

## **Resolution No 291 of 2018**

### **CODE OF PRACTICE ON STUDENT DISCIPLINE (ACADEMIC)**

After consultation with the Senatus Academicus, the University Court of the University of Aberdeen, at its meeting on 27 June 2018 passed the following Resolution:

1. The procedures to be followed in the exercise of the Senatus' powers in regard to student discipline in academic matters shall be as set out below.
2. This Resolution shall come into force on the date on which it is passed by the University Court.
3. Resolution no. 280 of 2015 (code of Practice on Student Discipline (Academic)) is hereby revoked.

### **CODE OF PRACTICE ON STUDENT DISCIPLINE (ACADEMIC)**

#### **1. PURPOSE OF THIS CODE**

The University is a community dedicated to the advancement and dissemination of knowledge through research, teaching and learning. Those objectives can only be achieved if the members of the University community can live and work beside each other in conditions of safety and security and with respect for the norms of academic behaviour. This Code is intended to support these objectives by prescribing sanctions against Academic Misconduct by students. It is expected that students will have been made aware of what is meant by Academic Misconduct by their respective Schools at the start of teaching/their programme. This Code should be read and applied in the light of the above.

#### **2. GENERAL PROVISIONS**

- 2.1 The Head of School is mentioned throughout this Code as having responsibility for dealing with alleged cases of Academic Misconduct. The Head of School may, however, delegate full authority under this Code to another member of academic staff.
- 2.2 An Investigating Officer will be selected by the Academic Registrar from a list of appointed academics. The Investigating Officer will be from a different School from which the allegation has been raised. In cases of Research Misconduct the Investigating Officer will normally be the Vice-Principal with responsibility for research.
- 2.3 The Academic Registrar may delegate responsibility under any aspect of the Code to another member of staff.
- 2.4 The standard of proof that shall be used in all cases under this Code is the balance of probabilities. This is the same standard used in civil law proceedings. This means that a Head of School, Investigating Officer or anyone else permitted to make a decision under this Code will be satisfied that an event occurred if they decide, having reviewed the evidence available, that the occurrence of the event was more likely than not.
- 2.5 The possible decisions an Investigation Officer can take when deciding if a case of alleged Academic Misconduct has taken place are: proven; not proven; or case dismissed.
- 2.6 Reference to the CGS in the Code refers to grades available under the Universities Common Grading Scale.
- 2.7 The role of internal and external examiners shall be restricted to the presentation of evidence; they shall have no role in deciding whether a student is guilty of cheating.

### **3. ACADEMIC MISCONDUCT**

3.1 This sections outlines three separate offences that the University regards as Academic Misconduct. These are: Cheating; Plagiarism; and Research Misconduct. Committing an act of Academic Misconduct in any assessment, examination process or in any required element of your programme, whether formative or summative, can result in disciplinary action being taken under this Code.

#### **3.2 Cheating**

“Cheating” includes but is not limited to:

- (a) possession in an examination of any material or electronic device which has not been authorised in writing by the relevant Course Co-ordinator. Students whose first language is not English may, however, refer to a dictionary where this is approved by the Invigilator at the start of the examination;
- (b) copying from another student in an examination;
- (c) removing an examination book from an examination room;
- (d) impersonating another candidate in relation to any assessment;
- (e) permitting another person to impersonate oneself in relation to any assessment;
- (f) paying or otherwise rewarding another person for writing or preparing work to be submitted for assessment;
- (g) colluding with another person in the preparation or submission of work which is to be assessed. This does not apply to collaborative work authorised by the relevant course coordinator;
- (h) duplicating work for assessment by submitting coursework containing material identical, or substantially similar, to material which has already been submitted by the same student for any other assessment; and
- (i) any other conduct reasonably considered to amount to cheating as decided by the Head of School on a case by case basis.

#### **3.3 Plagiarism**

“Plagiarism” is defined by the University as the use, without adequate acknowledgment, of the intellectual work of another person in work submitted for assessment. A student cannot be found to have committed plagiarism where it can be shown that the student has taken all reasonable care to avoid representing the work of others as his or her own.

