their reply. The report and any separate acknowledgement shall then be sent by the tutor to the Chair of the relevant Module Results Board responsible for the module, copied to the Quality Assurance and Enhancement Coordinator and, as appropriate, to the Director(s) of School(s) and Programme Leader(s) responsible for the programme and student concerned.

4.2.8.3 Where the use of unfair means is acknowledged, the tutor and Programme Leader shall advise the student at the conclusion of the meeting and subsequently in writing to produce a written

statement, addressed to the Chair of the relevant Module Results Board responsible for the module, outlining any relevant mitigating facts that he/she would like the Board to take into account when considering the case concerned.

- 4.2.8.4 Where the student does not accept the decision regarding a minor offence of using or attempting to use unfair means and/or any proposed penalty, details of the case should be sent by the Programme Leader to the Quality Assurance and Enhancement Coordinator within 5 working days (excluding weekends and statutory public/bank holidays) of the student's refusal to accept the decision of the meeting.

The Quality Assurance and Enhancement Coordinator will contact the student by letter normally using first class recorded delivery to the appropriate recorded address and by e mail, normally within 5 working days (excluding weekends and statutory public/bank holidays) of receiving the details of the case to ask for any further **material** documentary evidence, not presented at the meeting, to be submitted for consideration. The student will be asked to **respond in writing** to the Quality Assurance and Enhancement Coordinator within 5 working days of receipt (excluding weekends and statutory public/bank holidays). It is the student's responsibility to ensure that the Quality Assurance and Enhancement Coordinator has received their reply.

- 4.2.8.5 If no further **material** evidence is forthcoming the Quality Assurance and Enhancement Coordinator will send a copy of the report to the Chair of the relevant Module Results Board responsible for the module for the application of an appropriate penalty and, as appropriate, to the Director(s) of School(s) and Programme Leader(s) responsible for the programme and student concerned.

- 4.2.8.6 If further **material** evidence is forthcoming the Quality Assurance and Enhancement Coordinator will set up an Unfair Means Panel to consider the case (see Section 6).

- 4.2.8.7 In each of the above two instances, the Quality Assurance and Enhancement Coordinator will contact the student by letter normally using first class recorded delivery to the appropriate recorded

address and by e mail, normally within 5 working days (excluding weekends and statutory public/bank holidays) to inform them of the decision as to whether any further documentary evidence submitted by the student is material to the case or not.

4.2.8.8 Where the student does not attend the interview, or otherwise respond to the invitation to attend or to submit documentary evidence in response to the charge, then the report shall be completed and sent by the tutor, unsigned by the student, to the Chair of the relevant Module Results Board responsible for the module for the application of an appropriate penalty and copied to the Quality Assurance and Enhancement Coordinator and, as appropriate, to the Director(s) of School(s) and Programme Leader(s) responsible for the programme and student concerned.

4.2.8.9 Where the case is proven and is acknowledged by the student, or the student fails to respond to the invitation to attend a meeting and/or to submit documentary evidence as appropriate, the Quality Assurance and Enhancement Coordinator will record details of the case on the Unfair Means Register.

4.2.6 Minor Offences where the case is not proven

If, as a result of the tutor's and Programme Leader's analysis, interview, or other response from the student or other person, it is accepted that no minor offence (ie involving an attempt to deceive) has occurred, then appropriate academic guidance shall be provided to the student by the tutor and the case will be dismissed. The student shall be informed accordingly, in writing, by the tutor and a copy sent as appropriate to the Programme Leader(s) responsible for the programme and student concerned. No further action shall be taken and no record kept on the student's file or on the Register of Unfair Means.

4.3 Serious Offences (School Hearing)

4.3.1 If the tutor and Programme Leader believe (see section 4.1.5) that a serious offence of unfair means involving plagiarism or other form of academic dishonesty or misconduct has occurred, The tutor shall first prepare a written report (see Annex 2), outlining the facts and nature of the case, the evidence for the alleged offence and whether any prior offence(s) are recorded on the Unfair Means Register maintained by the Quality Assurance and Enhancement Coordinator (which can be accessed by the School managers).

- 4.3.2 Details of the case, including the tutor's written report (Annex 2), should be sent by the Programme Leader to the Director of School or nominee, responsible for the module, who will arrange a School level hearing (see below).
- 4.3.3 Where the work in question has clearly been taken entirely from a published source such that it forms the substance of the work and there is no substantial, clearly distinguishable contribution by the student for which a mark could reasonably be given (for example, where the tutor can supply a copy of the relevant text or media), the work need not be marked. Reference should be made to the source in the tutor's written report (Annex 2).
- 4.3.4 Otherwise the work in question should be marked but no Assessment Board should consider the candidate's marks for the affected module(s) until it has been adjudged whether or not an offence has been committed.
- 4.3.5 The student concerned should be informed, in writing, by the Programme Leader responsible for the programme which hosts the module. The student shall be invited to attend a School hearing and/or to submit documentary evidence as appropriate, normally via first class recorded delivery to the appropriate recorded address and via the student's University e mail address, giving five clear days notice excluding weekends and statutory public/bank holidays.

These regulations, the tutor's written report, a letter explaining the possible consequences of being found guilty of the offence and any other papers considered relevant by the Programme Leader shall be included with the letter, which shall be copied by the Programme Leader to the Director of School responsible for the programme which hosts the module concerned, or their nominee and the student's Programme Leader and Director of School, where different from the above.

- 4.3.6 The Director of School or nominee and Programme Leader responsible for the programme which hosts the module, and the tutor who wrote the report, shall normally interview the student, who has the right to be accompanied by one friend, relation, fellow student or representative from the Students' Union.
- 4.3.7 If the student does not attend the interview, or chooses not to attend but to submit documentary evidence, the meeting will go ahead in the student's absence and the School hearing will consider the case based on any documentary evidence submitted by the tutor and the student in response to the charge of using or attempting to use unfair means.

4.3.8 The **outcome** of the School hearing, with or without the attendance of the student, is that the serious case of the use of unfair means is **either proven (including where admitted by the student) or not proven.**

4.3.9 School Hearing where the case is proven

4.3.9.1 If the suspected case of unfair means is deemed to be proven, Director of School or nominee will confirm with the student, either in person or in writing within 5 working days of the meeting (excluding weekends and statutory public/bank holidays) the action to be taken. This will always include a warning to the student about the future consequences of using unfair means, advice on how to avoid it (especially in relation to plagiarism) including recommended reading and possibly completion of relevant tutorial exercises or assessments.

