

Appendix 13: Procedure for managing an alleged assessment offence.

This procedure relates to students registered for a postgraduate research award conferred by the University of Wolverhampton.

An “assessment offence” is the generic term used to define cases where a student(s) has sought to gain unfair academic advantage in the assessment process for themselves or another student(s) and/or not complied with internal or external ethical approval processes or breached a principle of research integrity.

An assessment offence may be committed in relation to a “piece of work contributing to a research award of the University”. This includes any written work or oral presentation submitted for assessment or submitted to a Faculty Research Committee in support of the Progression stage of a Research Degree Programme or as part of the Annual Progress Review.

There are many forms of assessment offence including (this is not an exhaustive list):

- a) impersonating another student.
- b) submitting someone else’s work as one’s own (known as “plagiarism”: see below for a definition).
- c) submitting unattributed work by the student that has already been used to gain a previous award (known as “self-plagiarism”).
- d) the unauthorised and unattributed submission of an assessment item which has been produced by another student or person.
- e) any attempt to bribe or provide inducements to members of University of Wolverhampton staff, or to internal or external examiners in relation to the assessment process in its entirety.
- f) any attempt which, if enacted, is designed to undermine, or breach the Research Degrees Regulations.

In addition, allegations of misconduct in research may be investigated using this procedure if they relate to an assessment. Examples of misconduct in research include (this is not an exhaustive list):

- a) falsifying data.
- b) carrying out research without ethical or other relevant approval.
- c) breaching the principles of research integrity.

Plagiarism

Plagiarism is the submission of an item of assessment containing elements of work produced by another person(s) in such a way that it could be assumed to be the student’s own work. Examples of plagiarism are:

- a) the verbatim copying of another person’s work without acknowledgement.
- b) the close paraphrasing of another person’s work by simply changing a few words or altering the order of presentation without acknowledgement.
- c) the unacknowledged quotation of phrases from another person’s work and/or the presentation of another person’s idea(s) as one’s own.
- d) self-plagiarism occurs when an individual reuses in whole or in part previously disseminated ideas, text, data, etc. without any indication of their prior dissemination. Perhaps the most common form of self-plagiarism is duplicate submission of assessment and/or publication – this may be in whole or in part. The key feature in all forms of self-plagiarism is the presence of significant overlap between assessments and/or publications and, most importantly, the absence of a clear indication as to the relationship between the various duplicates or related assessments or publications.

Copying or close paraphrasing with occasional acknowledgement of the source may also be deemed to be plagiarism if the absence of quotation marks implies the phraseology is the student’s own.

Plagiarised work may belong to another student or be (purchased) from a published source such as a book, report, journal, or material available on the internet.

Use of Text Matching Software

The University encourages and promotes academic excellence and integrity. Text-matching software is used by the University to:

- a) assist students in developing their academic literacy and good academic practice.
- b) support the University’s regulations, Policies, Procedures and Guidelines concerning Academic Integrity and Academic Misconduct; and
- c) allow students and staff to identify text matches in student work and locate these on the internet.

Text-matching software allows the comparison of electronically submitted papers with Internet content, published works and related proprietary and commercial databases, and other works submitted to the software. The University will make text-matching software (currently Turnitin) available to staff and students.

All research students are required to use text-matching software to produce an originality report, which will be submitted alongside assessed work, including:

- a) Annual Progress Review.
- b) Progression Stage.
- c) The thesis.
- d) A resubmitted thesis, where resubmission is required.

The Director of Studies is required to confirm that the originality report has been discussed with the student and that any issues arising have been addressed.

The University reserves the right to submit any assessment item to a text-matching database for electronic originality checking with or without a student's consent.

Collusion

Collusion occurs when two or more individuals collaborate to produce a piece of work submitted (in whole or in part) for assessment and the work is presented as the work of one student alone, without due acknowledgement of the contribution of others.

In the context of these definitions: where research students are working in closely related fields to one another, or are supported by technical staff, it is important that each student takes care not to claim deliberately or inadvertently that a given piece of work carried out by someone else is their own work. Due acknowledgement must always be made to the contributions of others, whether in work submitted for assessment, presented at a conference, or placed in the public domain through publication or any other medium.

Investigation and Making an Allegation

Where a supervisor, independent assessor or examiner is concerned that an assessment offence has been committed, the case is referred to the Associate Dean of Research from the relevant Faculty, within 5 working days of the matter coming to light.

