

# REGULATIONS ON ASSESSMENT OFFENCES: OFFENCES OTHER THAN PLAGIARISM

*These regulations are approved by the Academic Board*

*Last updated: August 2018*

*Please note that these regulations will apply to all assessment offences other than plagiarism in scripts submitted as assessment from 1 October 2007.*

## **Preamble**

Assessment is the means by which the standards that students achieve are made known to the School and beyond; it also provides students with detached and impartial feedback on their performance. It also forms a significant part of the process by which the School monitors its own standards of teaching and student support. It therefore follows that all work presented for assessment must be that of the student.

## **What is an offence other than plagiarism?**

1. An assessment offence under these regulations is any of the following:
  - 1.1 bringing books, notes, instruments or other materials however they are stored or transported, which might be used to the student's advantage and are not expressly allowed by the examiners under Regulation 3, into the examination room or using them in the examination room;
  - 1.2 communication in any form by a student during the examination to another individual or individuals except where expressly allowed by the examiners;
  - 1.3 in the examination room, copying or reading from the work of another student or from another student's books, notes, instruments, computer files or other materials or aids, unless expressly allowed by the examiners;
  - 1.4 offering a bribe of any kind to an invigilator, examiner or other person connected with assessment;
  - 1.5 using software or information stored electronically in any form that is not expressly allowed by the examiners;
  - 1.6 providing or receiving information about the content of an examination before it takes place, except when expressly allowed by the department or institute concerned;
  - 1.7 impersonating or trying to impersonate a candidate, or attempting to procure a third party to impersonate oneself;
  - 1.8 any unauthorised study and/or unauthorised absence of a candidate from the examination room during the period of the examination;
  - 1.9 any attempt to tamper with examination scripts or coursework after they have been submitted by candidates;
  - 1.10 fabricating or falsifying data or results by individual students or groups of students;
  - 1.11 not complying with the reasonable request of an invigilator under these or other regulations and rules;

- 1.12 any conduct of which the result would be an advantage for the student obtained by subterfuge or action contrary to published rules or regulations;
- 1.13 removing from the examination room without authority stationery or other materials supplied by the School.
2. An attempt to commit an assessment offence is itself an assessment offence.
3. The examination board shall specify such books, notes, instruments, computer files or other materials or aids that are allowed to be used in conjunction with assessment. Any other articles may not be brought into, handled or consulted during an examination. Any such articles in the possession of a student on entry to the examination room must be deposited immediately with the invigilator.
4. The student must on request surrender to the invigilator any books, notes, instruments, computer files or other materials or aids introduced into an examination room that the invigilator reasonably believes are not allowed under Regulation 3. The invigilator shall pass such articles to the School, which may make copies of them and may retain the original articles and the copies at its absolute discretion.

#### **Procedure Under These Regulations**

##### **5. Introduction**

These regulations apply to allegations of assessment misconduct other than plagiarism against any student (for the avoidance of doubt, this includes MPhil and PhD students). They apply to all work submitted by a student for any kind of opinion or assessment by staff of the School or under School regulations.

##### **6. In these regulations the following definitions apply:**

- 6.1 *script* means work of any kind submitted for assessment or opinion by staff of the School, including material submitted for upgrade to PhD status;
  - 6.2 *examination board* means the body of examiners that initially considers the work of the student;
  - 6.3 *award* means the result decided by an examination board in any course or programme, howsoever expressed.
  - 6.4 *year* means the academic session in which a proven offence was committed.
7. If a student infringes these regulations they will be liable to action under these regulations or under the Disciplinary Regulations for Students.

All action under these regulations, whether by the student or by the School, should be conducted promptly.

#### **Making an allegation**

8. Only an invigilator or examiner may make an allegation of an assessment offence as defined under these regulations against a student. An invigilator should normally make an allegation as part of their report on the examination concerned. An allegation must be made confidentially in writing to the Academic Registrar.