In addition, the hearing will determine which, if any, penalty band should be imposed (see 7.3 below) considering the extensiveness and severity of the use of unfair means and taking account of the possible mitigating factors listed in section 4.1.2 above and any other such factors made known by the student which the hearing considers to have a bearing upon the case.

4.3.9.2 If the student acknowledges that he/she is guilty of the serious offence of using or attempting to use unfair means and concurs with the recommended action, they will be asked to sign the report immediately upon its completion by the tutor, or return it signed to the tutor, or to acknowledge the offence and recommended action in writing within 5 working days of receipt (excluding weekends and statutory public/bank holidays). It is the student's responsibility to ensure that the University has received their reply. The report and any separate acknowledgement shall then be sent by the Director of School or nominee to the Chair of the relevant Module Results Board responsible for the module and copied to the Quality Assurance and Enhancement Coordinator and, as appropriate, to the Director(s) of School(s) and Programme Leader(s) responsible for the programme and student concerned.

4.3.9.3 If a penalty band has been agreed as a result of the meeting, the Director of School or nominee shall advise the student at the conclusion of the meeting and subsequently in writing to produce a written statement, addressed to the Chair of the relevant

Module Results Board responsible for the module, outlining any relevant mitigating facts that he/she would like the Board to take into account when considering the case concerned.

- 4.3.9.4 Where the student does not accept the decision regarding a serious offence of using or attempting to use unfair means and/or any proposed penalty, details of the case should be sent by the Director of School or nominee to the Quality Assurance and Enhancement Coordinator within 5 working days (excluding weekends and statutory public/bank holidays) of the student's refusal to accept the decision of the hearing.

The Quality Assurance and Enhancement Coordinator will contact the student by letter, normally using first class recorded delivery to the appropriate recorded address and by e mail, normally within 5 working days (excluding weekends and statutory public/bank holidays) of receiving the details of the case to ask for any further **material** documentary evidence, not presented at the hearing, to be submitted for consideration. The student will be asked to **respond in writing** to the Quality Assurance and Enhancement Coordinator within 5 working days of receipt (excluding weekends and statutory public/bank holidays). It is the student's responsibility to ensure that the Quality Assurance and Enhancement Coordinator has received their reply.

- 4.3.9.5 If no further **material** evidence is forthcoming the Quality Assurance and Enhancement Coordinator will send a copy of the report to the Chair of the relevant Module Results Board responsible for the module for the application of an appropriate penalty and, as appropriate, to the Director(s) of School(s) and Programme Leader(s) responsible for the programme and student concerned.

- 4.3.9.6 If further **material** evidence is forthcoming the Quality Assurance and Enhancement Coordinator will set up an Unfair Means Panel to consider the case (see section 6).

- 4.3.9.7 In each of the above two instances, the Quality Assurance and Enhancement Coordinator will contact the student by letter normally using first class recorded delivery to the appropriate recorded address and by e mail, normally within 5 working days (excluding weekends and statutory public/bank holidays) to inform them of the decision as to whether

any further documentary evidence submitted by the student is material to the case or not.

4.3.9.8 Where the student does not attend the interview, or otherwise respond to the invitation to attend or to submit documentary evidence in response to the charge, then the report shall be completed and sent by the Director of School or nominee to the Chair of the relevant Module Results Board and/or Awards Board responsible for the module for the application of an appropriate penalty and copied to the Quality Assurance and Enhancement Coordinator and, as appropriate, to the Director(s) of School(s) and Programme Leader(s) responsible for the programme and student concerned.

4.3.9.9 Where the case is proven and is acknowledged by the student, or the student fails to respond to the invitation to attend a School hearing and/or to submit documentary evidence as appropriate, the Quality Assurance and Enhancement Coordinator will record details of the case on the Unfair Means Register.

4.3.10 Serious offences where the case is not proven

If, as a result of the hearing, or other response from the student or other person, it is accepted that no serious offence has occurred, then appropriate academic guidance shall be provided to the student by the tutor and the case will be dismissed. The student shall be informed accordingly, in writing, by the Director of School or nominee and a copy sent as appropriate to the Director(s) of School(s) and Programme Leader(s) responsible for the programme and student concerned. No further action shall be taken and no record kept on the student's file or on the Register of Unfair Means.

5 Procedures For Dealing with Suspected Cases of Use of Unfair Means in Examinations or Tests

5.1 Preliminary Action and Invigilator's Report (examinations or tests)

5.1.1 Any candidate suspected of contravening the examination regulations in a formal written examination, open book examination or class test must be approached at the time by two invigilators, whenever possible, and any unauthorised materials confiscated. The candidate's examination answer book should be endorsed at that point with the exact time, date and signature(s) of the invigilator(s). All unauthorised materials and the answer book should be placed in a sealed envelope bearing the name of the candidate, date, title of examination paper

and signature(s) of invigilator(s). The envelope will accompany the invigilator's report (see 5.1.4 below).

- 5.1.2 Except where the invigilator considers that the candidate is causing a disturbance likely to affect other candidates or is continuing to contravene or attempt to contravene the examination regulations, the suspected candidate should be permitted to complete the examination.
 - 5.1.3 Before leaving the examination room, the candidate should be informed that the incident will be reported to the Director of School responsible for the module. The candidate should also be instructed to attend any remaining examinations as normal.
 - 5.1.4 A full report of the incident (Annex 2) must be written immediately after the examination by the invigilator(s) and submitted by them to the Director of School or nominee and Programme Leader responsible for the programme which hosts the module and copied to the module leader and as appropriate to the student's Director of School or nominee and Programme Leader.
- 5.2 School Hearing (examinations or tests)
- 5.2.1 Upon receipt of such a report the Director of School or nominee responsible for the programme which hosts the module shall invite the student to attend a School hearing and/or to submit documentary evidence in response to the charge, normally via first class recorded delivery to the appropriate recorded address and via the student's University e mail address, giving five clear days notice (excluding weekends and statutory public/bank holidays). These regulations, the invigilator's written report and any other papers considered relevant by the Director of School or nominee shall be included with the letter and copied as appropriate to the student's Director of School and to the Programme Leader(s) responsible for the programme and student concerned.
 - 5.2.2 The Director of School or nominee and Programme Leader and the invigilator(s) who originally approached the candidate during the examination shall interview the student, who has the right to be accompanied by one friend, relation, fellow student or representative from the Students' Union.
 - 5.2.3 If the student does not attend the interview, or chooses not to attend but to submit documentary evidence, the meeting will go ahead in the student's absence and the School hearing will consider the case based on any documentary evidence submitted by the tutor and the

student in response to the charge of using or attempting to use unfair means.

