

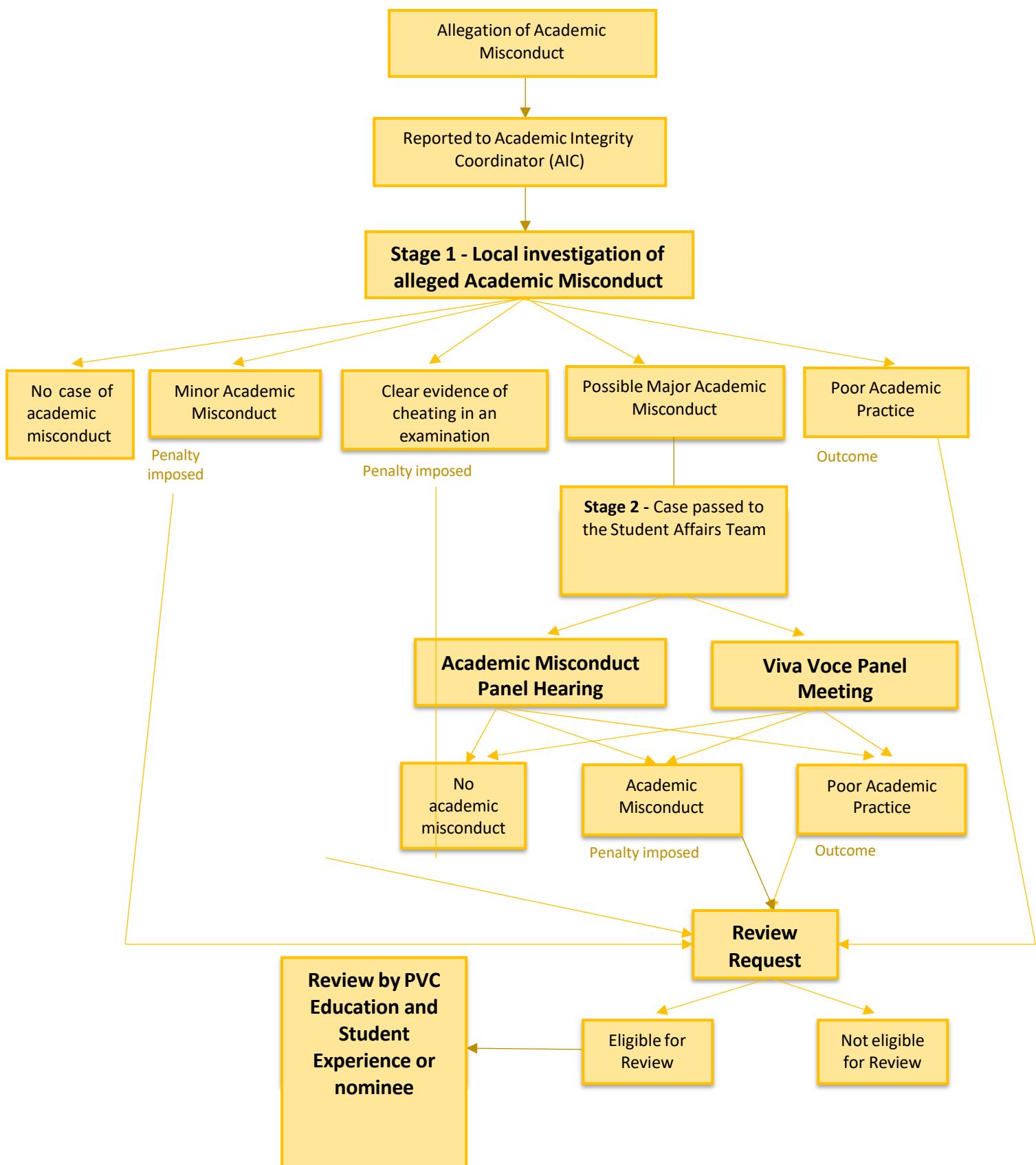
# Student Academic Misconduct Procedure

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# LSBU Student Academic Misconduct Flowchart



