Birmingham City University

Academic Misconduct Procedure

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1. Introduction

1.1 Academic integrity is the attitude of approaching your academic work honestly, by completing your own original work, attributing and acknowledging your sources when necessary. Academic misconduct is conduct which has or may have the effect of providing you with an unfair advantage by relying on dishonest means to gain advantage and which therefore compromises your academic integrity. This procedure sets out the process we will follow, and the penalties we may apply, in cases where we believe you may have compromised your academic integrity by committing academic misconduct.

1.2 Academic integrity is all about maintaining standards: of your own work and of your degree. We do not want you to devalue your own achievement and the work of others by acting dishonestly in your studies. Academic misconduct offences reduce the value of the work you complete for assessment and ultimately the value of your time spent at university.

2. Who does this procedure apply to?

2.1 This procedure applies to all registered students at the University, including those studying at partner institutions under franchise or validation arrangements in the UK and overseas. This also includes staff members who are undertaking study with the University. In exceptional circumstances, the Procedure may apply to graduates of the University, if we are made aware of evidence that calls into question the academic integrity of your degree.

2.2 If you are undertaking study covered by the Fitness to Practise Procedure, we may investigate alleged academic misconduct under the Fitness to Practise Procedure rather than the Academic Misconduct Procedure.

3. The academic misconduct process

3.1 This procedure aims to provide a clear and straightforward process that enables appropriately qualified staff to address concerns promptly. It takes a supportive and educational approach, helping you to understand the issues raised and learn from the experience, and delivering outcomes that are fair and proportionate.

3.2 The primary aims of this procedure are to support you in maintaining your academic integrity; to identify cases when your academic integrity has been compromised, and address them as appropriate; and to help you learn from those cases so that you can improve your academic practice.

3.3 *Student representation*

3.3.1 You have the right to take someone with you to academic misconduct meetings. This may be a student advisor from the Students' Union or a friend or relative who is not acting in a legal capacity. The role of this person is to support and advise you. Where appropriate this person may speak in support of you, but you will usually be expected to speak for yourself in any meeting or panel hearing.

3.4 *Support and reasonable adjustments*

3.4.1 We will remind you of the support on offer from the Academic Skills department so that you can take steps to improve your academic practice. In upheld cases we will require you to engage with learning that is intended to develop your understanding of academic integrity and support you in avoiding any future concerns about the academic integrity of your work.

3.4.2 Specific guidance on the use of AI by students has been produced by the University and is available online. The University also provides an online module on Academic Integrity, available in Moodle.

3.4.3 If you tell us that you need wellbeing support or the nature of the case means we think you would benefit from wellbeing support, we will signpost you to appropriate internal and/or external support services.

3.4.4 If you have a disability and want us to consider making specific reasonable adjustments to the academic misconduct procedure, you should raise this as soon as possible during the process. We may need to speak to a Disability Adviser to confirm what adjustments would be appropriate. If you have a Disability Support Summary and / or Placement Action Plan in place and wish the contents to be taken into account as part of the academic misconduct process, you should submit the DSS and / or PAP to Student Governance, or provide Student Governance with consent to obtain the relevant document(s) directly from the relevant support service.

3.4.5 Note that we will not usually accept the existence of a disability as an explanation for academic misconduct, but will take into account any representations you might make which seek to explain potential academic misconduct through reference to disability.

3.4.6 You should be aware that academic misconduct penalties take precedence over successful extenuating circumstances claims. This means that, if you have lost an assessment attempt as the result of a penalty for academic misconduct, you cannot retrieve that attempt through a successful EC claim. So, if you have been given a mark of 0 against an attempt and have a capped resit due to academic misconduct, but have deferred the same attempt through a successful EC claim, the academic misconduct penalty will apply rather than the EC outcome; this means, in this scenario, you would have a capped resit as your next attempt.