#### **3.4 Research Misconduct**

3.4.1 “Research Misconduct” applies to students studying a fully research based programme such as the Master of Research or PhD. “Research Misconduct” is defined by the University as:

The fabrication, falsification, plagiarism or deception in proposing, carrying out or reporting results of research, or deliberate, dangerous or negligent deviations from accepted practices in carrying out research. It includes failure to follow established protocols if this failure results in unreasonable risk or harm to humans, other vertebrates, or the environment, and facilitating of misconduct in research by collusion in, or concealment of, such actions by others. It also includes financial impropriety in accounting for research funds, intentional unauthorised use, disclosure or removal of, or damage to, research-related property of the University or of another, including apparatus, materials, writings, data, hardware or software or any other substances or devices used in or produced by the conduct of research.

3.4.2 Research Misconduct does not include honest error or honest differences in the design, execution, interpretation or judgement in evaluating research methods or results, or misconduct unrelated to the research process. Similarly it does not include poor research unless this encompasses the intention to deceive.

#### **4. SCHOOL PROCEDURE IN CASES OF ACADEMIC MISCONDUCT**

##### **4.1 Preliminary Investigation**

4.1.1 Where there is reason to believe that Academic Misconduct may have taken place, the Head of School shall decide if it is appropriate to conduct a Preliminary Investigation in accordance with section 4.1.3.

4.1.2 The possible outcome following a Preliminary Investigation depends on the nature of the allegation and in the case of Plagiarism whether the student has been found guilty of Plagiarism before. The outcomes and processes for allegations of Plagiarism in a course at level 1-5 (taught element only) are outlined in section 4.2 with the outcomes and processes for other forms of Academic Misconduct outlined in section 4.3.

4.1.3 The procedure to be followed by the Head of School when conducting a Preliminary Investigation is as follows, with further provisions applying to both Preliminary Investigation meetings and Discipline Hearings outlined in Appendix A:

- (a) a meeting should be arranged with the student no later than 10 working days after the allegation is raised;
- (b) the student should be contacted, in writing, outlining the reasons for the meeting, clearly stating the allegation, and confirming that he or she may be accompanied by another person if they wish. At the same time the student must be provided with copies of all evidence supporting the allegation of Academic Misconduct;
- (c) another member of staff shall be present at the meeting for the purpose of taking a record of the discussion, and additional staff members may be present if the Head of School requests; and
- (d) the student should be sent a copy of the meeting's outcome and record of the discussion to confirm its accuracy, no later than 5 working days after the meeting is held.

##### **4.2 School dealing with alleged Plagiarism by students in taught courses at level 1-5**

4.2.1 Where an allegation of Plagiarism is made against a student registered in a course at level 1-5 (not including the project or dissertation element of a PGT programme) the Head of School shall contact the Registry to ascertain whether the student has been found guilty of committing Plagiarism under this Code before. In determining if a student has committed Plagiarism before the Registry will take into account the date the outcome of a previous case was communicated to the student and its relationship to the submission date of the new piece of work. Assuming the student had submitted the work under investigation after a previous finding of Plagiarism was made under this Code the allegation shall be taken to relate to a second offence.

4.2.2 The Head of School shall then conduct a Preliminary Investigation as outlined in 4.1.3 above.

4.2.3 The Head of the School, having completed the Preliminary Investigation and considered all of the evidence submitted, may:

- (a) decide that plagiarism has not occurred and dispose of the case; or
  - (b) decide that plagiarism has occurred.
- 4.2.4 If the Head of the School decides that plagiarism has not occurred the case should be disposed of as follows:
  - (a) the student should be written to within 5 working days informing them that no further proceedings will be taken;
  - (b) the student shall be informed that the mark awarded for the assessment in question will reflect the amount of independent work of the student and appropriately referenced work of the student; and
  - (c) the student shall be provided, in writing, the University's definition of Plagiarism and guidance on its avoidance, including how to reference material correctly.
- 4.2.5 If the Head of School decides that Plagiarism has occurred, and this is the first time the student has been found to have committed Plagiarism further to section 4.2.1 above, he or she shall have the following outcomes available to dispose of the case. The outcome chosen can be based on consideration of mitigating circumstances raised by the student during the Preliminary Investigation or the general significance of the plagiarised elements of the assesment in question:
  - (a) to award a mark of G3 for the assessment in question;
  - (b) to allow the student to resubmit the work in question for assessment, taking into account advice given during the meeting on avoiding plagiarism and any other support deemed appropriate for the specific case (which may include referral to the Student Learning Service for advice and support) with the ultimate grade being capped at a D3 where deemed appropriate; and
  - (c) to ask that the work be assessed, ignoring the plagiarised elements, and a mark provided in the usual way.
- 4.2.6 After chosing an outcome the Head of School must write to the student within 5 working days of the meeting confirming that the outcome will be passed to the Academic Registrar who will issue a formal written warning to the student that any future allegation of Plagiarism will be dealt with under the Code and the nature of the penalty that may be imposed in such a case. The finding of Plagiarism, and the specific outcome, shall then be recorded on the student's record by Registry.
- 4.2.7 If the Head of School decides that plagiarism has been committed, and the student has previously been found to have committed plagiarism further to section 4.2.1 above, the Head of School shall refer the matter to the Academic Registrar in accordance with section 5. The Head of School must inform the student in writing that the matter is being referred to the Academic Registrar for a Discipline Hearing to be arranged under this Code.
- 4.2.8 The Head of School shall have the discretion to refer any case where plagiarism is suspected for further investigation though the Academic Registrar in accordance with section 5. The Head of School must inform the student in writing that the matter is being referred to the Academic Registrar for a Discipline Hearing to be arranged under this Code.

