

Birmingham City University

Academic Misconduct Procedure

Effective from 21 September 2020

Contents

1. Introduction	1
2. Who does this procedure apply to?	2
3. Examples of academic misconduct	2
4. The academic misconduct process	3
4.3 Student representation	3
4.4 Support and reasonable adjustments	3
4.5 Staff involvement	3
4.6 Burden and standard of proof	4
4.7 Category B offences	4
4.8 Category A offences	7
4.9 Review	8
5. The Office of the Independent Adjudicator (OIA)	9
6. Relevant Documents	9
7. Key contacts	9

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. Plagiarism and cheating reduces the value of the work you hand in 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 enrolled students of the University, including staff members who are enrolled on a course of 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 on a programme of 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. Examples of academic misconduct

- 3.1 Students are required to act with honesty and integrity in fulfilling requirements in relation to assessment of their academic progress. Below are some examples of what we consider to be academic misconduct. Note that these examples are not exhaustive. The different categories of misconduct are dealt with differently (see Section 4 below).

Category B

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.

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.

Category A

Exam cheating This includes trying to see an exam paper or trying to obtain confidential information about an exam paper before the exam; copying or trying to copy from someone else during an exam; communicating or trying to communicate with another student during an exam; having notes that are not allowed or having electronic devices, such as mobile phones, that are not allowed; or trying to get someone else to take the exam for you.

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.

4. The academic misconduct process

- 4.1 This procedure aims to provide a quick, simple process with a strong focus on well-trained staff having the power to deal with concerns as soon as possible. Outcomes are proportionate to the matters raised.
- 4.2 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.
- 4.3 *Student representation*
 - 4.3.1 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.
- 4.4 *Support and reasonable adjustments*
 - 4.4.1 We will remind you of the support on offer from the Centre for Academic Success (or an equivalent service) so that you can take steps to improve your academic practice. In proven cases we will require you to attend sessions delivered by the Centre for Academic Success (or an equivalent service) as part of the case outcome.
 - 4.4.2 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.
 - 4.4.3 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. Anyone taking part in an academic misconduct meeting is entitled to ask for a break at any time.
- 4.5 *Staff involvement*

4.5.1 Staff involved 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.

4.6 *Burden and standard of proof*

4.6.1 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 investigating the case will accept the explanation that is most likely to be true.

4.7 **Category B offences**

4.7.1 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 (see Section 3 above).

4.7.2 In any case where a marker thinks misconduct may have been committed, they should contact Student Governance in the first instance. Student Governance will be able to advise on next steps depending on the disciplinary records of the relevant student(s); the subsequent approach is determined by the number of offences the student has committed (see sections 4.7.4 to 4.7.8 below).

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

4.7.4 First offences

4.7.4.1 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.

4.7.4.2 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. No Academic Misconduct Concerns Form will be completed in relation to first offences. The marker will email the relevant Student Governance inbox (see 7.1 below) to confirm that your mark has been adjusted due to a first offence, and Student Governance will record the offence on the casework system. Student Governance will contact you within five working days to confirm that a first offence has been recorded and to advise on next steps.

4.7.4.3 Within 10 days of receiving your assessment feedback, you will be required to meet your Personal Tutor to discuss your academic practice. An 'Academic Misconduct First Offence Form' must be signed by you and your Personal Tutor and a copy provided to Student Governance; another copy will be provided to you to keep. Whether or not you have met with your Personal Tutor will be considered a relevant

factor in deciding the level of misconduct should you be referred for a second Category B offence.

4.7.4.4 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 receiving confirmation of having committed a first offence, the offences will be grouped together and considered as a single first offence.

4.7.5 Second offences

4.7.5.1 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.

4.7.5.2 Where Student Governance confirms that it is appropriate, an Academic Misconduct Concerns Form should be completed by the staff member with most knowledge about the case e.g. the marker of an essay. This staff member should give as full an account as possible of the potential academic misconduct and should provide clear evidence in support of the referral. If in doubt about whether to make a referral, the staff member should speak to the Course Leader in the first instance.

4.7.5.3 The Academic Misconduct Concerns Form and evidence should be sent to the Head of School (or a suitably senior member of staff acting as the Head of School's nominee) or, for doctoral students, an equivalent senior academic lead in the Doctoral Research College (DRC). The Head of School, 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 Head of School, or DRC equivalent, can also decide that there is no case to answer and that no further action should be taken.

4.7.5.4 Guidance on factors influencing whether misconduct is considered Minor or Moderate is included below at 4.7.5.9.

4.7.5.5 *Minor offences*

4.7.5.6 Where the Head of School, 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. You will be signposted to online resources that can support the development of your academic practice, and you must attend a relevant workshop delivered by the Centre for Academic Success (or an equivalent service). Attendance at a workshop is compulsory in these circumstances and you will need to provide confirmation of your attendance at a workshop. Within five working days of the Head of School, or DRC equivalent, making their decision, Student Governance will contact you to confirm that a minor second offence has been recorded and to advise on next steps.

4.7.5.7 *Moderate offences*

4.7.5.8 Where the Head of School, or DRC equivalent, determines that the misconduct is Moderate, the mark you receive for your work will be recorded as 0 and 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 will be signposted to online resources that can support the development of your academic practice, and you must attend a relevant workshop delivered by the Centre for Academic Success (or an equivalent service). Attendance at a workshop is compulsory in these circumstances and you will need to provide confirmation of your attendance at a workshop. Within five working days of the Head of School, or DRC equivalent, making their decision, Student Governance will contact you to confirm that a moderate second offence has been recorded and to advise on next steps.

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

4.7.5.10 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 Tutor and completed an Academic Misconduct First Offence Form, or whether you have attended a relevant academic practice workshop;
- 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?

