

REGULATIONS & PROCEDURE FOR THE INVESTIGATION OF ACADEMIC MISCONDUCT

The purpose of this procedure is to support the implementation of the University of Wolverhampton Academic Integrity Policy, where a suspicion of Academic Misconduct arises.

1. Scope

This procedure applies to all students on undergraduate and postgraduate taught programmes. There is a separate process for Research Students.

2. Definitions

2.1 Cheating

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

- Being in possession of “crib notes” during an examination
- Breach of examination regulations
- Copying from the work of another student
- Stealing another student’s work
- Prohibited communication during an examination
- Unauthorised use of electronic devices
- Submitting an assessment produced (wholly or partially) by a third party
- Impersonation of another student e.g., in an exam or test.

2.2 Plagiarism

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

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

2.3 Collusion

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

3. Poor Academic Practice

The University recognises that, it can take time for new students to develop the academic skills required to avoid the forms of academic misconduct which can arise from a lack of understanding of how to produce a piece of academic work. For these students the focus will be on educating rather than penalising students

who display poor academic practice in relation to plagiarism or collusion. This does not apply to any offence which falls within the definition of “cheating” as described above.

Where there is evidence of Academic Misconduct at level 3 or 4 staff should follow the guidance in the Implementing the Academic Integrity Policy: Guidance for Staff¹ document. This may result in a referral to the Conduct and Appeals Unit for Poor Academic Practice.

The grade and feedback given to students referred for Poor Academic Practice will reflect the poor academic practice concerns raised. In addition, the Conduct and Appeals Unit will issue a formal written warning regarding Poor Academic Practice (PAP) using a standard template, stating that a further instance may result in more formal action being taken. Students will be advised to seek further Academic Skills support and to contact their Academic Coach or Personal Tutor.

The Conduct and Appeals Unit will maintain a record of all Poor Academic Practice warnings issued. Where a student is referred for Poor Academic Practice a second time in a subsequent submission period the matter will be treated as Suspected Academic Misconduct.

4. Suspected Academic Misconduct

Where academic misconduct is suspected the following action will be taken.

4.1 Collusion

Details of the assignments which exhibit similarity will be passed to the relevant Faculty Administrator. This must be accompanied by a Faculty Academic Misconduct Front Sheet detailing the concerns regarding the work, a report from text matching software where this has been generated outside of Canvas and a record of the grade the work would achieve if no Academic Misconduct is found. Where the assignment is not available on Canvas they should also be attached. The Faculty Administrator will forward this information to the Conduct and Appeals Unit.

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

4.2 Plagiarism

Details of the assignment will be passed to the relevant Faculty Administrator. This must be accompanied by a Faculty Academic Misconduct Front Sheet detailing the concerns regarding the work, a report from text matching software (where this has been generated outside of Canvas) and a record of the grade the work would achieve if no Academic Misconduct is found. Where the assignment is not available on Canvas it should also be attached. The Faculty Administrator will forward this to the Conduct and Appeals Unit.

¹ Implementing the Academic Integrity Policy: Guidance for Staff. Available at: <https://www.wlv.ac.uk/staff/services/registry-directorate/conduct--appeals/>

4.3 Cheating

Examinations

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

Where the concerns are identified during marking the exam script a copy (not the original) will be passed to the relevant Faculty Administrator, accompanied by a Faculty Academic Misconduct Front Sheet detailing the concerns regarding the work and a record of the grade the work would achieve if no Academic Misconduct is found.

In-class tests

The supervising staff member will take the evidence accompanied by a Faculty Academic Misconduct Front Sheet detailing the concerns regarding the work and a record of the grade the work would achieve if no Academic Misconduct is found to the relevant Faculty Administrator. The Faculty Administrator will forward this to the Conduct and Appeals Unit.

Concerns about the authenticity of a student's work.

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

Where there is doubt about the authenticity of a student's work the Faculty will invite the student to attend a viva. The purpose of this will be to provide the student with the opportunity to establish, to the Faculty's satisfaction, that the work is their own and that they have met the learning outcomes. Any such viva will be held in accordance with the "Procedure for the Management of a Viva in Cases of Suspected Academic Misconduct"¹

A formal record will be made of the meeting. Where the student fails to demonstrate to the Faculty's satisfaction that the work submitted is a genuine representation of their own ability, the record of the meeting, details of the assignment, a Faculty Academic Misconduct Front Sheet and a Suspected Contract Cheating form² will be passed to the Faculty Administrator who will forward this to the Conduct and Appeals Unit.