9. The Academic Registrar may consult the Dean of Undergraduate or Graduate Studies ('the Dean') as appropriate. If, in the opinion of the Academic Registrar and the Dean, the nature of the offence is such that if proved it would result in no, or a very small, amendment to the decision of the examination board and there is no other justification for further time being spent on the allegation, then the Academic Registrar shall invite the student to consent to a disposal under this regulation. If the student consents, a note will be placed on their file held by the Academic Registrar identifying that the offence was alleged and considered. The tutor or supervisor may counsel the student as to their future behaviour. The examination board shall be informed of the decision: if the student's final result is borderline, it shall be entitled to take any possible advantage gained from the allegation into account. If the student does not so consent, the allegation shall be heard by an Assessment Misconduct Panel set up under these regulations.
10. Unless Regulation 9 applies, the Academic Registrar shall then either:
  - 10.1 dismiss the allegation, in which case no further reference shall be made to it and no information about it shall be added to the student's file, or
  - 10.2 (subject to the provision set out in Regulation 15) present the allegation formally and in writing to the student.
11. Except where paragraph 10.1 applies, the Academic Registrar will refer the allegation to an Assessment Misconduct Panel set up under these regulations.

### **The assessment misconduct panels**

12. An Assessment Misconduct Panel shall comprise four members. The Chair of the Undergraduate Studies, Graduate Studies, or Research Degrees Sub-Committee, as appropriate, will normally chair the Panel unless excluded from membership because of previous connection with the assessment in question or with the allegation: in which case the Vice-Chair of the relevant Sub-Committee will chair it. Two academic members of the relevant Sub-Committee and a sabbatical officer of the Students' Union will also serve on the Panel as members.

No person directly involved in the assessment in question or connected in any way with the allegation or the student will serve as a member when the Panel considers a case. The Academic Registrar will appoint a secretary to the Panel. All relevant documentation will be placed before the Panel.
13. The role of the Panel is:
  - 13.1 to decide whether the assessment offence allegation has been proved to the satisfaction of a majority of Panel members, on the balance of the evidence presented to them, and
  - 13.2 where the allegation is found proved, to apply a penalty from the list set out in Regulation 31.
14. The Panel is quorate when three of its members are present, one of whom must be the Chair.

### **Preparation for assessment misconduct panel hearing**

15. Any action under Regulations 10-34, including for the avoidance of doubt notifying the student of the allegation, will normally be delayed if the student is sitting any examinations within four weeks from when the allegation would have been put to them. This regulation does not apply to any action taken under Regulation 9.

16. The secretary to the Panel shall:
  - 16.1 send the student a copy of the allegation and any relevant documents that provide evidence in support of it, a copy of these procedures and a proposed timetable for progressing the matter,
  - 16.2 invite the student to state whether the allegation is true or false and to provide a statement and/or any evidence relevant to the case, giving a time limit of not less than five working days for them to respond, and
  - 16.3 advise the student that they might wish to seek advice from the Students' Union and (if an undergraduate) from the Tutor or Departmental Tutor or (if a graduate student) from the Supervisor or Programme Director.
17. If the student admits the allegation, the secretary to the Panel shall ask them for any written observations that would help the Panel in deciding the action to be taken.
18. If the student denies the allegation and submits a statement and/or evidence in response, the secretary to the Panel shall pass the student's submissions to the examiner(s) or invigilator(s) concerned who may provide a written response within ten working days for consideration by the Panel.
19. All submissions received under Regulation 16.2 and/or 17, and 18, will be made available to the Panel.
20. A meeting of the Panel will normally be called to consider the allegation. The only exception to this requirement will be by approval of the Deputy Director (Teaching and Learning), if, for example the student has provided medical evidence indicating that participation in a formal hearing would clearly be contrary to the School's mental health policies or mental health legislation and both the department/institute concerned and the student agree to a mark of zero for the course: in which case the allegation shall be resolved at departmental or institute level.
21. The secretary to the Panel shall:
  - 21.1 inform the student of the date on which the hearing is to take place at least five working days beforehand (though the student is entitled to waive this period of notice), of the membership of the Panel, of any witnesses who will attend, and of their right to call witnesses;
  - 21.2 provide the student with a copy of any response received under Regulation 18 and any other material that the Panel will consider;
  - 21.3 invite the student to attend the hearing of the allegation and to make representations, present evidence and question any witnesses;
  - 21.4 inform the student that they may be accompanied or represented on the conditions set out in Regulation 22; and
  - 21.5 inform the student that they may submit additional written submissions and other forms of evidence to the Panel as long as these are received by the secretary at least two working days before the Panel hearing. Evidence submitted later will only be considered by agreement of the Panel Chair.