5.2.4 The **outcome** of the School hearing, with or without the attendance of the student, is that the case of the use of unfair means is **either proven (including where admitted by the student) or not proven.**

5.2.5 School hearing where the case is proven

5.2.5.1 If the suspected case of unfair means is deemed to be proven, Director of School or nominee will confirm with the student, either in person or in writing within 5 working days of the meeting (excluding weekends and statutory public/bank holidays) the action to be taken. This will always include a warning to the student about the future consequences of using unfair means, advice on how to avoid it (especially in relation to plagiarism) including recommended reading and possibly completion of relevant tutorial exercises or assessments.

In addition, the hearing will determine which, if any, penalty band should be imposed (see 7.3 below) considering the extensiveness and severity of the use of unfair means and taking account of the possible mitigating factors listed in section 4.1.2 above and any other such factors made known by the student which the hearing considers to have a bearing upon the case.

5.2.5.2 If the student acknowledges that he/she is guilty of the minor offence of using or attempting to use unfair means and concurs with the recommended action, they will be asked to sign the report immediately upon its completion by the tutor, or return it signed to the tutor, or to acknowledge the offence and recommended action in writing within 5 working days of receipt (excluding weekends and statutory public/bank holidays). It is the student's responsibility to ensure that the University has received their reply. The report and any separate acknowledgement shall then be sent by the Director of School or nominee to the Chair of the relevant Module Results Board responsible for the module and copied to the Quality Assurance and Enhancement Coordinator and, as appropriate, to the Director(s) of School(s) and Programme

Leader(s) responsible for the programme and student concerned.

5.2.5.3 If a penalty band has been agreed as a result of the meeting, the Director of School or nominee shall advise the student at the conclusion of the meeting and subsequently in writing to produce a written statement, addressed to the Chair of the relevant Module Results Board responsible for the module, outlining any relevant mitigating facts that he/she would like the Board to take into account when considering the case concerned.

5.2.5.4 Where the student does not accept the decision regarding the offence of using or attempting to use unfair means and/or any proposed penalty, details of the case should be sent by the Director of School or nominee to the Quality Assurance and Enhancement Coordinator within 5 working days (excluding weekends and statutory public/bank holidays) of the student's refusal to accept the decision of the hearing.

The Quality Assurance and Enhancement Coordinator will contact the student by letter, normally using first class recorded delivery to the appropriate recorded address and via the student's University e mail address, normally within 5 working days (excluding weekends and statutory public/bank holidays) of receiving the details of the case to ask for any further **material** documentary evidence, not presented at the meeting, to be submitted for consideration. The student will be asked to **respond in writing** to the Quality Assurance and Enhancement Coordinator within 5 working days of receipt (excluding weekends and statutory public/bank holidays). It is the student's responsibility to ensure that the Quality Assurance and Enhancement Coordinator has received their reply.

5.2.5.5 If no further **material** evidence is forthcoming the Quality Assurance and Enhancement Coordinator will send a copy of the report to the Chair of the relevant Module Results Board responsible for the module for the application of an appropriate penalty and, as appropriate, to the Director(s) of School(s) and Programme

Leader(s) responsible for the programme and student concerned.

5.2.5.6 If further **material** evidence is forthcoming the Quality Assurance and Enhancement Coordinator will set up an Unfair Means Panel to consider the case (section 6).

5.2.5.7 In each of the above two instances, the Quality Assurance and Enhancement Coordinator will contact the student by letter normally using first class recorded delivery to the appropriate recorded address and by e mail, normally within 5 working days (excluding weekends and statutory public/bank holidays) to inform them of the decision as to whether any further documentary evidence submitted by the student is material to the case or not.

5.2.5.8 Where the student does not attend the interview, or otherwise respond to the invitation to attend or to submit documentary evidence in response to the charge, then the report shall be completed and sent by the Director of School or nominee to the Chair of the relevant Module Results Board and/or Awards Board responsible for the module for the application of an appropriate penalty and copied to the Quality Assurance and Enhancement Coordinator and, as appropriate, to the Director(s) of School(s) and Programme Leader(s) responsible for the programme and student concerned.

5.2.5.9 Where the case is proven and is acknowledged by the student, or the student fails to respond to the invitation to attend a School hearing and/or to submit documentary evidence as appropriate, the Quality Assurance and Enhancement Coordinator will record details of the case on the Unfair Means Register.

5.2.6 School hearing where the case is not proven

If, as a result of the hearing, or other response from the student or other person, it is accepted that no serious offence has occurred, then appropriate academic guidance shall be provided to the student by the tutor and the case will be dismissed. The student shall be informed accordingly, in writing, by the Director of School or nominee and a copy sent as appropriate to the Director(s) of School(s) and Programme Leader(s) responsible for the

programme and student concerned. No further action shall be taken and no record kept on the student's file or on the Register of Unfair Means.

6. Unfair Means Panel

- 6.1 The Quality Assurance and Enhancement Coordinator shall invite the student to attend the Unfair Means Panel normally via first class recorded delivery to the appropriate recorded address and via the student's University e mail address, giving five clear days notice (excluding weekends and statutory public/bank holidays) and/or to submit any further documentary evidence, not presented at the earlier meeting(s), to be submitted for consideration.

These regulations, the tutor's or invigilator's written report and any other papers considered relevant by the Quality Assurance and Enhancement Coordinator shall be included with the letter, which shall be copied as appropriate to the Director(s) of School(s) and Programme Leader(s) responsible for the Programme and student concerned. The student may be accompanied by one friend, relation, fellow student or representative from the Students' Union.

- 6.2 The student may if he/she wishes, prepare a statement regarding the alleged offence. Any such statement should be sent to the Quality Assurance and Enhancement Coordinator at least one working day before the meeting of the Unfair Means Panel.

- 6.3 Membership of the Unfair Means Panel shall normally be:

- i. Chair – Quality Assurance and Enhancement Coordinator;
- ii. A member of academic staff from the student's home School;
- iii. A member of academic staff from a School other than the student's home School and the School responsible for the programme hosting the module concerned;

A Secretary shall be nominated by the Quality Assurance and Enhancement Coordinator to take minutes of the proceedings and to produce a typed record.

