



CODE OF STUDENT DISCIPLINE: ACADEMIC MISCONDUCT

Purpose

As members of the University, students subscribe to academic regulations, which are intended to safeguard the quality of an Abertay degree and all work submitted by students is expected to constitute sound academic practice. The purpose of the Code is to be corrective if possible rather than punitive, to help and encourage students to achieve and maintain good standards of academic practice, to ensure consistent and fair treatment for all and to protect the University's academic integrity.

Principles

Our policy and practice should:

Be fair;

Be applied consistently;

Encourage students to be responsible in their use of data, sources, evidence and other information, however derived, in their academic work;

Not disadvantage students accused of alleged misconduct;

Be simple, understandable and administratively straightforward.

Practice

This Code is intended to demonstrate how the University will proceed where students do not comply with the academic standards expected of them, the process through which allegations of misconduct by students will be considered and the possible sanctions that may be applied where such misconduct is proven.

Academic Services

September 2020

Creator	Academic Services
Approved By	Senate (v1.0)
Approval Date(s)	October 2020 (v2.1) approved by TLC
Current Version	Sanctions updated to reflect the Services restructure and changes to appeals.

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Abertay University

CODE OF STUDENT DISCIPLINE: ACADEMIC MISCONDUCT

1. PURPOSE OF THIS CODE

The University is a community dedicated to the advancement and dissemination of knowledge through research, teaching and learning which expects, requires and promotes a culture of good academic practice. The degrees and other academic awards of the University are granted in recognition of a student's individual achievement and no student is permitted to gain an advantage unfairly over others. Any deliberate attempt to obtain an unfair advantage by one or more of a variety of means (including, but not exclusively, those described below) will be penalised. This Code is intended to support these objectives by prescribing sanctions against academic misconduct by students.

Poor academic practice

The University recognizes that not all poor practice is academic misconduct and the distinction between the failure to observe good academic practice and academic misconduct is an academic judgement. The University takes seriously its obligation to encourage good academic practice across the entire University community and all work submitted by students is expected to represent good academic practice. In both the detection and handling of suspected cases of academic misconduct, this Code is intended to ensure fair, consistent, transparent and appropriate treatment for all.

Jurisdiction

The jurisdiction of the University applies in the following areas:

- i. *where the conduct relates to academic or other work of the University.*
Examples of misconduct will include, for example, misuse of computer systems; matters of academic deceit, such as cheating in examinations, or plagiarism in coursework;
- ii. *where the conduct relates to the academic or other work of the University but has not taken place on or within University property.*
Misconduct may occur, for example, on field trips, visits to other institutions or organisations, or during work placements.

Non-Academic misconduct

The University distinguishes between academic matters and non-academic matters, which are dealt with elsewhere under the **Code of Student Discipline: Non-Academic Misconduct**. Some cases, however, may incorporate allegations of both academic and non-academic misconduct. Examples include that of a student who fraudulently presents false information either verbally or in writing to the University (this may include falsified medical documentation, an untrue explanation of circumstances affecting study or false reasons for absence). Other examples include that of a student found to be in possession of unauthorized materials in an examination who, when challenged, becomes aggressive and/or abusive to the invigilator. In such cases, a Student Academic Disciplinary Panel will comprise members of both academic and non-academic staff and will be empowered to impose those penalties or sanctions found in both **Codes of Student Discipline**.

Criminal misconduct

The University may report to the police any allegation of criminal misconduct if it believes that this will best serve the interests of the University community or the wider public interest. This also applies to any investigations, prosecutions, and/or any enforcement or other action taken by any other bodies, including those acting under immigration regulations; national security or defence; the Student Awards Agency for Scotland; Health & Safety Executive; HM Revenue & Customs, or others.

2. ACADEMIC MISCONDUCT

The examples of academic misconduct described here are not intended to be exhaustive. Students who are in any doubt about whether their conduct might constitute an offence under the Code should either a) not engage in that activity or b) consult a member of teaching staff for guidance.

Plagiarism is the act of taking another's ideas and representing them as one's own. This may involve the use, without proper acknowledgement, of published or unpublished work, of work done partly or wholly by another person, of work obtained from an essay bank or a web site, or of recorded material from lectures and tutorials. Plagiarism includes not just the actual copying of text *verbatim* (which may also be a breach of copyright) or close paraphrasing of text, but also the unacknowledged presentation of ideas from other sources as if they were original to the author or the assembling of pieces of the work of others into a new whole.