3.4.7 Anyone taking part in an academic misconduct meeting is entitled to ask for a break at any time.

3.5 *Staff involvement*

3.5.1 With the exception of a first-time Category B offence, where the marker will usually make a decision and apply a penalty directly, staff making decisions in academic misconduct cases will be impartial and will have had no previous involvement in the case under consideration. In all cases, we will use suitable alternative staff members if the individuals named in the procedure are

unavailable for any reason e.g. due to absence or because of a conflict of interest.

3.6 *Burden and standard of proof*

3.6.1 In all cases of potential academic misconduct, the University is responsible for determining whether or not misconduct has been committed. Our decisions will be based on the balance of probabilities i.e. the person or panel making a decision will accept the explanation that is most likely to be true.

3.7 **Category B offences**

3.7.1 We recognise that students begin to develop their academic practice at different stages of their academic journey, and may not be familiar with the expectations of academic practice at university and / or in the UK. Our aim is to support you in developing your academic practice, and to help you understand where that practice has been compromised so that you can avoid repeating your behaviour. This is particularly the case for Category B offences.

3.7.2 Examples of Category B offences include (but are not limited to):

Plagiarism	Submitting any item of assessment which contains work produced by someone else in a way which makes it look as though it is your own work. This includes copying material in any medium (for example, written work, video, sound recording and so on) and from any source such as websites, books or journals; or failing to reference the work of others.
Artificial intelligence (AI) misuse	Any use of AI which means you have not independently demonstrated your own attainment is likely to be seen as academic misconduct. AI tools must only be used when the assessment instructions permit their use and where you are able to demonstrate that the final submission is the product of your own independent work and thinking. Examples of AI misuse include: • Copying or paraphrasing sections of AI-generated content so that the work is no longer your own • Copying or paraphrasing whole responses of AI-generated content

- Using AI to complete parts of the assessment so that the work does not reflect your own work, analysis, evaluation or calculations
- Failing to acknowledge use of AI tools when they have been used as a source of information
- Incomplete or poor acknowledgement of AI tools

Your assignment brief should state whether AI use is Permitted (with conditions), Prohibited, or Required. If it does not, please clarify this with your module tutor. Please note that AI usage levels may vary between modules, so make sure you check each assignment brief carefully. **If the extent of AI allowed is unclear, you should discuss the assignment brief with your module tutor(s) to seek clarification.**

Self-plagiarism This relates to any attempt to gain academic credit for work which you have previously submitted and which has already gained academic credit. Self-plagiarism is duplication of material and means reproducing in any submitted work, a substantial amount of material you have previously used in other assessed work without acknowledging that such work has been so submitted.

Collusion Conspiring with others to reproduce the work of others without proper acknowledgement, including knowingly permitting work to be copied by another student.

3.7.3 In all cases, academic staff will apply their expert academic judgment in reaching a view as to whether a student has or has not compromised their academic integrity. The OIA states: 'Academic judgment is not any judgment made by an academic; it is a judgment that is made about a matter where the opinion of an academic expert is essential. So for example a judgment about marks awarded, degree classification, research methodology, whether feedback is correct or adequate, and the content or outcomes of a course will normally involve academic judgment.'

3.7.4 Factors influencing academic judgment in these circumstances include (but are not limited to):

- The proportion of the submission that is made up of inappropriate material, where 'inappropriate' means material which compromises your academic integrity (including AI-generated material);

- The significance of the parts of the submission which contain inappropriate material;

- The extent to which inappropriate material, especially AI-generated material, may be acceptable within the context of the submission and the assessment brief and / or other assessment instructions.

3.7.5 We will not usually hold an investigation into Category B offences.

3.7.6 Where an academic staff member believes that you may have compromised your academic integrity, you may be invited to attend a meeting to discuss your submission. In cases of potential AI misuse, this is a mandatory step for staff to take. The meetings should be no more than 15 minutes in length but can be much shorter. The meeting is informal in nature and does not represent a viva. Prior to a meeting of this kind, you should re-familiarise yourself with your submission, as you will be expected to answer questions on matters such as:

- The main content, arguments, and evidence base used in your submission.
- The process you undertook in researching and producing your submission.
- The sources you relied upon, including how you identified them, what they say, and how you made use of them.