None of the members should have been directly involved with the assessment or invigilation of the student in the examination, coursework or module subject to the allegation. Neither should they currently be (or have been at the time of the alleged offence) involved in teaching or acting as personal tutor to the student or in any of the previous stages of the investigation. Should this be the case the member concerned will find a suitable substitute, confirm their acceptability with the Quality Assurance and Enhancement Coordinator and pass them any papers received in connection with the Panel meeting.

- 6.4 The papers for the Panel will normally include:
- (i) the report of the tutor or invigilator(s) on the extent and nature of the offence, including or referring to previous entries in the Register of Unfair Means Cases and related reports;
 - (ii) any statement from the student or other person;
 - (iii) any confiscated materials;
 - (iv) any relevant text, source material or media;
 - (v) regulations for the particular award relating to the assessment;
 - (vi) regulations of any external validating or awarding body appropriate to the award;
 - (vii) a copy of these procedures.
- 6.5 Papers received will remain confidential to the Panel and the student except where the Panel considers it appropriate to refer papers with the eventual findings of the Panel to the relevant Assessment Boards.
- 6.6. The Panel will invite the student concerned and at least one of the members of academic staff responsible for writing the report on the case to give evidence and be questioned. Any other person considered relevant to the case may also have been invited to speak, be questioned and/or submit a written statement eg Programme Leader(s) and Head(s) of School(s) for the module and student concerned. The student and their companion are entitled to be present when any witness statements are being heard, to have prior access to any written witness statements and to question the witnesses accordingly. Witnesses may be heard separately or in each others' presence, at the discretion of the Chair of the Panel, who shall also determine the order of business.
- 6.7 Minutes of the meeting will be kept and will be circulated to members and the student only.
- 6.8 If the student does not attend the hearing the meeting will go ahead in the student's absence and the hearing will consider the case based on any documentary evidence submitted by the tutor and the student in response to the charge of using or attempting to use unfair means.
- 6.9 The **outcome** of the Panel will be either that the use of unfair means is **proven (including where admitted by the student) or not proven.**
- 6.10 Unfair Means Panel where the case is proven
- 6.10.1 The Panel should assess the extensiveness and severity of the unfair means and agree any comments to be made to the relevant Module results and Awards/Progression Boards as deemed appropriate.
 - 6.10.2 The Chair of the Unfair Means Panel will inform the Chairs of the relevant Module Results and Awards/Progression Boards of this decision via the completed written report form and shall supply on the report form (see Annex 2) a statement of the Panel's

assessment of the extensiveness and severity of the offence and its suggested penalty band, with reasons (see sections 2.2, 7.3 and Annex 3 for guidance). A copy of the report form shall also be sent by the Chair to the Director(s) of School(s) and Programme Leader(s) responsible for the programme and student concerned.

6.10.3 The Chair shall inform the student in writing within five clear days of the Panel meeting (excluding weekends and statutory public/bank holidays) of the findings and decisions of the Unfair Means Panel, normally using first class recorded delivery to the appropriate recorded address.

6.10.4 The Chair of the Panel shall advise the student at the conclusion of the hearing or subsequently in writing to produce a written statement, addressed to the Chairs of the relevant Module Results and Awards/Progression Boards, outlining any relevant mitigating facts that he/she would like the Boards to take into account when considering the case concerned.

6.10.5 If student does not attend the Unfair Means Panel or otherwise respond to the invitation in person or through another individual, the Panel will proceed in their absence to consider, make and communicate their decision on the case in accordance with the above procedures.

6.10.6 Where the case is proven the Quality Assurance and Enhancement Coordinator will record details of the case on the Unfair Means Register.

6.11 Unfair Means Panel where the case is not proven

The Chair will inform the student in writing within five clear days of the Panel meeting (excluding weekends and statutory public/bank holidays) of the findings and decisions of the Unfair Means Panel, normally using first class recorded delivery to the appropriate recorded address and via the student's University e mail address.

The Chair will inform the Director of School or nominee, or the Programme Leader, from whom the report on suspected use of unfair means was received, giving reasons. The letter and completed report shall be copied as appropriate to the student's Director of School and to the Programme Leader(s) responsible for the programme and student concerned. The case will be dismissed, no further action taken and no record kept on the student's file.

7. Action of the Assessment Board

7.1 The decision of the Unfair Means Panel is final and Assessment Boards cannot re-examine the facts of the case.

- 7.2 Assessment Boards shall make their assessment decision in accordance with the regulations of any external validating body and/or the University. Where the student has admitted the offence or where it has been proven, Assessment Boards shall take into account the extensiveness and severity of the offence as judged by any prior interview, hearing and/or panel and any suggested penalty band. Although not bound by the latter, Boards will need to be clear about their reasons for departing from any recommendation; the Chair of the Assessment Board should inform the tutor, Director of School and/or Chair of the Unfair Means Panel accordingly, as well as the Programme Leader(s) for the module and student concerned.
- 7.3 Assessment Boards shall treat all cases seriously and will take into account the extent and severity of the use of unfair means, whether it is a first offence, the level of the award, the size of the work and the likelihood of any intention to deceive as might be reflected in use of foresight or ingenuity (see section 2.2). Where a student's programme of study leads to an award which confers accreditation or recognition by a professional or statutory body, then Assessment Boards will take due cognisance of any implications for the resultant penalty of breaches of the relevant standards of professional conduct or other published requirements of the relevant body. Annex 3 provides a framework of possible penalties which Boards may consider and which may help to ensure consistency of treatment across the University.

The Board shall normally decide upon one or more of the following actions (**note that any reassessment will increment the number of attempts at the relevant module by one**).

Note that the minute recorded on the student's SITS record should clearly reflect one of these decisions.

