



leeds metropolitan university

Academic Principles and Regulations

Section C9: Cheating, Plagiarism and other forms of Unfair Practice

November 2011

Approved June 2002;
Amended June 2003, July 2004, July 2005, May 2006, July 2007, May 2008, July 2009, July 2011 and November
2011

SECTION C9: CHEATING, PLAGIARISM AND OTHER FORMS OF UNFAIR PRACTICE	1
INTRODUCTION.....	1
C9.1 Definitions	1
C9.1.1 Application	1
C9.1.2 Assessment.....	1
C9.1.3 Coursework: definition.....	1
C9.1.4 Examinations: definition.....	1
C9.1.5 Other Forms of Assessment: definition.....	1
C9.3.6 Cheating, Plagiarism and Other Forms of Unfair Practice	1
C9.1.7 Cheating	1
C9.1.8 Plagiarism	2
C9.1.9 Other Forms of Unfair Practice.....	2
C9.2 General Provisions	2
C9.2.1 Authority to Determine Penalty	2
C9.2.2 Determination of whether an offence has occurred.....	2
C9.2.3 Right of Appeal	2
C9.2.4 Standard of Proof	2
C9.2.5 Reports to the Unfair Practice Board	2
C9.2.6 Remit of the Unfair Practice Board	2
C9.2.7 Consideration of Individual Cases	3
C9.2.8 Record of Offences	3
C9.2.9 Other University Procedures	3
C9.3 Provisions relating to students suspected of an offence	3
C9.3.1 Right to Accompaniment or Representation.....	3
C9.3.2 Written Information to the Student.....	3
C9.3.3 Non-Attendance of Student at Investigatory Interview	3
C9.3.4 Non-Attendance of Student at Other Stages	3
C9.3.5 Extenuating Circumstances	3
C9.4 No Offence has Occurred	4
C9.4.1 No formal report	4
C9.4.2 Proceeding in respect of the student(s) in question	4
C9.4.3 Members of the Board party to allegation or investigation.....	4
C9.5 Offences Admitted or Found: action prior to the meeting of the Unfair Practice Board	4
C9.5.1 Requirement for Re-assessment	4
C9.5.2 Notification to the Student.....	4
C9.5.3 Level Progression.....	4
C9.5.4 Determination of Penalty	4
C9.5.5 Requirement to Withdraw	4
C9.6 Courses of Action open to the Unfair Practice Board.....	4
C9.6.1 Range of Decisions open to the Unfair Practice Board	4

C9.6.2	Maximum penalty	4
C9.6.3	Entitlement to Lower Award	4
C9.7	Documentation	4
C9.7.1	Finding that No Offence has Occurred	4
C9.7.2	Offence Admitted or Found	5
	Schedule of Decisions Available to the Unfair Practice Board	5

SECTION C9: CHEATING, PLAGIARISM AND OTHER FORMS OF UNFAIR PRACTICE

REGULATIONS

INTRODUCTION

The University operates an Unfair Practice Board to consider admitted or found cases of cheating, plagiarism and unfair practice across the institution. Prior to consideration by the Unfair Practice Board, cases are investigated at Faculty level through Investigatory Interview, Assessment Enquiry Panel and Assessment Appeal Panel stages, as appropriate.

Collaborating bodies may either choose to:

- establish an Unfair Practice Board or;
- consider admitted or found cases of cheating, plagiarism and unfair practice via the appropriate Board of Examiners.

Provisions of these regulations (C9) therefore also apply to Boards of Examiners for collaborative provision.

C9.1 Definitions

C9.1.1 Application

Examples of cheating, plagiarism and other forms of unfair practice are given below.

These are not exhaustive. Any attempt to gain an unfair advantage may be considered as an offence and dealt with under these Regulations and Procedures.

C9.1.2 Assessment

For the purpose of these Regulations, assessment includes the following forms of assessment:

- Coursework
- Examinations
- Other Forms of Assessment.

C9.1.3 Coursework: definition

Coursework is individual or group work presented for marking, the results of which contribute to a student's formal assessment for progression or for an award.

Such coursework will include:

- written or other documented material e.g. essays,
- reports, projects

- dissertations, theses
- visual, three dimensional, audio and audio-visual material
- practical or task-orientated activities and their outcomes
- mixed-mode presentations
- material on computer discs
- such other individual or group learning as is appropriate for the Scheme, Course or an individual programme of study.