3.7.7 If you do not attend a meeting when requested, without good reason, it is likely you will be referred for academic misconduct and your non-attendance will be considered a relevant factor in deciding the level of misconduct should you be referred for a second Category B offence.

3.7.8 Formal referrals will be made to the Student Governance team and the approach taken will be determined by whether or not you have any record of previous academic misconduct offences.

3.7.9 <u>First offences</u>

3.7.9.1 Where Student Governance confirms that you have no previous academic misconduct on your disciplinary record, the mark you receive for your work will be based only upon the part of the submission that is your own work.

3.7.9.2 For a first-time Category B offence, the feedback you receive will indicate that your mark has been reduced to reflect the proportion of work that

is your own. The marker should complete an Academic Misconduct Concerns Form and email it to Student Governance with confirmation that your mark has been adjusted due to a first offence. Academic Misconduct Concerns Forms for first-time Category B offences do not require consideration or approval by the Deputy Head of Department or other suitable staff member. Student Governance will record the offence on the casework system.

3.7.9.3 Within 10 days of receiving your assessment feedback, you will be required to meet your Personal Academic Tutor or other suitable staff member to discuss your academic practice. An 'Academic Misconduct First Offence Form' must be signed by you and your Personal Tutor and provided to Student Governance. Whether or not you have met with your Personal Academic Tutor will be considered a relevant factor in deciding the level of misconduct should you be referred for a second Category B offence.

3.7.9.4 After you have been notified of having committed a Category B first offence, any further Category B offence will be considered a second offence. Where you are referred for any further Category B offence before being notified of a first offence, the offences will be grouped together and considered as a single first offence.

3.7.10 Second offences

3.7.10.1 Where you commit a Category B offence for the second time, we will determine whether the offence represents Minor or Moderate misconduct and apply the appropriate penalty.

3.7.10.2 Where Student Governance confirms that it is appropriate, an Academic Misconduct Concerns Form will be completed. The form should give as full an account as possible of the potential academic misconduct and should provide clear evidence in support of the referral. Evidence might include, but is not limited to:

- Your submitted work.
- Work submitted by other students, especially where the allegation(s) relate to collusion.
- Turnitin report(s) on content that may be plagiarised.
- Evidence received from third parties, especially where you are alleged to have arranged for a third party to complete work on your behalf.
- Invigilator's statement(s) of behaviour taking place within an exam.
- Footage of you participating in an online exam, where the allegation relates to your behaviour within the exam.

3.7.10.3 The Academic Misconduct Concerns Form and evidence will be sent to the Deputy Head of Department (or a suitable member of staff acting as the Deputy Head of Department's nominee) or, for doctoral students, an equivalent senior academic lead in the Doctoral Research College (DRC). The Deputy Head of Department, or DRC equivalent, will assess the referral and complete the Academic Misconduct Referral Decision to indicate whether the misconduct appears to be Minor or Moderate. The Deputy Head of Department, or DRC equivalent, can also decide that there is no case to answer and that no further action should be taken.

3.7.10.4 Guidance on factors influencing whether misconduct is considered Minor or Moderate is included below at 3.7.13.

3.7.11 *Minor offences*

3.7.11.1 Where the Deputy Head of Department, or DRC equivalent, determines that the misconduct is Minor, the mark you receive for your work will be based only upon the part of the submission that is your own work. If this means that you fail the attempt, you will be required to resubmit work for the element of the module in which the misconduct took place, as long as you have a further attempt available to you under the Academic Regulations. The resubmitted work will be capped at the pass mark. You must complete the University's online module on Academic Integrity, to support the development of your academic practice.