The Associate Dean of Research is responsible for determining if there is sufficient evidence that an assessment offence has occurred and in so doing, determines the nature of the formal allegation to be put to the student (e.g.: plagiarism, collusion etc.). They may seek advice from the Conduct and Appeals Unit in considering the matter.

If there is no evidence to support the allegation that an assessment offence of any nature has occurred, no formal allegation is made against the student and no further action is taken.

If a *prima facie* case for further investigation is established, the Associate Dean of Research must inform the Head of the Conduct and Appeals Unit.

Stage One: Hearing

A letter inviting the student to the hearing will be sent by Registry. A copy of this letter will be sent to the Student's University email account. A standard invite template, which must be used, will be provided by the Conduct & Appeals Unit.

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

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

The student will be informed that 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 the hearing to help them to prepare for the meeting. Where a face to face or online meeting is not possible or practical the Conduct and Appeals Unit 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 student will be given up to 14 days to respond to the allegation. 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.

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

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

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

The hearing will have in attendance:

- The Associate Dean of Research from the Faculty to which the student belongs.
- The Head or Deputy Head of the Conduct & Appeals Unit
- Student (and friend)
- Note taker to provide a summary of the meeting (provided by the Conduct and Appeals Unit, on request)

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

The student will be informed in writing of the outcome of the hearing by the Head or Deputy Head of the Conduct and Appeals Unit to their University and personal email account. The letter will confirm whether the Panel found the case proven and if so why. It will clearly state the penalty to be imposed and may contain further advice where appropriate. This will normally be sent within seven working days. It must be noted that at busy times of the academic year there may be delays. In these circumstances, the student will be notified by email to their university email account of any delay, within the seven working day deadline.

Penalties

Where a serious allegation of an assessment offence or misconduct in research has been proved or admitted, the student is expelled from the University. A student who is expelled under the Academic Misconduct process is not entitled to receive an intermediate award of any nature. For courses, which attract academic credit, a transcript detailing the academic credit attained is issued.

A serious allegation is defined to include:

- deliberate, premeditated cheating,
- premeditated attempt to deceive and gain unfair advantage,
- significant plagiarism in a critical piece of work i.e. thesis

If during the process the student provides evidence of extenuating circumstances that they assert directly led to the assessment offence being committed, such information does NOT impact on the Panel's decision as to whether the assessment offence has occurred. However, if the Panel believes that, as a result of the extenuating circumstances, the prescribed penalty is exceptionally inappropriate they can, at their discretion, refer the matter to the Academic Registrar and Dean of Research, to review the appropriateness of the penalty. The Panel is not authorised to amend the penalty themselves.

The referral must be supported by relevant documentary evidence. The Academic Registrar and Dean of Research consider the case within ten working days of receiving the request to review the penalty and are authorised to impose an alternative penalty.

Right of Appeal

A student will have the right to appeal against the decision reached by a Stage One 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 must be submitted in writing by email to Conductandappeals@wlv.ac.uk.

Students are advised to contact the Students' Union for advice and support prior to submitting an appeal.

The Head of the Conduct and Appeals Unit (where they have had no previous involvement with the case) or the Dean of Research will review the request for an appeal to determine whether the appellant has demonstrated valid grounds for an appeal to proceed. To determine whether it is appropriate for the appeal to be considered by a Stage Two Appeals Panel additional documentation may be requested.

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

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

Stage Two: Appeal Hearing

The membership of a Stage Two Appeal Panel will be:

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

Members of the appeal panel shall not have been involved in the original hearing.

Also present will be:

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

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

Both parties may call witnesses to appear before the panel.

The appellant must be given written notice, at least 7 working days prior to the hearing, of the date and place of the hearing, and a copy of these regulations, drawing attention to the appellant's rights. 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.

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

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

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

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

The student and the representative from the stage one panel may present evidence and call witnesses, who may be questioned by the other party and by the stage 2 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. A Completion of Procedures letter will also be issued to the student, in accordance with the format prescribed by the Office of the Independent Adjudicator.

The Panel decision will be communicated to the Chair of the Research Awards Sub-Committee (RASC). It is anticipated that the full appeal process will take no longer, than 90 calendar days to conclude.

Office of the Independent Adjudicator

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

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

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

Students are advised to contact the Students' Union for advice and support prior to submitting a complaint to the OIA.