- (i) to fail the assessment(s) but to permit a technical referral with no cap on the mark;
- (ii) to reduce the mark of the relevant assessment(s) by an amount to be determined by the assessment board, to be no lower than a bare pass;
- (iii) to refer the assessment(s);
- (iv) to deem the student to have failed the module and determine whether "repeat" or "retake" is allowed;
- (v) for undergraduate assessments contributing to any final award classification, to limit the class of award recommended;

OR

for any postgraduate assessments, to place a ceiling on the terminal award;

- (vi) to fail the award with a recommendation on whether any interim credit and/or award earned prior to the offence should be granted or withheld.
 - (vii) to recommend to Senate that the student be expelled from the University either permanently or for a specified length of time, with a recommendation on whether any interim credit and/or award earned prior to the offence should be granted or withheld.
- 7.4 If a referral is granted the assessment board has the power to determine the nature of any referred work and the student will not be allowed to submit the referred work within the same semester as the one in which the offence was committed.
- 7.5 The Chair of the Awards/Progression Board shall inform the Quality Assurance and Enhancement Coordinator of the assessment decision, including confirmation of any penalty imposed by a tutor in respect of a minor offence.
- 7.6 Where a case is proven the student shall receive written confirmation of the penalty imposed and a warning from the Chair of the Awards/Progression Board stating that any further offences committed while the student is registered at the University could lead to termination of his/her registration and enrolment.
- 7.7 Where evidence becomes available subsequent to the recommendation of the Assessment Board, it will be possible for the matter to be re-opened using these procedures and, if appropriate, a recommendation made to Senate that any credit and/or award which has been gained using unfair means be withdrawn.
- 7.8 In cases where use of unfair means has been suspected but not proven an Assessment Board must not discuss suspicions or allegations.
- 7.9 Where a further offence is proved after the warning in 7.6 and following interrogation of the Register of Unfair Means Cases, the work in question will normally be automatically failed and the student will normally fail all assessments for concurrent modules. The student's registration and enrolment will also be terminated.
- 7.10 Where serious use of unfair means is found to be widespread and systematic (eg more than one instance in a particular module, semester or stage of a programme, or over successive semesters or stages, and deliberately designed to deceive), the Assessment Board will normally recommend termination of the student's registration, cancellation of enrolment and the annulment of all assessments for concurrent modules.
- 7.11 Senate may on the basis of the evidence presented to it, instigate a review of any credit and/or award previously obtained by a student who has committed a serious offence.

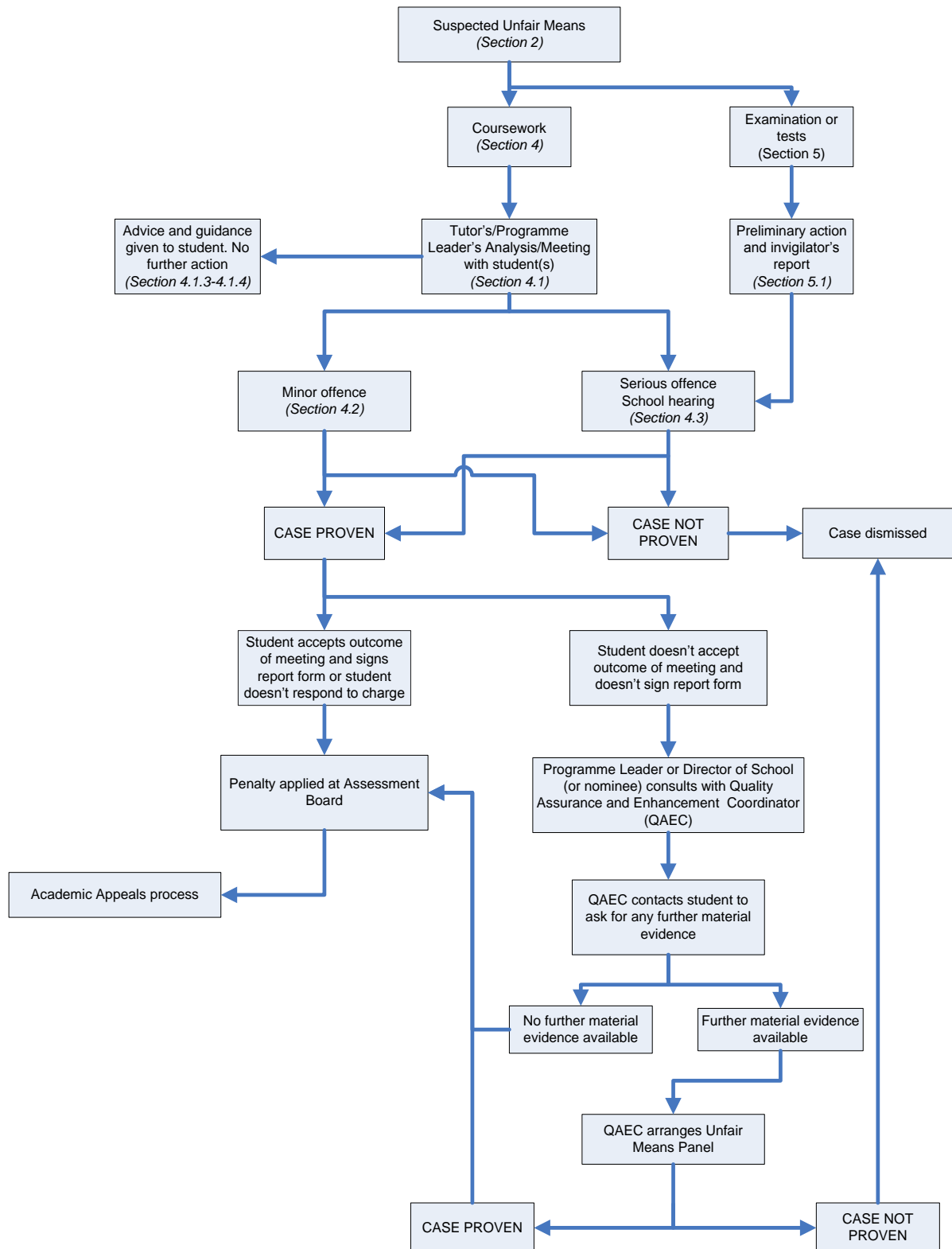
8. Students' Right of Appeal

- 8.1 In the case of academic action against the student (see 7.3 (i) – (x) above) he/she shall be informed in writing within five clear days (excluding weekends and statutory public/bank holidays) of the Assessment Board's decision, normally using first class recorded delivery to the appropriate recorded address, together with any conditions, and the candidate's right to request its review. The Chair of the Assessment Board shall notify the Quality Assurance and Enhancement Coordinator of the Board's decision.
- 8.2 A recommendation for expulsion shall be reported to the student in writing within five clear days (excluding weekends and statutory public/bank holidays), normally using first class recorded delivery to the appropriate recorded address and to the Secretary to Senate who shall convene a meeting of the Senate Review Committee to consider the matter within fourteen days (if feasible) under its term of reference. A decision by the Review Committee to expel the candidate from the University for academic reasons shall be implemented by the Vice Chancellor within seven days.
- 8.3 The candidate has the right to request a review of the Assessment Board's decision through the Secretary to Senate within fourteen days of notification of the decision and in accordance with Senate's Review Committee procedures detailed in the University's Examination Regulations and referred to in the University's Student Handbook.
- 8.4 The outcome of any request for review of an Assessment Board decision arising from cases of unfair means will be reported to the Quality Assurance and Enhancement Coordinator by the Secretary to Senate. The Quality Assurance and Enhancement Coordinator will then issue a 'completion of procedures' letter to the student, in accordance with the requirements of the Office of the Independent Adjudicator.