3.7.12 *Moderate offences*

3.7.12.1 Where the Deputy Head of Department, or DRC equivalent, determines that the misconduct is Moderate, the mark you receive for your work will be recorded as 0 and, should a further attempt be available under the Academic Regulations, you will be required to resubmit work for the element of the module in which the misconduct took place. The resubmitted work will be capped at the pass mark. You must complete the University's online module on Academic Integrity, to support the development of your academic practice.

3.7.12.2 If you do not complete the online Academic Integrity module and you are later found to have committed academic misconduct again, your failure to engage with learning will be taken into account in deciding the later penalty and is likely to be considered an aggravating factor.

3.7.12.3 The decision of the Deputy Head of Department, or DRC equivalent, will be sent to you by Student Governance.

3.7.13 *Factors influencing the classification of misconduct as Minor or Moderate*

3.7.13.1 Classification of a second offence as Minor or Moderate is a matter of academic judgment and should take into account all the available evidence and circumstances of the case. The following are some of the relevant factors when determining the classification of academic misconduct:

- How far advanced you are in your studies and to what extent you have had the opportunity to develop your academic practice. Academic misconduct by students at a lower level of study and/or with less opportunity to develop their academic practice will usually be categorised at the lower level, depending on other relevant factors;
- What proportion of the submitted work relates to the potential academic misconduct;
- Whether you have engaged with support for your academic practice e.g. whether you have met with your Personal Academic Tutor and completed an Academic Misconduct First Offence Form, or whether you have completed the University's online module on Academic Integrity;
- Evidence of a plan to commit academic misconduct and / or gain an unfair advantage;
- What the specific effect of the recommended outcome would be on you, e.g. would it lead to withdrawal or prevent you from trailing credits into the following academic year?

3.7.14 Third offences

3.7.14.1 In any case where a third offence of Category B misconduct is suspected, the misconduct will be considered Major and the case will be referred to an Academic Misconduct Panel: see Section 3.9.

3.7.15 Appeals

3.7.15.1 If you wish to appeal against the penalty applied as a result of a first- or second-time Category B offence, you should complete an Academic Misconduct Appeal Form (First or Second Category B) and send it via email to the Student Governance team. A blank copy of the Form will be given to you at the point you are informed of the initial misconduct outcome.

3.7.15.2 Appeals should be made within 10 working days of you attending a meeting with your Personal Academic Tutor (for first-time offences: see 3.7.9) or being informed of the decision reached by the Deputy Head of Department or DRC equivalent (for second-time offences: see 3.7.12.3). Appeals made

outside this timeframe may be deemed ineligible. In deciding eligibility, we will take into account situations where you may have attempted to attend a meeting or tutorial but have been unable to do so due to circumstances outside of your control.

3.7.15.3 Student Governance will pass the appeal on to the relevant Head of Department. The Head of Department will consider your appeal and provide you with a decision by way of email response via the Student Governance team.

3.7.15.4 If you wish to challenge the Head of Department's decision, you should follow the Review stage of the process (see 3.9 below).

3.8 Category A offences

3.8.1 We distinguish Category A offences from Category B offences because they are not typically associated with the development of your academic practice. As such, all Category A offences are considered Major misconduct.

3.8.2 Examples of Category A offences include (but are not limited to):

Category A

Exam cheating	This includes trying to access exam contents or trying to obtain confidential information about exam contents before the exam; copying or trying to copy from someone else during an exam; communicating or trying to communicate with another person during an exam, including other students and third parties; trying to get someone else to take the exam for you; and breaking exam rules in any way e.g. having notes or electronic devices that are not allowed, or accessing online information when it is not allowed. This includes the use of wearable technology for the purpose of committing academic misconduct e.g. using AI-enabled glasses, watches, or other items to access or generate information in contradiction to the exam rules. Any use of such items which compromises your academic integrity may be considered an offence of academic misconduct, irrespective of whether it occurs within an exam setting or not.
False presentation	A specific form of plagiarism where you arrange for someone else to complete work on your behalf and then submit it as your own. This includes circumstances where you pay someone else