# **Student Academic Misconduct Procedure**

## **1. Introduction – What is academic misconduct?**

- 1.1 Students are expected to submit their own work and give credit to other people's ideas. This is described as having academic integrity. Work that does not adequately credit other people's work lacks academic integrity, even if there was no intention to deceive. Students whose work shows poor academic practice may have their mark reduced and/or be required to undertake additional learning about academic integrity (e.g., how to use referencing conventions).
- 1.2 Academic misconduct refers to an attempt to cheat in an assessment. This can take a number of different forms, including plagiarism (including the use of generative AI, such as ChatGPT and similar programs), infringement of rules for examination candidates, contract cheating which occurs when a student arranges for another individual or generative AI to do their academic work, or attempting to assist another student to gain improper advantage (for example uploading essays to 'essay banks'). This list is not exhaustive. Academic misconduct will result in a reduction of marks for the work concerned or a more severe penalty.

## **2. Scope – Who is covered by this procedure?**

- 2.1 The Academic Misconduct Procedure applies to every student enrolled and registered with the University, including students on programmes delivered in partnership with other providers, unless otherwise stated in the student handbook.
- 2.2 Where more than one student is involved in a case of suspected academic misconduct, the University may choose whether to take joint or separate action against them under this procedure.
- 2.3 Depending on the individual circumstances of each incident, referrals to other procedures may be made by the University and you may find yourself subject to the application of a number of procedures at the same time. The University reserves the right to either suspend one procedure until the outcome of the other is complete or decide not to pursue one procedure in favour of the other. If you are a student in the School of Allied and Community Health or the School of Nursing and Midwifery who is subject to the Fitness to Practise Procedure, the Dean of the School will be notified of any finding of academic misconduct made against you, for consideration as to whether action should be taken under the Fitness to Practise Procedure. If you have submitted an extenuating circumstances claim in relation to the assignment where you were found to have committed academic misconduct, your extenuating circumstances claim will be considered but the penalty imposed for the academic misconduct will normally stand.

### **3. Who is responsible for this procedure?**

- 3.1 The Pro Vice Chancellor Education and Student Experience (PVC Education and Student Experience) has overall responsibility for the procedure but has delegated day-to-day responsibility for overseeing its implementation to the staff identified in this procedure. All relevant members of staff have been made aware of the procedure and have received appropriate training.
- 3.2 This procedure will be reviewed from time to time (and at least every two years) by the Student Affairs team and the University Solicitor to ensure that its provisions continue to meet our legal obligations and reflect best practice.

### **4. Support for Students**

- 4.1 You are encouraged to seek advice and support regarding this procedure from the LSBU Students' Union Advisory Service.
- 4.2 If you are invited to attend a formal panel meeting under this procedure, you may be accompanied by a fellow student or a Students' Union representative. You are not permitted to be represented by a legally qualified solicitor or barrister. You must provide the name and contact details of your chosen companion to the University in good time before the meeting.
- 4.3 The companion's role at the meeting will be to support you; you may consult them for advice and support during the meeting, but they may not answer questions on your behalf (unless this is agreed in advance by the chair as a reasonable adjustment for your disability).
- 4.4 The University will make reasonable adjustments to this procedure where it is reasonable to do so to prevent you from suffering substantial disadvantage because of your disability.
- 4.5 Further details of support services offered by the University are set out at Appendix A.

### **5. Time Limits**

- 5.1. The timescales set out in this procedure require you to engage with the academic misconduct process and meet all the University's stipulated deadlines for submission of your response/evidence.
- 5.2. There may be cases where, for good reason(s), the University will need to extend the timeframe for dealing with your case. When this is the case, we will contact you to explain the delay and set a new deadline for the next stage.

### **6. Stage 1 – Local Investigation of an alleged academic misconduct**

- 6.1. A divisional Academic Integrity Coordinator (AIC) will be identified in all academic Divisions and Departments. All suspected cases of academic

misconduct should be reported in writing to the AIC of the Division responsible for the module concerned. This report must normally be submitted to the AIC within 5 working days of discovery of the suspected misconduct.