### **Assessment Misconduct Panel Hearings**

22. The student may be accompanied by an officer of the Students' Union or by a friend or representative. In this event, they shall inform the secretary to the Panel of the background and professional qualifications of the friend or representative at least five working days before the date set for the hearing.
23. Where the student has indicated that they are to be represented, the Academic Registrar may recruit a representative to assist the School at the hearing.
24. Any person in attendance under Regulation 23 will have the rights to submit documents and other forms of evidence to the Panel (subject to the timeframe and terms set out in Regulation 21.5), to see or to listen to, as appropriate, all evidence given, to question the student and other witnesses appearing before the Panel, and to challenge evidence submitted by the student.
25. The student will have the rights to submit documents and other forms of evidence to the Panel (subject to Regulation 21.5), to see or to listen to, as appropriate, all evidence given, to question witnesses appearing before the Panel, and to challenge evidence. The student's friend or representative may attend the meeting either to accompany the student or to respond to the allegation.
26. The Panel may adjourn the hearing to seek other evidence to help it in reaching its decision. Independent expert evidence may be obtained and introduced by either party, including on the use of IT hardware or software, as long as it is received by the secretary at least two working days before the Panel hearing. Any evidence requested by the Panel shall be disclosed to the student and any person in attendance under Regulation 23, who shall each be given the opportunity to comment upon it. Where a hearing has restarted, its membership shall be as originally appointed; no substitutes or replacements will be allowed except in exceptional circumstances.
27. The student and their representative, any person who attended the initial hearing under Regulation 23, and witnesses are entitled to attend the return hearing. The student and any person who attended the initial hearing under Regulation 23 are also entitled to serve further evidence and/or written submissions in response to any new evidence to be considered by the Panel, as long as these are received by the secretary at least two days before the re-start of the hearing.
28. The validity of the proceedings of the Panel will not be affected by the unwillingness or inability of the student, or other person acting with or for them, to reply to questions, orally or in writing, or to appear before the Panel. Before considering an allegation in the absence of the student, the Panel must satisfy itself that the secretary to the Panel has fulfilled Regulations 16-21 and that the student has had a reasonable opportunity to respond. Where the Panel concludes that the student or their representative is unwilling to reply to a question or questions, the Panel may draw reasonable inferences from that refusal.
29. The Panel may meet in private, with its secretary in attendance, when it wishes, provided that in such meetings it does not hear evidence. When the hearing of the evidence has been completed the Panel will meet in private, with its secretary in attendance, to make its decision.