	to produce work for you or purchase work produced by someone else in any way (this is often referred to as 'contract cheating').
Personation	This is a form of cheating when you permit another individual to assume your identity with the intent to deceive and gain advantage during an examination.
Violation of research or professional ethics	This includes falsifying information, resources or data by making up research responses; inventing or changing someone else's work to fit your assessment or theory; forging a signature on an assessment document or failing to secure the necessary permissions before carrying out research.

3.8.3 For all Category A offences, an Academic Misconduct Concerns Form will be completed. The form should give as full an account as possible of the potential academic misconduct and should provide clear evidence in support of the referral.

3.8.4 The Academic Misconduct Concerns Form and evidence will be submitted to Student Governance, who will send it to the Head of Department (or a suitable member of staff acting as the Head of Department's nominee), or DRC equivalent. The Head of Department, or DRC equivalent, will assess the referral and may decide that there is no case to answer and that no further action should be taken. Where the Head of Department decides that there is a case to answer, the case will proceed to an Academic Misconduct Panel.

3.9 Academic Misconduct Panels

3.9.1 Academic Misconduct Panels are used to consider Category A cases of academic misconduct, and cases of Category B academic misconduct if you have previously been found to have committed academic misconduct on two or more occasions. These Panels are governed by the University's Panel Guidance.

3.9.2 Academic Misconduct Panels are made up of three University staff members with experience of sitting on such panels and determining academic misconduct outcomes. You will be informed of the Panel members and the date they will meet to discuss the case against you. The Panel process is usually paper-based and you will not be invited to join the Panel meeting. You will be given the opportunity to provide written representations and / or evidence in response to the academic misconduct concerns; this information

must be submitted at least 2 working days in advance of the date the Panel are meeting.

3.9.3 We will consider inviting you to attend the Panel meeting if we believe there is good reason to do so and / or if attendance at the meeting would represent a reasonable adjustment for disability. If you want to attend the Panel meeting, you should contact Student Governance to request attendance and explain why you wish to attend. Your request will be considered and determined by the Panel Chair. Where the Chair decides that there is a clear and valid reason for you to attend, you will be invited to the Panel meeting. For example, attendance might constitute a reasonable adjustment; or the Chair may consider it appropriate to ensure you can present your case verbally.

3.9.4 The Panel will consider the referral and all available evidence and will determine whether academic misconduct has occurred; and, if so, what the penalty should be. An Academic Misconduct Panel can issue any decision that does not compromise the Academic Regulations. The focus of Academic Misconduct Panels is to reach decisions that reflect the nature of the misconduct committed and which are proportionate and appropriate. Examples of potential decisions made by an Academic Misconduct Panel include:

- No case to answer;
- All of the penalties applicable to Category B offences;
- Exclusion from the University for up to 5 years, with achieved academic credit retained;
- Withdrawal from the University for up to 5 years, with achieved academic credit removed. Academic credit will only be removed in exceptional circumstances and where there is clear and compelling evidence to demonstrate that the credits should be removed because they have been achieved through academic misconduct.

3.9.5 <u>Appeals</u>

3.9.5.1 If you wish to appeal against the decision reached by an Academic Misconduct Panel, you should use the Review stage of this Procedure – see 3.10 below.

3.10 Review

3.10.1 If you are not satisfied with the outcome of the case, you can request a review. There are limited grounds for asking for a review, which are as follows:

- There is new evidence which you were unable, for valid reasons, to provide earlier in the process that would have had a significant effect on the outcome of the case;
- The correct procedure was not followed during the case and this has had a significant effect on the outcome;
- The outcome was unreasonable given all the circumstances and the evidence considered.