4.7.6 Third offences

4.7.6.1 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 a University Disciplinary Panel. Such panels are governed by the University's Panel Guidance.

4.7.6.2 A Student Governance Officer will make the panel arrangements and will invite you to submit any evidence you wish to be considered by the panel. You will be invited to attend the panel hearing. We will aim to hold a panel hearing within 25 working days of Student Governance being notified of the relevant offence. Panel decisions will be issued within 10 working days of the panel hearing.

4.7.6.3 A University Disciplinary Panel can issue any decision that does not compromise the Academic Regulations. The focus of University Disciplinary Panels is to reach

decisions that reflect the nature of the misconduct committed and which are proportionate and appropriate. University Disciplinary Panels are empowered to withdraw you. Where you are withdrawn, you will be entitled to retain any academic credits achieved unless there is clear and compelling evidence to demonstrate that the credits should be removed because they have been achieved through academic misconduct.

4.7.7 Appeals

4.7.7.1 If you wish to appeal against the penalty applied as a result of a first- or second-time Category B offence, you should make an appeal in writing via email to the Associate Dean Student Learning Experience and Quality in your faculty. Appeals should be made within 10 working days of Student Governance confirming that an offence has been recorded. The Associate Dean will consider your appeal and provide you with a decision by way of email response within 10 working days of receipt of your appeal. If you wish to challenge the Associate Dean's decision, you should follow the Review stage of the process (see 4.9 below).

4.7.7.2 If you wish to appeal against the decision reached by a University Disciplinary Panel, you should use the Review stage of this Procedure – see 4.9 below.

4.8 **Category A offences**

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

4.8.2 For all Category A offences, an Academic Misconduct Concerns Form should be completed by the staff member with most knowledge about the case e.g. the invigilator of an exam. This staff member should give as full an account as possible of the potential academic misconduct and should provide clear evidence in support of the referral. If in doubt about whether to make a referral, the staff member should speak to the Course Leader in the first instance.

4.8.3 The Academic Misconduct Concerns Form and evidence should be sent to the Head of School (or a suitably senior member of staff acting as the Head of School's nominee), or DRC equivalent. The Head of School, 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 School decides that there is a case to answer, the case will proceed to a University Disciplinary Panel. Such panels are governed by the University's Panel Guidance.

4.8.4 A Student Governance Officer will make the panel arrangements and will invite you to submit any evidence you wish to be considered by the panel. You will be invited to attend the panel hearing. We will aim to hold a panel hearing within 25 working days of Student Governance being notified of the relevant offence. Panel decisions will be issued within 10 working days of the panel hearing.

4.8.5 A University Disciplinary Panel can issue any decision that does not compromise the Academic Regulations. The focus of University Disciplinary 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 a University Disciplinary Panel include:

- No case to answer;
- All of the penalties applicable to Category B offences;
- Withdrawal from your course of study, with achieved academic credit retained;
- Withdrawal from your course of study, 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.

4.8.6 In cases of **exam cheating**, a University Disciplinary Panel will usually reduce the exam mark in proportion to the illicit material used e.g. written notes will usually lead to a mark being reduced by at least 10%, increasing depending on the extent and content of the notes. In any case where you are found with an electronic device in an exam, in contravention of the exam rules, your exam will be void and you will receive a mark of 0 for the exam. Your exam resit attempt will be capped at the pass mark.

4.8.7 Appeals

4.8.7.1 If you wish to appeal against the decision reached by a University Disciplinary Panel, you should use the Review stage of this Procedure – see 4.9 below.

4.9 Review

4.9.1 If you are not satisfied with the outcome of the case, you should request a review within 15 working days of receiving the panel's decision. 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.

4.9.2 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.

4.9.3 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.

4.9.4 The Deputy Vice-Chancellor (Academic), or Deputy Vice-Chancellor (Research) where appropriate, 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.

4.9.5 The review decision will be sent to you as a formal decision along with guidance on any relevant next steps. The review decision will be issued within 15 working days on receiving your review request.

5. The Office of the Independent Adjudicator (OIA)

5.1 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.

5.2 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.

5.3 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.

6. Relevant Documents

6.1 The Academic Misconduct Referral Form, Academic Misconduct Review Request Form and information about support for academic integrity and academic misconduct can be found [on iCity](#).

6.2 The Guiding Principles of Casework Procedures are also available [on iCity](#).

6.3 The University's Academic Regulations can be found on the University's [external website](#).

7. Key contacts

7.1 Student Governance contact addresses for individual faculties are as follows:

- ADM.StudentGovernance@bcu.ac.uk

- BLSS.StudentGovernance@bcu.ac.uk
- CEBE.StudentGovernance@bcu.ac.uk
- HELS.StudentGovernance@bcu.ac.uk

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Table of indicative penalties

Type of Academic Misconduct	Classification of Misconduct			
Category B		<i>Minor</i>	<i>Moderate</i>	<i>Major</i>
<p><i>1st Offence</i></p> <p>Work is marked but marks only awarded for original content of work</p> <p>For doctoral students, progression decisions are made only by reference to the original content of the work</p> <p>Signposting to support resources; voluntary attendance at academic practice workshop</p>				
<p><i>2nd Offence</i></p>		<p>Work is marked but marks only awarded for original content of work</p> <p>For doctoral students, progression decisions are made only by reference to the original content of the work</p> <p>Signposting to support resources; compulsory attendance at academic practice workshop</p>	<p>Work is awarded a mark of 0. Capped resit attempt where available under the Academic Regulations</p> <p>For doctoral students, a progression decision of 'not proceed' is made</p> <p>Signposting to support resources; compulsory attendance at academic practice workshop</p>	

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