9. Annual Report on Unfair Means Cases

- 9.1 The Quality Assurance and Enhancement Coordinator shall maintain a central register of admitted, proven or appealed cases of unfair means by students. The outcome of all admitted, proven or appealed cases of use of unfair means should be reported to the Quality Assurance and Enhancement Coordinator by the tutor (see 4.2.8.2), the Head of School (see 4.3.9.2), the Chair of the Awards/Progression Board (see 7.5), or the Secretary to Senate (see 8.4).
- 9.2 The Quality Assurance and Enhancement Coordinator shall present an annual report on cases of use of unfair means to Senate.

Annex 1 Flow chart for Suspected Unfair Means



Annex 2

Tutor's or Invigilator's Report on Suspected Use of Unfair Means in Coursework, Examination or Test

Tutor's/Invigilator's name (PLEASE PRINT)

School and Subject Area

Date of Report

1. Name(s) of Student(s)

2. Student Number(s)

3. Award and Subject

4. Year of Student Programme

5. Level and Stage of Programme

6. Module Code and Title

7. Assignment or Examination Paper Title and Date Submitted or Taken

8. Suspected Nature of Unfair Means (see section 2 of Regulations Regarding Candidates' Use of Unfair Means During Assessment)

PLEASE TICK

1	Aiding & Abetting	7	Falsification of data
2	Bribery	8	Misconduct in Exams/tests
3	Commissioning	9	Plagiarism (internet)
4	Collusion	10	Plagiarism (other)
5	Duplication	11	Computer Fraud
6	False Declarations	12	Other – please specify below

Brief description

.....

9. Evidence for the nature and extensiveness of the alleged use of unfair means (citing sources, proportions of the work affected, amount of change to published materials, description of unauthorised materials, time elapsed in an examination or test, other relevant circumstances e.g. names of witnesses or other confirming factors)

10. Is there a previous proven minor or serious offence of using unfair means recorded for this student? (Consult the Register of Unfair Means – access available to the School Manager, the Quality Assurance and Enhancement Coordinator, and the QAE administrator - and provide details obtained).

(The following two sections to be completed only for coursework-related offences, subsequent to the tutor and Programme Leader considering the case (see section 4.1.5)

11. In your view and considering all of the relevant evidence noted above, would you deem the alleged offence to constitute a minor or serious breach of the Regulations? (Section 4.1.5). (Please complete as appropriate)

Minor offence, date of meeting

Serious offence, date sent to Director of School or nominee

12. **In the case of a minor offence being proven** and taking account of the possible circumstances and action described in sections 4.1.2 and 7.3 of the Regulations, state below the proposed action and any penalty.

To be signed following consideration of the evidence, with or without the attendance of the student (coursework) or following incident (examination or test)

13. Tutor's/Invigilator's signature

Programme Leader's name (PLEASE PRINT) and signature

.....

Date of interview (if applicable)

and/or Date of signature

Go to section 16 for student's signature if the findings of the meeting to consider a minor offence and the proposed penalty are agreed by the student

(See Annex 1 for guide to relevant section of Regulations on reporting requirements)

PLEASE SEND A COPY OF THE COMPLETED REPORT FORM TO THE QUALITY ASSURANCE AND ENHANCEMENT COORDINATOR IN THE QAE UNIT

14. Findings of School Hearing (for serious offences involving course work and for offences involving examinations or tests) and suggested penalty band.

Signature of Chair of School Hearing

Date of Hearing

Go to section 16 for student's signature if the findings of the hearing and the proposed penalty are agreed by the student

(See Annex 1 for guide to relevant section of Regulations on reporting requirements)

PLEASE SEND A COPY OF THE COMPLETED REPORT FORM TO THE QUALITY ASSURANCE AND ENHANCEMENT COORDINATOR IN THE QAE UNIT

15. Findings of Unfair Means Panel (for cases where the student does not acknowledge that a case is proven and/or agrees the proposed penalty) and suggested penalty.

Signature of Chair of Unfair Means Panel

Date of Panel

Go to section 16 for student's signature if the findings of the Panel and the proposed penalty are agreed by the student

(See Annex 1 for guide to relevant section of Regulations on reporting requirements)

PLEASE SEND A COPY OF THE COMPLETED REPORT FORM TO THE QUALITY ASSURANCE AND ENHANCEMENT COORDINATOR IN THE QAE UNIT

16. Statement by student

I accept the facts and findings described in this report, the action to be taken and the penalty to be imposed or the range of suggested penalties.

Student's signature

Date

(Whether or not signed here by the student, this report must be distributed as described in the relevant section of the Regulations – see Annex 1 for guidance)

17. Any further comment by student (optional)

**PLEASE SEND A COPY OF THE COMPLETED REPORT
FORM TO THE QUALITY ASSURANCE AND
ENHANCEMENT COORDINATOR IN THE QAE UNIT**

Annex 3

Framework of Possible Penalties for Unfair Means Offences (see section 7.3 of Regulations for details of penalties)

Type of offence	Penalty Band A Warning - Penalty (iii)	Penalty Band B Penalties (ii) – (iv)	Penalty Band C Penalties (iv) – (vii)
General Unfair Means (see Section 2.2 (i) – (viii) of Regulations for examples)			
Aiding and Abetting	-	Did not confer unfair advantage	Conferred unfair advantage
Bribery	-	Did not confer unfair advantage	Conferred unfair advantage
Collusion	Collaborative work is apparent in a few areas, but possibly due to tutor guidance and/or lack of student's awareness of regulations or conventions	Collaborative work affects tutor's ability to fairly assess individual contributions	Collaborative work reflects extensive similarities and identical passages, possibly due to deliberate attempt to share work
Commissioning	-	Did not confer unfair advantage	Conferred unfair advantage
Computer Fraud	-	Did not confer unfair advantage	Conferred unfair advantage
Duplication	-	Did not confer unfair advantage	Conferred unfair advantage
False declarations	-	Did not confer unfair advantage	Conferred unfair advantage
Falsification of data	Substantial part of the data is student's own	Not clear what proportions of the data are student's own or invented or obtained from invalid sources	Substance of data is false with no evidence of being obtained by student by valid means