3.10.2 At the review stage, we will not usually consider the issues again or investigate the matter further. A case outcome must have been issued before it can move to the review stage.

3.10.3 Review requests should be submitted to the Student Governance team using the relevant review request form. You must set out your grounds clearly and briefly, and provide evidence, where possible, of the issues raised. If you do not provide evidence when submitting your form then we may ask you to provide the evidence and give you a time limit to do so; the review may be paused while we await your evidence.

3.10.4 You should submit any review request within 15 working days of being sent the decision of the Head of Department or Academic Misconduct Panel. If you submit a review request beyond the timeframe of 15 working days, you must provide an explanation and evidence to account for your delay. We will then consider whether or not the delay has been reasonable. If we decide that the delay is unreasonable, we will deem your review request ineligible and it will not proceed to full consideration. You will still receive a Completion of Procedures letter.

3.10.5 The Associate Director Student Services, or another staff member acting as nominee of the Associate Director, will decide between the following outcomes:

- There are no grounds for taking the matter further; or
- The case will be referred back to the previous stage with a recommendation. Where a matter is referred back to the previous stage, the timescales applying to that stage will begin again; or
- The issues are complicated and so it would be better to deal with them through a review panel. A review panel will be held in line with our standard procedures for such panels.

3.10.6 The reviewer will have had no prior involvement in your case. The review decision will be sent to you as a formal decision along with guidance on any relevant next steps.

3.10.7 The review decision will be sent to you within 15 working days of your review request being received.

4 The Office of the Independent Adjudicator (OIA)

4.1 Where your review request is not upheld, we will issue you with a Completion of Procedures letter (a CoP) and tell you about your right to make a complaint to the OIA. You will have 12 months from the date of the CoP to make a complaint to the OIA.

4.2 The OIA look at whether the University applied its regulations properly and followed its procedures correctly, and consider whether any decision made by the University was fair and reasonable in all the circumstances. The OIA reviews cases but does not re-investigate them.

4.3 Where we have deemed your review request ineligible due to lateness and have issued you with a CoP, you are entitled to approach the OIA. However, you should be aware that the OIA will usually only consider the reasonableness of the University's eligibility decision at the review stage; the OIA will not usually consider the substantive case, unless it decides that the review decision was unreasonable.

4.4 The OIA normally expects students to follow the University's internal procedures to their conclusion before complaining to the OIA. If you make a complaint to the OIA without having a CoP, your complaint is likely to be deemed ineligible.

5 Relevant Documents

5.1 The Academic Misconduct Referral Form, Academic Misconduct Review Request Form and information about support for academic integrity and academic misconduct can be found the Academic Misconduct Procedure page on iCity.

5.2 Specific guidance on the use of AI by students has been produced by the University and is available online. The University's online module on Academic Integrity is available through Moodle.

5.3 The Guiding Principles of Casework Procedures are also available on iCity.

5.4 The University's Academic Regulations can be found on the University's external website.

Document Control Statement

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Related Documents	Please see section 5 of the Procedure above		

Appendix 1: Table of indicative penalties

Type of Academic Misconduct	**Classification of Misconduct**			
Category B		*Minor*	*Moderate*	*Major*
1st Offence	Work is marked but marks only awarded for original content of work. For doctoral students, progression decisions are made only by reference to the original content of the work. Mandatory meeting with Personal Academic Tutor.			
2nd Offence		Work is marked but marks only awarded for original content of work. For doctoral students, progression decisions are made only by reference to the original content of the work. Mandatory completion of online module on Academic Integrity.	Work is awarded a mark of 0. Capped resit attempt where available under the Academic Regulations. For doctoral students, a progression decision of 'not proceed' is made. Mandatory completion of online module on Academic Integrity.	

3rd Offence				Referral to Academic Misconduct Panel. Penalty proportionate and appropriate in line with the misconduct committed. Exclusion of up to 5 years, with or without academic credit gained, is possible.
Category A				