#### **4.3 School dealing with other cases of Academic Misconduct**

4.3.1 Where an allegation of Academic Misconduct is made against a student that is not covered by section 4.2, the Head of the School shall conduct a Preliminary Investigation as outlined in section 4.1.3 above.

4.3.2 The Head of the School, having held the Preliminary Investigation and considered all of the evidence submitted, may:

- (a) decide that Academic Misconduct has not occurred; or
- (b) decide that there are good reasons for believing that Academic Misconduct may have occurred.

4.3.3 If the Head of the School decides that Academic Misconduct has not occurred, he or she shall write to the student within 5 working days of the meeting informing them that no further action will be taken.

4.3.4 If the Head of School decides that Academic Misconduct may have occurred he or she shall refer the matter to the Academic Registrar in accordance with section 5. The Head of School must inform the student in writing that the matter is being referred to the Academic Registrar for a Discipline Hearing to be arranged under this Code.

#### **5. REFERRING A CASE FOR A DISCIPLINE HEARING**

5.1 Cases must be referred in writing to the Academic Registrar within 5 working days of the conclusion of the Preliminary Investigation. When referring a case to the Academic Registrar no less than the following should be provided:

- a covering letter or email confirming the full details of the allegation;
- a copy of the record taken at any meeting/discussion held during the Preliminary Investigation;
- the original piece(s) of work clearly identifying the sections in which Academic Misconduct is alleged to have taken place;
- for Plagiarism cases:
  - a) the source of the plagiarised material should be clearly marked on the original piece(s) of work submitted to identify the corresponding section(s) and, if available, the Originality report;
  - b) the source(s) of the plagiarised materials;
  - c) copies of relevant Student Handbook(s), Course Handbook(s) and any other written material routinely provided to students drawing their attention to the University's definition of Plagiarism together with additional details of information and support provided to students on how to avoid Plagiarism;
- written reports from individuals, Tutors or Invigilators present at the time that the alleged offence took place (if applicable);
- for collusion cases - copies of relevant Student Handbook(s), Course Handbook(s) and any other written material routinely provided to students drawing their attention to the rules regarding the boundaries for collaborative working.

- 5.2 On receipt of a properly referred case the Academic Registrar shall then arrange for a Discipline Hearing to be conducted in accordance with the procedures in this Code.
- 5.3 When arranging a Discipline Hearing the Academic Registrar shall select an Investigating Officer to hear the case in accordance with this Code. They shall also ensure a Clerk is present at the meeting to take a general note of discussion and to provide guidance on procedure and the application of this Code.

## **6. STANDARD OUTCOMES FOLLOWING A DISCIPLINE HEARING**

### **6.1 General provisions**

- 6.1.1 The penalties which can be imposed by an Investigating Officer following a Discipline Hearing where an allegation of Academic Misconduct is proven are as set out in sections 6.2 to 6.5 below.
- 6.1.2 If the penalty imposed means that the student fails the course, the normal rules for resit examination, re-submission of assessed work or other re-assessment for that course shall apply.
- 6.1.3 Where a reassessment diet arises before the conclusion of proceedings under the Code, the student should be allowed to submit for reassessment, but the grade should be withheld by the School until the outcome of proceedings are known and applied.
- 6.1.4 Where mentioned, expulsion means the termination of matriculated student status involving a total prohibition on attendance at or access to the University and on any participation in University activities. A student who has been expelled will not normally be eligible for re-admittance to the University.
- 6.1.5 Where a student is expelled under this Code, if they have already satisfied the requirements for an award prior to the offence(s) being committed, they will be allowed to graduate with that award.
- 6.1.6 An Investigating Officer has the discretion to impose a lesser or reasonable alternative penalty than provided in this Code where it is thought appropriate to do so having reviewed all the evidence in the case and any statements or explanations provided by the student.
- 6.1.7 An Investigating Officer can make alterations to the process to be followed at a Discipline Hearing where it is reasonable to do so AND the student agrees to the alterations in advance.