C9.1.4 Examinations: definition

An examination is a formal, timed, written question paper answered individually by each candidate, normally in writing, on a specific day at a specified time and place.

Such an assessment may be:

- a written examination
- an end of unit assessment
- a phase test
- such other form of assessment as is applicable to the Scheme, Course or individual programme of study.

C9.1.5 Other Forms of Assessment: definition

Other forms of assessment are such other means of assessment as may be incorporated from time to time in the Scheme of Assessment for the Scheme, Course or individual programme of study.

C9.3.6 Cheating, Plagiarism and Other Forms of Unfair Practice

These include those matters specified below.

These lists are not exhaustive.

C9.1.7 Cheating

Cheating is unfair behaviour relating to an examination. It includes:

(A) Actions within the examination room

- communicating with any other candidate during an examination
- copying from any other candidate during an examination
- communicating with any other person other than an authorised invigilator or another member of staff during an examination
- making use of any written or printed materials in the examination room unless expressly permitted by the regulations

- making use of any electronically stored information in the examination room unless expressly permitted by the regulations
- use of a mobile phone during an examination

(B) Actions outside of the examination room

- gaining access to any unauthorised material relating to the examination during or before the examination
- obtaining a copy of a written examination paper in advance of the time and date for its authorised release.

C9.1.8 Plagiarism

Plagiarism is the substantial, unacknowledged, incorporation in a student's work of material derived from the work (published or unpublished) of another. "Work" includes internet sources.

Examples of plagiarism include:

- the inclusion in a student's work of extracts from another person's work without the use of quotation marks and/or acknowledgement of the source(s)
- the summarising of another person's work without acknowledgement
- the substantial and unauthorised use of the ideas of another person without acknowledgement
- copying or printing the work of another student, with or without that student's knowledge or agreement.

C9.1.9 Other Forms of Unfair Practice

Other forms of Unfair Practice include:

- collusion, involving collaboration with another student in the completion of work which is submitted as that other student's unaided work
- offering a bribe or inducement to any member of staff of the University, or any external invigilator or examiner, who is connected with the student's assessments
- falsifying data in reports, projects etc.
- the assumption by one person of the identity of another person with the intent to deceive or gain unfair advantage
- submitting copies of another person's computer disc.

C9.2 General Provisions

C9.2.1 Authority to Determine Penalty

The Unfair Practice Board is the only body which has the right to determine penalty in respect of found or admitted instances of cheating, plagiarism, or other forms of unfair practice. Any penalty shall be in accordance with those specified in Section C9 of these regulations.

C9.2.2 Determination of whether an offence has occurred

The determination of whether cheating, plagiarism, or other form of seeking unfair advantage has occurred is not a matter for the Unfair Practice Board. Such determination is made through an Investigatory Interview, or by an Assessment Enquiry Panel or Assessment Appeal Panel.

C9.2.3 Right of Appeal

A student has the right to appeal a finding of an Assessment Enquiry Panel. Grounds on which the appeal is made must be included in the notification of appeal. A simple request for a re-hearing does not constitute valid grounds for appeal.

C9.2.4 Standard of Proof

The standard of proof required by an Assessment Enquiry Panel or an Assessment Appeal Panel is that of "the balance of probabilities".

C9.2.5 Reports to the Unfair Practice Board

A report will be made to the Chair of the Unfair Practice Board for the purpose of determining penalty where an allegation of cheating, plagiarism or other form of seeking unfair advantage has been admitted or upheld. This report is the basis upon which the Unfair Practice Board can be satisfied that, on the balance of probabilities, an offence has taken place, and can proceed to consider subsequent action.

C9.2.6 Remit of the Unfair Practice Board

The role of the Unfair Practice Board is not to re-consider the issue. The role of the Unfair Practice Board is to consider the individual case or cases, and to exercise its discretion and authority accordingly, and in accordance with these regulations.

C9.2.7 Consideration of Individual Cases

Each case will be considered on its own merits, and on the basis of:

- the gravity of the case
- the circumstances of the case
- the level at which the offence took place
- whether the offence was a repeat offence

C9.2.8 Record of Offences

A record of admitted or found offences will remain on the student's file for the duration of their study in the University.