- 6.2 Your work for which academic misconduct is suspected will normally be marked as if there is no concern about it, in accordance with the established marking criteria and timescale. In a case where the evidence consists of coursework which is either wholly or substantively identical to previously published work or to the work of another student, or where there is clear evidence of cheating in an examination, the AIC may consider delaying the marking of the work. A decision to delay marking will be made only after consultation with, and the agreement of, the Head of Division (or a fellow Head of Division where the AIC is the Head of Division).
- 6.3 Where the AIC is involved in delivering the module concerned, the incident will be considered by an AIC or a Head of Division from a different Division, preferably in the same School.
- 6.4 The AIC will normally write to you to inform you of the allegation within 10 working days of being informed of the suspected academic misconduct. The letter will summarise the case and the evidence which supports the allegation and will invite you to provide a written response to be received by the AIC for consideration within 10 working days of the date of the letter. This letter will also inform you that you may be required to attend a meeting of the Academic Misconduct Panel if such a meeting becomes necessary following the investigation of the allegation.
- 6.5 Normally within 20 working days of the date of the letter to you, the AIC will prepare a report on the incident considering all available evidence; this may include the written statement from the person reporting the incident and any response from you. The AIC may consult with the Head of Division (or a fellow Head of Division where the AIC is the Head of Division), before reaching one of the following conclusions:
  - i. no case to answer;
  - ii. poor academic practice;
  - iii. minor academic misconduct;
  - iv. clear evidence of cheating in an examination;
  - v. possible major academic misconduct.
- 6.6 If the report concludes that there is no case of academic misconduct, the AIC will write to you to inform you of the outcome of the investigation.
- 6.7 If the report concludes that the incident is a result of poor academic practice the AIC and/or the Head of Division will agree a suitable reduction in the mark awarded and advise you on participating in additional tutoring in your study skills for academic integrity. If the AIC and/or the Head of Division agree that the incident is a result of academic misconduct which can be regarded as minor, or that there is clear evidence of cheating in an examination, they will decide on a permissible penalty (see paragraph 6.8 below). The AIC will write

to you informing you of the penalty and will also inform the Course Leader and module team of the need to advise you about suitable academic practice and the avoidance of any future similar allegation.

- 6.8 In cases of minor academic misconduct, the AIC may impose a penalty of (i), (ii) or (iii) (see section 10 below). Where it has been agreed that there is clear evidence of cheating in an examination the AIC may impose a penalty drawn from (i), (ii), (iii) or (iv) (see section 10 below).

The penalty for a second or subsequent offence will normally be more severe than for a comparable first offence. Please also see paragraph 10.2 in relation to repeated offences.

- 6.9 You will have a right to request a Review of the decision imposed by the AIC in accordance with section 11 below.
- 6.10 If the report concludes that the incident is a result of possible major academic misconduct, you will be invited to a meeting of the Academic Misconduct Panel (see section 8 below).

## **7. Stage 2 – Academic Misconduct Panel or Viva Voce Panel**

- 7.1 Where it is concluded that the incident is a result of possible academic misconduct which cannot be regarded as minor, the AIC will immediately send all relevant documents to the Student Affairs Team.
- 7.2 The Student Affairs Team will write to you, normally within 10 working days of the AIC's report. The letter will include a summary of the evidence, copies of the initial report and information about the next steps of the investigation, i.e., an invitation to either the Academic Misconduct Panel or a Viva Voce Panel, as appropriate. You will be invited to add to any statement you may previously have made.

## **8. Academic Misconduct Panel**

- 8.1 You will be sent details of the date and time of the Academic Misconduct Panel meeting and invited to attend. If you do not attend, the meeting may proceed in your absence if the Chair is satisfied that you received proper notice of the date and time of the meeting and are absent without reasonable explanation. The Chair shall decide in their absolute discretion what constitutes "reasonable explanation."
- 8.2 You must provide any response within 10 working days of the letter's date from the Student Affairs Team, and the meeting at which the case will be considered will normally be held within a further 10 working days.
- 8.3 The Academic Misconduct Panel which considers the case will be drawn from a standing panel of senior academic staff who have been trained for this purpose. The Academic Misconduct Panel will consist of:

- i. a Chair from outside of your own Division/Department;
- ii. two AICs from Divisions other than that responsible for the module

A member of the Student Affairs Team will act as secretary and adviser to the Academic Misconduct Panel. They will make a record of the meeting and will not be part of the decision-making process.