### **6.2 Standard outcome for a first offence of Cheating/Plagiarism in a level 1-5 taught course**

- 6.2.1 The student shall be awarded CGS G3 for the component of assessment (for example, a written examination or piece of in-course assessment) in which he or she is found guilty.
- 6.2.2 Where a student has been found guilty of Cheating/Plagiarism in any component of assessment for more than one course, or more than one component within one course, the student shall be awarded an overall CGS G3 for the course(s).

6.2.3 If the imposition of a penalty under section 6.2.2 means that the student fails the course and a resit is permitted, the CGS mark attainable following reassessment will be restricted to a maximum of CGS D3.

**6.3 Standard outcome for a subsequent offence of Cheating/Plagiarism in a level 1-5 taught course (also see section 6.4 below)**

6.3.1 Where a student is found guilty of Cheating/Plagiarism in any component of assessment for the second time the student shall be awarded an overall CGS G3 for the course(s) and may be expelled.

**6.4 Standard outcome for Cheating/Plagiarism in Taught Postgraduate Programmes: Dissertation or Element of Assessment Contributing one-third or more to the Grade Spectrum**

6.4.1 The student shall be awarded CGS G3 for the overall course mark (or the equivalent unit of assessment) in which the assessment of which he or she is judged to have Cheated/Plagiarised relates.

6.4.2 No resit examination, re-submission of assessed work or other re-assessment shall be permitted, nor can any other course be substituted for that which has been failed under that section.

6.4.3 Where a student is judged to have Cheated/Plagiarised in any component of assessment for more than one course the student shall be awarded CGS G3 for the course(s) and shall be expelled.

**6.5 Standard outcome for Research Misconduct**

6.5.1 The student shall fail the degree in respect of which Research Misconduct is established, and shall not be permitted to submit work for this or any other research degree of the University. The student shall be expelled.

**7 RIGHTS OF APPEAL**

7.1.1 A student has the right of appeal against any decision made under this Code using the University's Policy and Procedures on Student Appeals but only if there are valid grounds to appeal. Full details on this process and the grounds on which an appeal can be submitted are available on the University Website by consulting the University's Policy and Procedures on Student Appeals.

## **Preliminary Meetings and Discipline Hearings**

### **1 Procedure when arranging a meeting/Discipline Hearing under this Code**

- 1.1 The student who is the subject of action under this Code shall be informed in writing of any allegations made against him or her and the date, time and location of the proposed meeting/Discipline Hearing. Normally notice of at least five working days shall be given of any meeting that requires the student's attendance.
- 1.2 The student shall be provided a copy of this Code and any other relevant Codes of Practice as part of the initial communication regarding the meeting/Discipline Hearing. The student shall also be provided with copies of all written submissions which are to be considered at the hearing.
- 1.3 The student shall be invited to respond in writing to allegations, but shall not be required to do so.
- 1.4 The student shall be required to confirm that they will attend the hearing on the specified date/time and provide details of any witnesses they wish to be present at the meeting/Discipline Hearing.

### **2 Representation**

- 2.1 The student may be accompanied or represented at any meeting/Discipline Hearing by one person of his or her choice. The Head of School/Investigating Officer has the discretion to permit additional persons to accompany the student at any meeting/ Discipline Hearing, though the student must request this in advance.
- 2.2 Where a student is alleged to have committed an offence under this Code with another individual, that individual may not accompany the student at any meeting/Discipline Hearing connected with the offence. That other individual may, however, be called as a witness at the meeting by either the Head of School/Investigating Officer or the student to which the meeting/Discipline Hearing relates.
- 2.3 The University will not provide legal or other representation for students subject to proceedings under this Code. Students can seek independent advice on the application of this Code, and obtain representation at a meeting/Discipline Hearing, from Aberdeen University Students' Association.