4.4 Allocation of Grades

Once the module leader is satisfied that there is sufficient evidence for a case to be forwarded to the Conduct and Appeals Unit then a grade of AM should be recorded for the work on Canvas.

The Conduct and Appeals Unit will review the evidence received from the Faculty and if, in their judgement, there is sufficient evidence to warrant further action the case will be referred to the appropriate Academic Misconduct Panel.

¹ Available in the Academic Regulations section of the Policies and Regulations webpage: <https://www.wlv.ac.uk/about-us/corporate-information/wlv-policies/academic-policies/>

² Suspected Contract Cheating Form. Available at: <https://www.wlv.ac.uk/staff/services/registry-directorate/conduct--appeals-/>

Where the Conduct and Appeals Unit concludes that there is insufficient evidence to warrant further action or that the case should be treated as Poor Academic Practice the Faculty will be notified and asked to mark the work and award a grade in keeping with the marking criteria.

For first non-serious cases where there is clear substantive evidence the Conduct and Appeals Unit may issue a Provisional decision and penalty. In such cases the student will be notified of the provisional decision and penalty, with copies of the evidence considered. Students will be given 7 working days to request that the case be considered by a Faculty Academic Misconduct Standing Panel. If no request is received the decision and penalty will be confirmed.

For all other first non-serious or repeat non-serious cases the matter will be considered by a Faculty Academic Misconduct Panel. For serious cases and in any case where a potential outcome is exclusion from the University the matter will be considered by a University Academic Misconduct Panel.

4.5 Advice and feedback to students

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

If students require further information, they can be referred to the Academic Misconduct Policies and Procedures on the Conduct and Appeals Website www.wlv.ac.uk/conductandappeals. Students can also contact the Conduct and Appeals Unit via email to conductandappeals@wlv.ac.uk. In addition, students should be advised to contact the Students' Union Advice and Support Centre via advice.wolvesunion@wlv.ac.uk.

5. Faculty Academic Misconduct Standing Panel

Faculties will schedule Academic Misconduct Standing Panels throughout the year.

Upon receipt of a valid referral the Conduct and Appeals Unit will allocate a case to a Faculty Academic Misconduct Panel

The Conduct and Appeals Unit will notify the student at least 7 working days in advance of the meeting and will provide copies of the evidence to be considered and advice on how to interpret this evidence.

The student will be encouraged to submit a written statement to the panel in advance of the hearing but may request to attend the meeting in person.

Where a student attends the meeting, a digital recording will be taken of the meeting. Students who would prefer a note taker instead will be required to request this in advance.

The student will be informed that they can be accompanied by a "friend". This will normally be a fellow student, or representative from the Students' Union. Details of the Students Union Representation Service will be included in the invite letter.

Under no circumstances will it be appropriate for the student to bring a member of University staff as a “friend”.

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

The panel will consist of:

- Chair/Deputy Chair - a senior member of academic staff from the Faculty to which the module belongs.
- A minimum of one member of academic staff from the Faculty
- A Deputy Head of Conduct and Appeals will attend where appropriate, to ensure consistency of decision making across the University.

The panel will consider all of the available evidence, including statements from the student. The standard and burden of proof is for the University to prove the allegation(s) of misconduct and if on the available evidence it is more likely than not that misconduct has occurred then the burden and standard of proof is fulfilled, and a penalty will be imposed consistent with the penalty regime detailed in Appendix 1 of this document.

The Conduct and Appeals Unit, on behalf of the Chair/Deputy Chair of the Faculty Academic Misconduct Standing Panel, will inform the student in writing of the outcome. This will be sent to their University and personal email address.

The letter will confirm whether or not the panel found the case proven and if so why. It will clearly state the penalty to be imposed and may also contain further advice where appropriate. This will normally be sent within 7 working days. It must be noted that at busy times of the academic year there may be delays. In these circumstances the student will be notified by email of any delay, within the 7 working day deadline. The letter will also include details of the Appeal Procedure.

6. University Academic Misconduct Panel

The Conduct and Appeals Unit will notify the student at least 7 working days' in advance of the meeting and will provide copies of the evidence to be considered and advice on how to interpret this evidence. This will be sent to their University and personal email address.

The letter will contain a statement in relation to the standard of proof to be applied (see section 11). The standard and burden of proof is for the University to prove the allegation(s) of misconduct and if on the available evidence it is more likely than not that misconduct has occurred then the burden and standard of proof is fulfilled, and a penalty will be imposed as appropriate. The letter will inform the student that they have the right to present evidence in person and provide written statements if they are unwilling or unable to attend the meeting.