Multiple submission is the act of submitting for assessment a piece of work already (or simultaneously) submitted for assessment in the same module, another module or in another context. Multiple submission includes the submission of work that has substantial overlap with parts of work submitted elsewhere; this includes experimental results, substantive parts of essays or reports etc.

Falsification is the fabrication or alteration of data – for example, by changing data in order to confirm a hypothesis not supported by the actual data, or the invention or fabrication of the results of an experiment, which are then reported as genuine measurements. Included in falsification is the deliberate omission of data where, for example, experimental results or known facts are omitted in order to support an otherwise unsupportable hypothesis.

False citation is the citing of a source for information, when the source does not contain that information or when the information cited was not gleaned from that source.

Academic misconduct in examinations or class tests includes the following prohibited activities:

- Taking electronic devices, software or materials into an examination (other than those specifically permitted), irrespective of whether or not any use of the item(s) was made.
- Taking information (including notes in any format, books, electronically stored data or illegitimately annotated copies of dictionaries, set texts, annotations made on or concealed on parts of a student's body, etc.) into an examination venue (including toilets etc.), except where such items are left in an area designated by an invigilator. This is irrespective of whether or not any use was made of the item(s).
- Providing University staff with incorrect or misleading information related to the examination (prior to, at or after an examination).
- Unauthorised removal of an examination script, papers or blank examination stationery from the examination hall.

- Unauthorized exit from the examination hall during the period of an examination.
- Unauthorised acquisition of examination questions prior to an examination, whether or not the student is a candidate for that examination.
- Failure to follow the rules for an examination, in a way that might result in the gaining of an academic advantage.

Aiding and abetting is any form of assistance with another person's academic misconduct. This may involve, for example, collusion with another person (whether or not a student) during an examination; assisting any student in academic misconduct relating to an examination or class test; writing an essay for a student; providing one's own work that could be submitted for marking (either an entire piece of work or a part); having a third party take the place of a student, for example in an examination.

Coercion is where a student puts pressure on another student or member of staff to act in a particular way, or attempts to do so, with the intention of gaining an academic advantage.

Contract cheating is where a student commissions or seeks to commission another party (either paid or unpaid) to perform academic work on their behalf.

Research Misconduct

Postgraduate Research (PGR) students' work may be the subject of an allegation of academic misconduct and may be dealt with under this Code. PGR students are strongly encouraged to consult the **Researchers' Code of Conduct** and to seek advice from the Graduate School.

3. PROCEDURE IN CASES OF ALLEGED ACADEMIC MISCONDUCT

a. Investigation

Before embarking on any disciplinary action, it is important that the facts are established through a preliminary investigation. Alleged misconduct will initially be investigated by an Authorised Disciplinary Officer (ADO), who will normally be the School Academic Advisor of the School concerned. If anyone suspects academic misconduct in a piece of work, that person should inform the School's ADO.

The ADO will determine:

- 1) if there is a case to answer;
- 2) if the matter can be dealt with by a written warning issued by the ADO or, 3) if it should be referred to a Student Academic Disciplinary Panel.

In judging whether or not there is a reasonable case, the ADO will scrutinise the work in association with which the accusation has been raised and conduct an interview with the student(s) concerned. The ADO will inform the student as soon as possible of the alleged offence or offences and give reasonable notice of the time, date and place at which the student should attend. At the meeting, the student may be accompanied by another member of the University community, i.e. a fellow student, a member of staff or a member of the Students' Association Executive.

The student will have the opportunity to present evidence and/or make a statement in mitigation, if they wish. Failure to attend the meeting will not preclude the ADO from reaching a decision, based on the evidence available. The ADO may also gather evidence from other sources, such as witness

statements, and may also conduct interviews with members of staff and/or other students. The ADO will consult Academic Services to ascertain whether the student has a previous record of misconduct.

If the ADO finds there is no case to answer, no further action is taken. If it is found that there is no case to answer, the allegation can form no part of any future investigation into academic misconduct.

If the ADO finds that there is a case to answer, they should contact Academic Services to check if a sanction for academic misconduct has previously been applied to the student. If a written warning has been previously applied, the ADO may decide to issue another written warning or refer the case to a Student Academic Disciplinary Panel.