- 8.4 Copies of all the documents to be considered by the Academic Misconduct Panel will be provided to you usually at least 5 working days before the meeting.
- 8.5 The Chair of the Academic Misconduct Panel will decide how the meeting will be conducted, ensuring that you are given a reasonable opportunity to present your case to the Panel.
- 8.6 The Academic Misconduct Panel will decide one of three outcomes:
  - i. No academic misconduct.
  - ii. Poor academic practice.
  - iii. Academic misconduct.
- 8.7 Where the Academic Misconduct Panel concludes that there has been poor academic practice, not academic misconduct, it will determine a suitable reduction in the mark awarded. Where the Panel concludes that you have committed academic misconduct, it will determine a penalty in accordance with section 10 below.
- 8.8 You will be informed in writing of the decision and any reduction or penalty to be imposed within 10 working days of the Academic Misconduct Panel meeting.
- 8.9 You will have a right to request a Review of the decision of the Academic Misconduct Panel in accordance with section 11 below.

## **9. Viva Voce Panel**

- 9.1 If you submit work for assessment that, in the academic judgment of the marker(s), appears not to be your original work but for which no original source(s) can be identified via standard plagiarism detection software, the procedure for investigating the originality of such work set out in this section 9 will apply.
- 9.2 Such cases will first be investigated according to the procedure in paragraphs 6.1 to 6.3 above. Following the receipt of an initial cause for concern report of a possible breach of academic integrity, the AIC will consult with your Course Leader and/or relevant Module Leader to decide if there is suspected case [or evidence] of academic misconduct. If, following this consultation, the AIC decides there is still a suspected case [or evidence] of academic misconduct, the AIC will consult with another AIC in a different School to his/her own.

- 9.3 Where there is agreement between the two AICs that there remains a case of suspected academic misconduct, the AIC will pass all the paperwork available in the case to a member of the Student Affairs Team, who will write to you to inform you of the allegation and will invite you to attend a viva voce interview at Viva Voce Panel. This letter will summarise the reasons for the cause for concern in your work and will invite you to provide a written response to be received within 10 working days of the date of the letter.
- 9.4 When 10 working days have expired from the date of the Student Affairs Team's letter, and/or you have responded to the allegation (whichever is the sooner), the Student Affairs Team will organise a Viva Voce Panel meeting, as an opportunity for you to present evidence in person to establish the authenticity and/or originality of the work under investigation and how you came to produce it. The Student Affairs Team will invite you to attend this Viva Voce Panel meeting in person; you may be accompanied as set out in paragraph 4.2 above.
- 9.5 The Viva Voce Panel will normally be made up of the following members:
- i. a Chair from outside your own Division/Department;
  - ii. the local AIC who first investigated the allegation;
  - iii. a second AIC from outside your Division/Department; and
  - iv. a member of academic staff with relevant subject expertise.
- A member of the Student Affairs Team will act as secretary and adviser to the Viva Voce Panel. They will make a record of the meeting and will not be part of the decision-making process.
- 9.6 The Chair of the Viva Voce Panel will decide how the meeting will be conducted, ensuring that you are given a reasonable opportunity to present your case to the Panel. The Chair shall have the deciding vote if the Panel does not reach consensus.
- 9.7 Copies of all the documents to be considered by the Viva Voce Panel will be provided to you usually at least 5 working days before the meeting.
- 9.8 Where you are invited to a meeting of the Viva Voce Panel and do not attend, the meeting may proceed in your absence if the Chair is satisfied that you received proper notice of the date and time of the meeting and are absent without reasonable explanation. The Chair shall decide in their absolute discretion what constitutes "reasonable explanation."
- 9.9 The Viva Voce Panel will decide one of three outcomes:
- i. no academic misconduct;
  - ii. poor academic practice;
  - iii. academic misconduct.
- 9.10 Where the Viva Voce Panel concludes that there has been poor academic practice rather than academic misconduct, it will determine a suitable

reduction in the mark awarded. Where the Panel concludes that you have committed academic misconduct, it will determine a penalty in accordance with section 10 below.