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

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

The student will be informed that they can be accompanied by a “friend”. This will normally be a fellow student, or representative from the Students’ Union. Details of the Students’ Union Representation Service will be included in the invite letter. Under no circumstances will it be appropriate to bring a member of University staff as a “friend”.

The hearing will have in attendance:

- Chair – Head or Deputy Head of the Conduct & Appeals Unit
- A senior member of academic staff from the Faculty to which the module belongs.
- Student (and friend)
- Note taker to provide a summary of the meeting (provided by the Conduct and Appeals Unit, on request)

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

The Conduct and Appeals Unit, on behalf of the University Academic Misconduct Panel, will inform the student in writing of the outcome. This will be sent to their University and personal email address.

The letter will confirm whether or not the Panel found the case proven and if so why. It will clearly state the penalty to be imposed and may also contain further advice where appropriate. This will normally be sent within 7 working days. It must be noted that at busy times of the academic year there may be delays. In these circumstances the student will be notified by email of any delay, within the 7 working day deadline. The letter will also include details of the Appeal Procedure.

7. University Academic Misconduct Panel by Correspondence

To be used in circumstances where a face-to-face meeting is not possible or practical.

The Conduct and Appeals Unit will notify the student at least 7 working days in advance of the meeting and will provide copies of the evidence to be considered and advice on how to interpret this evidence. This will be sent to their University and personal email address.

The letter will clearly state the allegation that is being made and identify in which piece of assessment the offence has allegedly been committed. The letter will provide details of the grounds for suspicion and will offer the student the opportunity to respond in writing. The letter will be sent to the student’s University and personal email accounts.

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

The student will be asked to submit a written statement to the panel in advance of the hearing.

Students will be advised to contact the Students' Union for advice and support. Details of the Students' Union Representation Service will be included in the invite letter.

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

Students who are willing to travel to attend a hearing at the University may request to do so.

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

The Conduct and Appeals Unit will notify the student in writing at least 7 working days in advance of the meeting. The letter will clearly state the allegation that is being made and identify which assessment the suspicion of academic misconduct relates to. The student will also be sent copies of the evidence to be considered and advice on how to interpret this evidence. This will be sent to their University and personal email address.

The Panel will consist of:

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

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

The Conduct and Appeals Unit, on behalf of the University Academic Misconduct Panel, will inform the student in writing of the outcome. This will be sent to their University and personal email address.

The letter will confirm whether or not the Panel found the case proven and if so why. It will clearly state the penalty to be imposed and may also contain further advice where appropriate. The letter will also include details of the Appeal Procedure.

The outcome letter will normally be sent within 7 working days. It must be noted that at busy times of the academic year there may be delays. In these circumstances the student will be notified by email within the 7 working day deadline.

8. Submitting an Academic Misconduct Appeal

A student will have the right to appeal against the decision reached by a University or Faculty Academic Misconduct Panel. The grounds for appeal are:

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

Appeals must be made within **20 working days** of the receipt of the letter which informs the student of the penalty imposed. Appeals should be made using the Academic Misconduct Appeals form¹ to:

By email to: Conductandappeals@wlv.ac.uk

By post to:
The Conduct and Appeals Unit
University of Wolverhampton
Wulfruna Street, Wolverhampton
WV1 1LY

9. Academic Misconduct Appeal Review

The Head of the Conduct and Appeals Unit (where they have had no previous involvement with the case), or the Academic Registrar (or nominee) will review the request for an appeal to determine whether or not the student has demonstrated valid grounds for to appeal. The reviewer may request additional documentation/evidence from the student or the Academic Misconduct Panel to assist with their review. The reviewer may:

- Uphold an appeal directly where the evidence fully demonstrates that it would be reasonable and, in the student's best interests to do so or to.
- Refer the case to and Academic Misconduct Appeal Panel.
- Conclude that there are no grounds for further consideration of the appeal.

The outcome of the Appeal Review will be communicated in writing to the student's University and personal email address.

If the reviewer concludes that there are no grounds for further consideration of the appeals a Completion of Procedures letter will be issued, in accordance with the format prescribed by the Office of the Independent Adjudicator for Higher Education².