#### **The assessment misconduct panel's decision and subsequent action**

30. Having conducted the hearing:

- 30.1 if the Panel decides that the allegation has not been proved, it shall direct that no further action be taken, and no record of the allegation or the proceedings be included on the student's record. The Academic Registrar will inform the student in writing;
- 30.2 if the Panel decides that an offence against these regulations has been committed by the student, it shall apply one of the penalties listed at Regulation 31, in each case with a formal admonition to the student and a note being placed on their record. In doing so it shall seek to reflect the seriousness of the offence, and may take into account any previous assessment offences committed by the student. In reaching its decision the Panel will be mindful of the need of the School to assure the highest standards among its students.
31. The penalties available to the Panel are
- 31.1 (all students) that, despite the allegation being upheld, no penalty be incurred and that a mark be returned for the script in question, or
- 31.2 (undergraduate and taught postgraduate students) that the student be awarded a zero mark, either for the assessed script or for the course as a whole, with the right to re-submit the script or repeat the course in the following year subject to the degree regulations. For new undergraduate students starting in the 2018/19 academic year, they will repeat the assessment in the subsequent resit and deferral period subject to degree regulations and the overall course mark at resit will be capped at the pass mark for the programme of study<sup>1</sup>. Or
- 31.3 (undergraduate and taught postgraduate students) that the student be awarded a zero mark for the course as a whole and a zero mark for one or more other courses taken that year, with the right to repeat all courses in the following year subject to degree regulations. For new undergraduate students starting in the 2018/19 academic year, they will repeat the assessments in the subsequent resit and deferral period subject to degree regulations and the overall course mark at resit will be capped at the pass mark for the programme of study<sup>1</sup>. Or
- 31.4 (undergraduate students) that the student be awarded a zero mark for the course as a whole and be denied the right to re-sit it or an equivalent course;
- 31.5 (undergraduate and taught postgraduate students) that the student be awarded a zero mark for all courses taken that year, or for all courses taken that year and in one, two or all previous years, and also be expelled from the School, or
- 31.6 (PhD students) that the student be awarded an MPhil degree, and that they are denied the right of re-submission or right of appeal save as set out in Regulation 34 below, or
- 31.7 (PhD or MPhil student) that the student not be awarded any degree, and that they are denied the right of re-submission or right of appeal save as set out in Regulation 34 below, and that they are also be expelled from the School.
32. If an assessment offence is discovered after graduation, the student's degree may be revoked and they will be subject to one of the penalties set out at Regulation 31 (following the procedure set out in the appropriate regulations arising out of the School's bye-laws).
33. The decisions of the Panel under Regulations 30-31 shall where practicable be given to the student orally by the chair of the Panel and will be conveyed to them in writing by the secretary to the Panel. The secretary to the Panel will also send to the student the report of the Panel.

34. Where a Panel has decided that an offence against these regulations has been committed, the student will have the right to appeal against that decision on the following grounds:

34.1 that the Panel was constituted in such a way as to cast doubt on its impartiality, and/or

34.2 that there has been a material breach of these procedures that affected the fairness of the Panel's decision, and/or

34.3 that relevant fresh evidence has been received that might have caused a different decision to have been made, provided the student can show that it was neither reasonable nor practical to have presented the evidence to the Panel before its decision.

Any such appeal must be received by the Academic Registrar within ten working days of the date of the letter sent under Regulation 33.

35. A Pro-Director shall have the sole right of determining whether the student has presented sufficient grounds to warrant reopening the hearing. It will be open to a Pro-Director considering an appeal to consult the Panel Chair who heard the case in question, if necessary. If they so decide, it will be open to them either:

35.1 to change the penalty decided by the Panel in the light of fresh evidence provided under 34.3 to one which in their opinion is less serious, or

35.2 to direct a rehearing by a different Panel constituted under Regulation 12 in the light of an appeal under any of Regulations 34.1-34.3, or

35.3 to reject the appeal on the basis that the student has not present sufficient grounds to warrant reopening the hearing.

36. If the student does not appeal, or appeals unsuccessfully, they will receive final confirmation of the penalty and an explanation about its impact on their status with the School in a letter from the Academic Registrar. The consideration of an appeal against the decision of a Panel under these regulations will exhaust the opportunities open to the student within the School. It will then be open to the student to take their case to the Office of the Independent Adjudicator for Higher Education.

#### Notes

<sup>1</sup>The pass mark for undergraduate programmes of study (BA, BSc) is 40%.

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See the [Calendar](#) for further information about Programme Regulations, Course Guides, School and academic Regulations.