C9.2.9 Other University Procedures

From the time when action is taken by a Senior Invigilator during an examination, or a student is otherwise notified that an investigation is taking place into a possible offence under these regulations, the student may not invoke the Student Complaints Procedure or the University Harassment Procedure on any matter directly related to these investigations or proceedings. Complaints, claims of harassment, or any other complaints relating to this matter may only be raised on the conclusion of the procedures established for the consideration of allegations of unfair practice i.e. Investigatory Interview, Assessment Enquiry Panel or Assessment Appeal Panel as relevant.

C9.3 Provisions relating to students suspected of an offence

C9.3.1 Right to Accompaniment or Representation

At any stage of these procedures a student will have the right to be accompanied by a friend, provided that the latter is not a professionally contracted advocate; and/or accompanied/represented by a Student Union representative. This right of accompaniment and representation is a general right and is not the right to accompaniment and/or representation by a specific individual.

C9.3.2 Written Information to the Student

A student will be given the following information in writing prior to any stage of these procedures i.e. Investigatory Interview; Assessment Enquiry Panel; Assessment Appeal Panel:

- the reason for their attendance being required
- a copy of any relevant report or other evidence

- the right to seek advice from Student Services and/or the Students' Union
- the right to accompaniment/representation (as above).

C9.3.3 Non-Attendance of Student at Investigatory Interview

In the event of non-attendance without good cause of a student at an Investigatory Interview the matter will be considered to be non-resolved and referred to an Assessment Enquiry Panel.

C9.3.4 Non-Attendance of Student at Other Stages

In the event on non-attendance without good cause of a student or students at an Assessment Enquiry Panel or Assessment Appeal Panel, the Panel in question is authorised to proceed in his, her or their absence.

C9.3.5 Extenuating Circumstances

If a student admits the offence at any stage of these proceedings i.e. Investigatory Interview; Assessment Enquiry Panel; or Assessment Appeal Panel, or an offence is found by an Assessment Enquiry Panel or Assessment Appeal Panel; the student should be advised of the following in respect of any extenuating circumstances which he or she may wish to adduce in explanation of his or her action.

(A) Submission of Extenuating Circumstances
The need separately to submit these in writing to the relevant Faculty for consideration by the Unfair Practice Board.

(B) Evidence
The need to submit independent documentary evidence, alongside requests for mitigation.

(C) Upholding the Outcome
That such submission does not negate the process whereby the offence was admitted, and is not an appeal - the submission simply provides an opportunity to draw to the attention of the Unfair Practice Board any extenuating circumstances relevant to the admission or finding. The admission or finding of cheating, plagiarism or other unfair practice will not itself be overturned by the Unfair Practice Board.

(D) Consideration of Extenuating Circumstances

Any extenuating circumstances submitted will be considered by the Unfair Practice Board only in respect of action to be determined in respect of the admitted offence.

C9.4 No Offence has Occurred

C9.4.1 No formal report

In the event of a finding that No Offence has Occurred at any stage of the processes (i.e. Investigatory Interview; Assessment Enquiry panel; Assessment Appeal Panel) the following apply:

- the matter shall be considered to be concluded
- no report of it shall be made to the Unfair Practice Board
- no report of it shall be made within the University.

C9.4.2 Proceeding in respect of the student(s) in question

The student will be considered in the usual way and the matter will not be raised in the proceedings of the Board of Examiners or Examination Committee.

C9.4.3 Members of the Board party to allegation or investigation

Any member of the Board or Committee who has been party to the allegation or the investigation shall totally disregard the original allegations.

C9.5 Offences Admitted or Found: action prior to the meeting of the Unfair Practice Board

C9.5.1 Requirement for Re-assessment

Where an offence of cheating, plagiarism or other form of unfair practice has been admitted or found, a student is required to undertake the assessment again at the next available opportunity after the admission or finding. This will normally be a different piece of assessment. The reassessment will count towards the limits on re-assessment outlined in section C3.5.4.

C9.5.2 Notification to the Student

The student will be notified of this requirement at the outcome of the Investigatory Interview; the Assessment Enquiry Panel; or the Assessment Appeal Panel, as relevant.