Type of offence	Penalty Band A Warning - Penalty (iii)	Penalty Band B Penalties (ii) – (iv)	Penalty Band C Penalties (iv) – (vii)
Misconduct in Examinations or Tests (see Section 2.2 (viii) of Regulations for examples)			
Unauthorised notes or other unauthorised material including computer disk or other storage medium containing data or information	Of an academic nature but irrelevant to subject	Relevant to subject but no proof of attempt to use	Relevant to subject and used or prepared to be used
Unauthorised electrical or electronic device including calculator, watch, organiser, mobile telephone, pager, tape recorder, CD or DVD player, personal stereo	Not obviously used and/or does not contain material relevant to subject	Attempted to use and/or contains material relevant to subject	Used and contains material relevant to subject
Obtaining an advance copy of an 'unseen' examination or test paper	-	-	Misuse of examination or test material eg. gaining prior knowledge of examination or test contents, improper disclosure or receipt of examination or test information
Communicating during an examination or test	Isolated incidents before start of examination or test or during collection of papers	During examination or test about unrelated matters to subject	Examination- or test-related matters during examination or test

Type of offence	Penalty Band A Warning - Penalty (iii)	Penalty Band B Penalties (ii) – (iv)	Penalty Band C Penalties (iv) – (vii)
Copying or attempting to copy or allowing copying from another student sitting the same examination or test	Attempted, apparently unsuccessfully	Allowing script to be copied or showing answers	Copying from another's script
Impersonation	-	-	Evidence of being used
Leaving examination or test room to refer to concealed notes or other unauthorised material	No apparent advantage conferred	Evidence of intent but not of being used	Proof of script being tampered with
Taking material away from examination or test which should not be removed	No apparent loss of integrity or evidence of tampering	No proof that material is safe	Conferred unfair advantage
False evidence	In possession of means and/or attempted	Evidence of occurrence with limited impact	Taking someone else's work to pass it off as one's own or cause disadvantage to another; destruction of another student's work; falsification or forgery of results
Disruptive behaviour	Minor; heeds warnings	Repeated or prolonged	Repeated and/or prolonged; offensive and/or physical
Theft, destruction, alteration or forgery	-	-	Taking someone else's work to pass it off as one's own or cause disadvantage to another; destruction of another student's work; falsification or forgery of results

Type of offence	Penalty Band A Warning - Penalty (iii)	Penalty Band B Penalties (ii) – (iv)	Penalty Band C Penalties (iv) – (vii)
Plagiarism			
Representation of another person's work, without acknowledgement of the source, as the student's own for the purposes of satisfying formal assessment requirements (see section 2.2 (x) of Regulations for examples)	Unaware of how to attribute sources correctly or of the regulations and/or conventions about plagiarism; substantial part of the work is the student's own	Plagiarism from work cited in bibliography or references (including internet); not clear which parts are original and which parts are quoted	Plagiarised material is substance of work submitted; is not listed in bibliography or references; no clearly distinguishable work for which mark can be given
Stage of Programme	For example: first semester or term; first or second piece of work in the module	For example: up to third semester or term; up to sixth piece of work submitted overall	For example: fourth semester or term or beyond; more than three modules completed overall
Level of Programme	Level HE4	Levels HE5 and HE6	Levels HE6 and HE7
Previous proven minor offence	None	At least one	More than one
Previous proven serious offence	None	None	At least one
Proportion of work involved	Minimal	Moderately significant	Substantial
Intention to deceive	Absent or unlikely	Probable	Proven

For a particular penalty band to apply, it might normally be expected that at least four of the conditions listed in that band would be met by the case under consideration.

NOTES OF GUIDANCE ON THE IMPLEMENTATION OF THE UNFAIR MEANS REGULATIONS

THE REGULATIONS

1. When considering the 'Use of Unfair Means', the Regulations to be applied must be those approved for the University by Senate (or external validating body) and supersede course regulations where they differ, and are those that were in force at the time of the relevant examination for assessments.

For example a candidate being investigated for use of unfair means during an examination in June 2008 is subject to the Regulations approved by Senate for the 2007-08 academic year, and the procedures to be applied will be for that year even if the implementation of the Regulations occurs after 31 August 2008.

2. The Regulations specifically include within the term 'examination' all coursework which is formally assessed (project, essay, practical) where a candidate is expected to produce original work.
3. Two sets of situations for candidates are covered by the Regulations:
 - those within a formal examination under invigilation,
 - those where submitted work is to be presented for formal assessment as the candidate's own work.
4. The Regulations refer to occasions where the use of unfair means is 'suspected'. Such suspicion may include occasions where a member of staff has reason to believe that unfair means are being used, or are about to be or have been used. This might include the intention to use unfair means, as for example when a crib sheet is found in the candidate's possession in the examination room before the examination starts. However, use of unfair means does not have to be established at the time of invigilation or marking. It is sufficient that it is only suspected at that or a later stage.

Suspecting a candidate of using unfair means may arise over one single occurrence or gradually emerge over a period of time. It is the point at which the appropriate member of staff is reasonably sure of their suspicion that determines when they invoke the procedures.

For example, during a formal examination a candidate may perform a number of actions that only taken together make the invigilator suspect use of unfair means. It is at this point, whether during, at the end of, or after the examination period, that the Regulations would be applied. While assessing a number of submitted essays, the marker may become aware of possible plagiarism after reading several scripts over a period of time. It is then possible to consider whether previously marked work is suspected for use of unfair means.

5. When a candidate in a formal examination is suspected of using unfair means, the appropriate action to be taken is described in section 5.1 of the Regulations. In the case of a formal examination it is most important that the invigilator records in writing as soon as possible all relevant details. This may

include the times of events, the actual location of candidates and members of staff, the physical layout of the room, furniture, etc.

6. Failure to carry out all of the procedures as described should not in itself prevent the member of staff reporting suspected use of unfair means by a candidate. Nor may this, by itself, invalidate the investigation and subsequent consideration of such a matter. Any non-application of the Regulations or irregularity in the procedures should be reported together with an accompanying explanation.
7. The purpose of placing the candidate's work in a sealed envelope is to keep it isolated from all other material and other candidates' work and to secure it from any possible interference or accusation of such before it is seen by the investigating body. The envelope should be opened by the Chair of that body as soon as possible for the contents to be seen, a copy to be made and both kept in a secure place. If there is an investigation, then the candidate should be permitted to have sight of this evidence, and any other relevant documentation, before the investigating body meets to consider the matter.