### **3 Extenuating or Mitigating Circumstances**

- 3.1 The University Policy and Procedures on Student Appeals and Complaints stipulates that if a student believes that a medical condition or other personal circumstances have affected their performance in an assessment they must notify the Head(s) of the relevant School(s) in writing, not more than seven days after the date of submission of the assessment or exam concerned.
- 3.2 Where a student has not given notice of extenuating or mitigating circumstances within the required timescale, they cannot be accepted as evidence under this Code unless permitted by the Head of School after a satisfactory explanation for the delay in providing the information is given.
- 3.3 Medical or extenuating circumstances which have not been raised prior to a Discipline Hearing will not normally be accepted as evidence. If raised for the first time after the Preliminary Investigation has taken place it will be at the Investigating Officer's discretion as to whether it is necessary for the Discipline Hearing to be adjourned and the evidence referred back to the Head of School to decide

whether there are grounds on which to accept the late notification. The Head of School will make this decision having regard to the expected timescale for submission of such evidence and the reason for this delay. Their decision will be final. Once this decision has been taken, if the Head of School decides the case still requires further investigation under this Code, a new Discipline Hearing shall be arranged in accordance with this Code.

#### **4 Determination of a case in the absence of the student**

- 4.1 Where a student cannot attend an initial meeting/Discipline Hearing, as an alternative, he/she can either select another person to represent him or her, or submit further representations in writing, but shall not be required to do so. Where a student elects to select another person to represent him or her, written notification of this must be submitted to the School and/or Registry no later than two working days prior to the date of the hearing.

Where a student is registered as “off campus” and physical distance means that students and staff cannot readily attend a meeting in person, the student should be contacted and given the opportunity to respond to the School’s allegation in writing or a meeting shall be arranged by other means of communication (telephone call meeting/video call). The cost of an overseas teleconference shall be borne by the student whose conduct is under scrutiny.

- 4.2 Where a student cannot attend an initial interview or hearing and requests that the interview or hearing be deferred to allow him/her to attend in person, the student cannot subsequently use the impact which the deferral of the interview or hearing may have on his/her academic performance as grounds for an appeal or complaint.
- 4.3 In the event that an initial interview or hearing is deferred at the request of the student the interview or hearing must be rescheduled to take place on a date normally within 6 weeks of the date originally notified to the student. If the student is unable to attend the rescheduled interview or hearing, the case will be considered and a decision reached in the absence of the student. Under the terms of paragraph 4.1 the student can either select another person to represent him or her, or submit further representations in writing.
- 4.4 Where a student has not informed the School/Registry in advance that they are unable to attend a meeting/Discipline Hearing, the case may be considered and a decision reached in the absence of the student.

**Procedure at a Discipline Hearing**

1. The Investigating Officer will outline the procedures to be followed, after which the witness(es) will be asked to leave until called to give evidence.
2. The Investigating Officer will then outline the nature of the allegation(s) against the student and invite the student to state whether he or she admits or denies the allegation(s).
3. The Investigating Officer will invite the Head of the School to make a statement on behalf of the School. The Head of School making the allegation of Academic Misconduct may, at this stage, present supporting evidence to the Investigating Officer. Supporting evidence may include oral testimony of witnesses or previously submitted written evidence.
4. The Investigating Officer will invite the student to make a statement in response to the Head of School and the allegation made against them.
5. The student and/or the student's representative may, at this stage, present supporting evidence to the Investigating Officer. Evidence may include oral evidence of witnesses or written submissions.
6. The student and/or his or her representative will be invited to address questions through the Investigating Officer to any witness(es) on their statement(s) and on their written submissions at the time they give their evidence to the Discipline Hearing after which they shall be asked to leave until formally dismissed by the Investigating Officer or the Clerk.
7. The Investigating Officer will take the opportunity to seek clarification on any points raised.
8. The student and/or his or her representative will be invited to give a concluding statement.
9. When all statements have been made, all witnesses heard and all questioning completed, all persons present other than the Investigating Officer and the Clerk must leave the room. The Clerk remains with the Investigating Officer solely for the purpose of recording the Investigating Officer's decision and takes no part in the decision making process.
10. The Investigating Officer will consider the evidence and reach a decision, which will be communicated to the student in writing, normally within five working days.
11. Where the Investigating Officer feels the need to obtain additional supporting evidence or clarification from another party, the normal decision making framework may be delayed. The student will be advised of any delay and, where possible, the student will be advised of this at the end of the Discipline Hearing.
12. Having reviewed any additional evidence or clarification the Investigating Officer can decide to issue his final decision through the Clerk, or can ask for the Discipline Hearing to be reconvened as soon as possible to present his or her findings and reach a final decision.