C9.5.3 Level Progression

The requirement to undertake the assessment again remains, even where a student has otherwise fulfilled the requirements for level progression.

C9.5.4 Determination of Penalty

The final decision in respect of the mark to be awarded for the work, or any other appropriate penalty, will be made by the Unfair Practice Board.

C9.5.5 Requirement to Withdraw

The requirement to undertake the assessment again will not operate where the next available opportunity is subsequent to the meeting of the relevant Board of Examiners which has implemented the decision that the student is required to withdraw from the programme of study.

C9.6 Courses of Action open to the Unfair Practice Board

C9.6.1 Range of Decisions open to the Unfair Practice Board

The Unfair Practice Board may take one of the decisions set out in the Schedule at the end of these regulations. Penalties in respect of marks will be accompanied by the relevant letter of advice, warning, final warning or withdrawal.

C9.6.2 Maximum penalty

The Unfair Practice Board will be limited in its discretion to a maximum penalty of the student failing the level and being required to withdraw.

C9.6.3 Entitlement to Lower Award

In the event of a student being required to withdraw the student will be entitled to any lower award for which he or she had been recommended at any previous meeting of the Board of Examiners or Examination Committee.

C9.7 Documentation

C9.7.1 Finding that No Offence has Occurred

In the event of a finding that no offence has occurred at any stage of these processes (i.e. Investigatory Interview; Assessment Enquiry Panel; Assessment Appeal Panel), the documentation associated with the allegation

shall be shredded immediately after the decision is reached.

The responsibility for this rests with the Faculty.

C9.7.2 Offence Admitted or Found

Where an offence has been admitted, or has been found, at any stage of the proceedings,

including that of investigatory interview, all documentation associated with the case shall be securely retained until one academic year after the student or students have finished their programme of study in the University.

The responsibility for the secure retention of this material rests with the Faculty.

SCHEDULE

Schedule of Decisions Available to the Unfair Practice Board

The Unfair Practice Board may determine to do any one of the following:

- Determine that the student may be awarded the full range of marks for the re-assessed work. A letter of advice will be sent to the student. This is an exceptional outcome and not within the general schedule of applicable decisions by level
- Determine that the mark for re-assessed work will be a maximum of 40%. A letter of warning will be sent to the student.
- Determine that the re-assessed work will be awarded a maximum of 20%. A letter of final warning will be sent to the student, emphasising that any repeat offence may result in a more serious sanction.
- Determine that the student has failed the level and is required to withdraw from the programme of study. A letter will be sent to the student advising them of their entitlement (if relevant) to a contained award.

Tariff of Decisions Available to the Unfair Practice Board

Level	Offence Occurrence			
	1	2	3	4
Level 4	B	B	C	D
Level 5	B	C	D	N/A
Level 6	B	C	D	N/A
Level 7	B	C	D	N/A

Key:

A – the student may be awarded the full range of marks for the reassessed work / Letter of Advice
B – the mark for the reassessed work will be a maximum of 40% / Letter of Warning
C – the mark for the reassessed work will be a maximum of 20% / Letter of Final Warning
D - the student has failed the level and is required to withdraw from the programme of study / Letter of Withdrawal

Notes:

Students are asked to re-submit work in all cases as part of the penalty applied to proven cases of Cheating, Plagiarism and Unfair Practice.

Students may submit extenuating circumstances pertaining to their proven case for consideration by the Unfair Practice Board.

The circumstances and the gravity of the offence may result in a different penalty being applied to that shown in the tariff.

Schedule of Decisions Available to the Unfair Practice Board – Research Awards

The Unfair Practice Board may determine to do one of the following depending on the circumstances and gravity of the offence.

Awards and Level	Available Penalties	
MRes – Level 7	Resubmit	Withdraw from the programme of study
MPhil – Level 7	Resubmit	Withdraw from the programme of study
PhD / Professional Doctorate / European PhD / PhD by Existing Published Work – Level 8	Resubmit	Withdraw from the programme of study

Notes:

Students may submit extenuating circumstances pertaining to their proven case for consideration by the Unfair Practice Board.

Relevant members of staff of the University with extensive experience of supervising and examining research award students will be co-opted onto the Board when a case comes forward for consideration.