AVOIDING PLAGIARISM - GUIDANCE FOR STUDENTS

PLAGIARISM IS WRONG AND STUDENTS WHO DO IT ARE BREAKING THE UNIVERSITY'S REGULATIONS

DEFINITION

1. A particularly useful definition is given by Gibaldi and Achtert (1988, p.4):

To plagiarise is to give the impression that you have written or thought something that you have in fact borrowed from another.

As they state, this may take any of the following forms:

- a) **repeating** another's words or sentences as your own,
- b) **paraphrasing** someone else's argument as your own,
- c) **presenting** someone else's line of thinking as though it were your own.

To these written forms can be added:

- d) **a visual copy, your version or adaptation, or your description** of original material from another person **in the form of** data, statistics, tables, calculations, drawings, pictures, diagrams, graphs, charts, plans, maps, computerised data, computerised print out, etc.

Note that included in the above definition is material obtained from electronic sources, such as the internet or CD-ROM, which must be acknowledged in the same way as more traditional forms (see 'Avoiding Plagiarism' below). If you fail to do this you are committing plagiarism.

Similarly your own previous work, in any of the above recorded forms, where it was produced for another purpose (eg a different assignment, another course, published work) needs to be treated in the same way as if it were someone else's. Give yourself credit for what you have previously achieved and avoid being accused of seeking unfair advantage over others because you have borrowed from your own work without acknowledging it.

2. Plagiarism may occur as single instances in a piece of submitted work or where sections rely substantially upon someone else's work which has not been adequately attributed.

A student may be considered to be attempting to gain unfair advantage in a piece of . . . work if it is deemed to be heavily dependent on source material (other than the student's own) and that the . . . work does not acknowledge the use of this source material.

3. Plagiarism applies to the taking of material from published and unpublished work, including the work of other students. **Copying from other students and presenting this as one's own work is plagiarism and a form of cheating** ie the use of unfair means as covered by the University's Examination Regulations.

4. You may use your own or another person's material or thoughts but this must be clearly acknowledged in the appropriate way. Then it is not plagiarism. As Pirie (1985) points out to students, 'plagiarism is . . . your problem', and he goes on to advise that: 'your essay therefore must provide detailed reassurance throughout . . . explain clearly who has lent you what idea and just how much use you are making of it.' (p.91, emphasis added).
5. Plagiarism is often regarded in academic life as a serious form of cheating. **Therefore it is included in the University's examination regulations on the use of unfair means.** These apply to all individual and group work presented as original for the formal assessment of the candidate/s, eg essays, projects, assignments, records, tests and examinations.
6. If you are suspected of plagiarism there may be an investigation and, if confirmed, the matter reported to the Assessment Board, which can fail or even recommend expulsion of students for use of unfair means. This has happened to students in the past.

AVOIDING PLAGIARISM

7. Avoiding plagiarism depends upon the degree of borrowing and how another person's material is used. As one set of tutor's notes (anon a. no date) to students states:

To avoid the charge of plagiarism it is not sufficient simply to name a book in your bibliography. Any use of critical or background books should be properly acknowledged in the body of your work.

8. Doing this can then lead to the difficulty of deciding how much to refer to others' ideas and how often to include quotations. Watson (1987) describes this as the 'Great Dilemma':

To quote abundantly . . . can leave little room for your own arguments; but if, on the contrary, you neglect them, you can be thought damagingly ignorant. The first course leads to tedium and triviality, the second to an air of naivete . . . Scholarship flourishes through high specificity, not through shadow boxing; and yet too much specificity can bury an argument under a load of waste. This may be called the Great Dilemma of scholarly composition: to quote or not to quote. (p. 74)

When using a quotation it is important that the reference is put in the right context and that a quotation is sufficiently developed to give the author's true meaning. **In other words the use of the material should be fair to the author.**

9. The first thing to do to avoid the risk of plagiarism is to be in the habit of noting down useful ideas and quotations when reading other people's work. Not only does this make it so much easier to refer back in your notes when you need to recall some particular point, but it saves a great deal of time in relocating a source that you remember having studied. When you see significant parts of

texts and journals you may not know at the time how useful they might be for later projects or assignments. Keeping a record gives you this option.

Making a note of quotations at the time you read them is as important as recording the full bibliographical information about the source. When you are writing up your final report, you will not have time to recall books from the library. . . . If a particular sentence or paragraph strikes you at the time of reading as being a potential quotation, note it carefully, record the chapter and page number . . . (Bell et al, 1984, p.150)

This may seem tedious and interrupt the flow of your study but it will be beneficial when the time comes for you to start writing an assignment. It will help you, not only in adequately crediting the work and ideas of others you have studied, but in using the information in your work. The same applies to diagrams, figures and all other presentation of material.

10. **There are different ways to present another person's ideas in your work - by generally informing, paraphrasing, using short quotations and longer extracts. As long as acknowledgement is given each and every time there will be no doubts about plagiarism.**

11. The advice here on **paraphrasing** is particularly based upon Pirie (1985). His guidance stresses how important it is **that a student makes acknowledgement of the source of ideas before actually presenting them in a general discourse, abbreviated or paraphrased form.** The author's name must be given at the start, otherwise the reader assumes they are your thoughts until coming to the source later on.

Paraphrasing should be done if you cannot find 'a sufficiently succinct quotation with which the . . . view can be characterized fairly' (Pirie 1985 p.90). A short quotation would be embedded in the text using quotation marks and acknowledgement straight afterwards (ie in brackets or as a footnote). Longer pieces of material containing more than two or three sentences (advice on length varies) should be clearly distinguished (or off-set) from your own text so as to be obvious as borrowed.

12. On the methods of referring to the work of others, the University's Learning Support and Development's notes for students (Rudd, 2006) advise using one of two common systems - either the "Harvard System" for social science and engineering students or the "Numeric System" for humanities work. You are well advised to consult your tutor. (This document uses the Harvard System.)

13. You will notice in this guidance that various ways are used to present the ideas and work of others. Examples used are:

- a) Using a general line of thought. (paragraph 11)
- b) Paraphrasing a description. (middle part of paragraph 1.)
- c) Using a short quotation:
 - highlighted for emphasis (paragraph 4)
 - embedded in the text (paragraph 11)
- d) Including a longer extract, which each time is:

- set in context (paragraph 9), and
- of sufficient length to give true meaning (paragraph 7), and
- a fair representation with unnecessary parts clearly omitted (paragraph 8).

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