- 9.11 You will be informed in writing of the decision and any reduction or penalty to be imposed within 10 working days of the Viva Voce Panel meeting.
- 9.12 You will be informed in writing of the decision and any reduction or penalty to be imposed within 10 working days of the Viva Voce Panel meeting.
- 9.13 You will have a right to request a Review of the decision of the Viva Voce Panel in accordance with section 11 below.

## **10. Penalties for Academic Misconduct**

- 10.1 Subject to paragraph 10.2 below, the penalties that can be imposed are:
  - i. a formal written warning recorded on your academic record;
  - ii. reducing the mark awarded to not lower than a pass mark (i.e., not lower than 40% for an undergraduate module and 50% for a postgraduate module);
  - iii. failure in the component of assessment with an opportunity for referral for a capped mark;
  - iv. failure in the module involved with the possibility of retaking the module (or alternative) for a capped mark at the next opportunity;
  - v. capping of a whole module mark to not lower than a pass mark;
  - vi. failure in the module involved with the possibility of repeating the module (or alternative) for a capped mark in the next academic year;
  - vii. failure in all modules in the current semester or year, with the possibility of repeating the modules (or alternative) for a capped mark;
  - viii. failure in all modules in the current semester or year, and a recommendation for a withdrawal from studies which will be sent to the Dean of your School for consideration.
- 10.2 If you have been subject to penalties (iii) to (viii) following findings of academic misconduct you will have neither:
  - i. the automatic right to referral in the same academic year; nor

- ii. the opportunity to repeat assessments uncapped in subsequent academic years.
- 10.3 If you have been subject to penalties (i) to (ix) following findings of academic misconduct, we will pass this information to the Immigration Compliance team who will take it into account for the assessment of your credibility to determine if you are a genuine student for the purpose of the immigration regulations. Reference to this can be found in our Student Sponsorship and the Issuing of Confirmation of Acceptance of Studies (CAS) Policy 2022-2023 found [here](#). As a result of this, the University may not be able to issue you a new CAS, even if you require a visa extension to complete your course. We will treat each case on a case-by-case basis, but our decision will depend on:
- i. the number of academic misconducts that you were found to have committed;
  - ii. the nature of the academic misconducts; and
  - iii. the penalty applied.
- ## 11. Review
- 11.1 If you are dissatisfied with the decision of the AIC (paragraph 6.8), the Academic Misconduct Panel (section 8), or the Viva Voce Panel (section 9), you have 10 working days to request a Review of that decision. The request should be submitted by raising a new case enquiry on myaccount choosing the following options:
- Nature of Enquiry – “General Enquiry”.
  - Topic “Academic Misconduct review request”.
- 11.2 If you are a former student who no longer has access to myaccount please email: [formerstudentcomplaintsandappeals@lsbu.ac.uk](mailto:formerstudentcomplaintsandappeals@lsbu.ac.uk) together with your full name and student number in the subject section of your email. We will normally acknowledge your request within 5 working days of receiving it.
- 11.3 A request for a Review will be granted on limited grounds, namely:
- i. there was a procedural irregularity at the formal stage (e.g., there was a material failure by the University to follow the Academic Misconduct Procedure, clear reasons were not provided for the decision, or there is evidence of bias);
  - ii. the outcome was not reasonable in all the circumstances (i.e., no reasonable decision-maker, properly directing him/her/itself and taking into account the relevant facts, could have reached that decision);
  - iii. new material evidence is available which you were unable, for valid reasons, to provide earlier in the process.
- 11.4 You should set out your concerns clearly and succinctly and provide evidence

in support (where possible). You must explain how your request for a Review falls within one or more of the grounds set out above in paragraph 11.2.