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

¹ Academic Misconduct Appeal Form. Available at: <https://www.wlv.ac.uk/current-students/conduct-and-appeals/academic-misconduct/>

² Further details of the review scheme operated by the Office of the Independent Adjudicator for Higher Education (OIA) are available at their website: www.oiahe.org.uk

10. Academic Misconduct Appeal Panel Hearing:

The membership of an Academic Misconduct Appeal Panel will be:

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

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

Also present will be:

- The student (and friend/representative) – to present the appeal.
- A representative from the original Academic Misconduct Panel to present a response to the appeal.
- A senior member of staff from the Conduct and Appeals Unit (with no prior involvement in the case prior to the appeal) to provide procedural and regulatory advice to the panel.
- A note taker, normally from the Conduct and Appeals Unit

A digital recording will also be taken. Students who would prefer not to have a recording made will be required to request this in advance.

Both parties may call witnesses to appear before the panel. It will be their responsibility to arrange for those witnesses to attend.

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

Students will be advised to contact the Students' Union for advice and support. Details of the Students' Union Representation Service will be included in the invite letter.

At least 5 working days before the hearing, members of the Academic Misconduct Appeal Panel and the student and the representative from the Academic Misconduct panel will be provided with the appropriate documentation. The student may also provide a written statement to the panel.

The student has the right to appear before and be heard by the Academic Misconduct Appeal Panel. They may be accompanied by a friend. The role of the friend can be either to provide support (in which case they would not be expected to speak) or to act as a representative (in which case the student would attend but the representative would speak on their behalf). In all cases the student will be expected to answer questions put to them by the panel.

The student shall be responsible for notifying the Conduct and Appeals Unit of the identity of the friend or any witnesses they wish to call not less than 2 working days prior to the hearing.

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

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

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

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

The decision taken by this panel will be final.

The student will be informed of the outcome and reasons in writing within 7 working days of the hearing. Where the appeal is not upheld a Completion of Procedures letter will also be issued to the student, in accordance with the format prescribed by the Office of the Independent Adjudicator¹.

The decision will be communicated to the Chair of the Assessment Board, where appropriate.

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

11. Burden of Proof

At all stages of this process decisions will be made on the balance of probabilities. Decision makers are required to base their judgements on whether the evidence indicates that it is more likely than not that Academic Misconduct occurred.

12. Office of the Independent Adjudicator (OIA)

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

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

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

letter will be issued in accordance with the format prescribed by the Office of the Independent Adjudicator.

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

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

Appendix 1: Academic Misconduct Penalties

The penalty will be determined by the investigating panel.

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

Examples of a continuous period of registration would include:

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

Panels will have the discretion to consider evidence of exceptional extenuating circumstances when reaching a conclusion on the appropriate penalty however all proven cases will incur a penalty.

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

Serious Academic Misconduct

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

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

^o “Critical aspects” refers to key aspects central to the assignment.

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

- significant plagiarism in a critical piece of work i.e., Dissertation/Honours Project/Thesis
- theft of another student’s work,
- cheating in an examination,
- submitting an assessment produced (wholly or partially) by a third party,
- impersonation of another student e.g., in an exam or test.

Serious Academic Misconduct	Penalty
First Serious Academic Misconduct case	<p>Failure of the module in question (e.g. 0% for the module overall)</p> <p>The student may be permitted to retake^{*†} the module, but the overall grade will be restricted to a minimum pass e.g. 40% for undergraduate modules, 50% for postgraduate modules.</p> <p>Or</p> <p>Exclusion from the University where there is evidence of deliberate premeditated cheating[‡].</p> <p>In deciding the level of penalty, the panel will consider whether there are any mitigating factors such as (but not limited to) evidence of extenuating circumstances affecting the student’s capacity to make reasonable decisions and/or the year of study.</p>
Second Serious Academic Misconduct case	Exclusion from the University [‡] .

* Resits and retakes may only be taken where permitted within University Academic regulations and/or Professional Body requirements.
† The University will normally apply a charge for a retake module at its applicable rate per credit
‡ In cases of exclusion from the University the student would receive the award to which they were entitled at the time the exclusion was imposed and will have no right to study at the University again.

Associated documents:

- University of Wolverhampton Academic Integrity Policy – available at <https://www.wlv.ac.uk/about-us/corporate-information/wlv-policies/?collection=wlv-policies&form=wlv-facet&query=academic+integrity>
- Procedure for the Management of a Viva in Cases of Suspected Academic Misconduct - available at <https://www.wlv.ac.uk/current-students/conduct-and-appeals/academic-misconduct/> .
- Academic Misconduct Appeal Form - available at <https://www.wlv.ac.uk/current-students/conduct-and-appeals/academic-misconduct/>

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