- 11.5 A senior member of staff who has not had a previous involvement in your case will make a decision as to whether your request for a Review is based on the permitted grounds and hence eligible to be considered and will notify you within 5 working days of receiving the request.
- 11.6 If we believe that the grounds are not satisfied, you will be informed of the decision to reject your request for a Review and a Completion of Procedures letter ("COP") will be issued to you (see paragraph 11.8 below for further information).
- 11.7 If we believe that one or more of the grounds for Review apply to your case, it will be referred to the PVC Education and Student Experience. They will review all information collated for the original decision, together with any new evidence presented, on the papers (but may contact you and/or anyone else involved in the matter if they consider it necessary).
- 11.8 The outcome of the Review will be that PVC Education and Student Experience either upholds the outcome made at the formal stage or makes a different finding which overturns the outcome. The decision taken at the Review stage is final. The final decision of the Review will be communicated to you in writing, with reasons, usually within 28 working days from your Review request being accepted.
- 11.9 If the outcome of the Review is favourable to you, you can request the University to provide you with a COP within 30 days of the date of the outcome letter. Where such a request is made, a COP will be provided within 14 days of the request. We will issue a COP as soon as possible and in any event within 28 days.

## **12. Independent External Review**

If you are not satisfied with the outcome of this process, you may make a complaint to the Office of the Independent Adjudicator for Higher Education provided you have been issued with a COP. That letter will explain how you can submit a complaint and the deadline for doing so is 12 months from the date of the letter.

## **13. Record keeping and Notification**

- 13.1 A formal penalty imposed in accordance with paragraph 10.1 shall be a permanent part of your student record.
- 13.2 It shall not be considered confidential that you have been subject to this procedure. The relevant members of the University staff, such as in Registry, School, Student Administration, Employability Services and HR (e.g., in cases where you are employed by the University as a Student Ambassador and/or Hourly Paid Lecturer, or in any other capacity) may also be notified. If you are an apprentice, the University will notify your employer.

13.3 The University reserves the right to disclose any penalty imposed on you (including your withdrawal from the University) in any references provided to third parties, or in order to comply with any regulatory reporting requirements.

#### **14. Use of Data**

- 14.1 The University will collect data on cases of academic misconduct at each stage of this procedure and any complaint submitted by you to any regulators (including the OIA), and use the data:
- i. internally for reporting, evaluation, learning and training; and
  - ii. externally for discussion with regulators in the higher education sector.
- 14.2 The data used by the University for the purposes set out in paragraphs 14.1 (i) and (ii) will be anonymised. Your personal data and sensitive personal data ('Personal Data') as defined by the Data Protection Act 2018 (the "DPA") may be disclosed to the University's members of staff and regulators only for the purpose of dealing with the allegation of academic misconduct, a complaint arising out of it and/or implementing any recommendations. Personal Data will not be shared with any other third parties unless the University has your express consent, has a statutory obligation to do so, or is otherwise permitted to do so under the DPA.

#### **15. Withdrawal of Awards**

The University reserves the right to withdraw and/or amend an award if evidence of academic misconduct becomes available after the conferment of that award.

## Appendix A: Support for students

The University provides a number of student support services. These are open to any student who is experiencing difficulties during their studies. Students are encouraged to engage with the services and take up any appropriate support available to them.

The following are LSBU run services and can be accessed via **MyAccount**:

a) **Mental Health and Wellbeing team**

Support and advice to any student experiencing personal difficulties, who may be struggling to cope at university or who just needs someone to talk to.

b) **Disability and Dyslexia Support (DDS)**

Disability & Dyslexia Support (DDS) is a dedicated service for students who have a disability, mental health condition, long term medical condition or specific learning difficulty (including dyslexia). We also offer screenings for dyslexia throughout the year.

c) **Student Advice**

Advice and guidance on financial and money management, and help with any personal, emotional, or academic issue you may face.

d) **Skills for Learning team**

The Skills for Learning team offer academic support in a range of areas (such as essay writing, presentation skills etc.).

We also offer online support at anytime, anywhere via **SilverCloud**. SilverCloud is an online self-help resource and can support you with anxiety, depression, body image or stress. It's free to use; just sign up with your lsbu.ac.uk email address: <https://lsbu.silvercloudhealth.com/signup/>.

Support is also available through the **Students' Union**. The Union provides free, confidential and impartial advice and a place to talk during difficult times you may face as a student. You can contact the Union by calling 07783 722730 or by emailing su.general@lsbsu.org or by visiting the SU reception in Room 103 - 106, Borough Road Building.