If a sanction more severe than a written warning has been applied, the current case must be referred to a Disciplinary Panel. In the case of an allegation against a group, if any member of the group has received a sanction greater than a written warning, the case must be referred to a Disciplinary Panel. If the case is referred to a Disciplinary Panel, a brief note of previous sanctions applied, and the nature of the misconduct concerned, will be circulated to members of the Panel along with other relevant paperwork.

The process from initial identification to a written warning or referral to a Panel will **normally** be completed within five working days.

When an examination irregularity occurs, the student must hand over to the invigilator any unauthorised material and will normally be permitted to continue with the examination. The invigilator will retain the confiscated material at the conclusion of the examination and return it to Academic Services with the Examination Report Form.

b. Student Academic Disciplinary Panel

The Student Academic Disciplinary Panel ("Disciplinary Panel") will normally comprise a Dean of School¹ as Convener, another member of academic staff and the Abertay Students' Association President, or their nominee. The Convener will be from a School other than that in which the student is registered. An Academic Services Officer will administer the Panel, act as Clerk and take a note of its proceedings. Details of the conduct of the Disciplinary Panel are given in **Appendix A**.

c. Sanctions

If the misconduct is admitted, or, following a Disciplinary Panel meeting, established, the Panel may impose one or more of the following sanctions, as appropriate (this list is not exhaustive):

- a) A written reprimand or severe reprimand.
- b) Grade of F awarded for the unit of assessment with an opportunity for reassessment capped at Grade D (if the misconduct occurred at the first attempt).
- c) Grade of F awarded for the unit of assessment with no opportunity for re-assessment.
- d) Discontinuation of studies.

The level of penalty imposed will depend upon the nature of the misconduct and whether it is persistent or particularly severe.

The Disciplinary Panel will communicate its decision to the student in writing **normally** within five working

¹ Including the Dean of the Graduate School and Dean of Teaching and Learning.

days of the date of the Disciplinary Panel meeting. The notice confirming the decision will give details of the right of appeal. The decision will also be communicated to the School and Academic Services, in order to be lodged in the student's record.

4. RIGHT OF APPEAL

A student may appeal against the decision of an Authorised Disciplinary Officer (ADO) or a Disciplinary Panel, but only if there are valid *grounds to appeal*. The only valid grounds for appeal are:

- (a) procedural irregularity; or
- (b) bias or prejudice; or
- (c) substantive new evidence which has become available and which was not presented to the original Disciplinary Panel for good reason.

An appeal against a decision of an ADO or Disciplinary Panel must be made in writing to Academic Services (StudentConduct@abertay.ac.uk), stating clearly the grounds of appeal, not more than 10 working days after the date on the ADO or Disciplinary Panel's decision letter.

On receipt of the appeal, the Director of Student and Academic Services (or nominee) will review the case to determine whether there are grounds for the appeal to proceed.

If the appeal or complaint is deemed not to contain grounds to proceed, the student will be advised of this **normally** within 5 working days of receipt of the appeal. The student will be informed of their right to seek an independent review of the University's decision by the Scottish Public Services Ombudsman.

If the Director of Student and Academic Services (or nominee) considers that the appeal should proceed, the matter will be referred to an Appeal Panel, comprising the Deputy Principal and a Dean of School. The Dean of School will not be the same as on the original Disciplinary Panel, or the School in which the student is registered.

Where an appeal is upheld, the Appeal Panel can remove the sanction and/or refer the matter back to the ADO with recommendations for the matter to be reviewed. If the appeal is rejected, the Appeal Panel will review the level of penalty imposed and may confirm it, reduce it or increase it. The decision will also be communicated to the School and to Academic Services, in order to be lodged in the student's record.

The decision of the Appeal Panel is final and concludes the University's internal procedures.

A student who remains dissatisfied with the outcome of the University's internal processes may seek an independent review of the University's decision by the Scottish Public Services Ombudsman.

Appendix A - Conduct of Disciplinary Panel meetings

The student will be invited to attend the Disciplinary Panel, although it may proceed in their absence (see below). The student may be accompanied by another member of the University community, i.e. a fellow student, a member of staff or a member of the Students' Association².

The Convener will begin the meeting by outlining the procedures to be followed, after which any School witness(es) present may be asked to leave until called to give evidence.

The Convener will then outline the nature of the allegation(s) against the student and invite the student to state whether they admit or deny the allegations.

The Convener will invite the Authorised Disciplinary Officer (ADO) to make a statement regarding the decision they reached following their investigation.

The Panel will take the opportunity to seek clarification on any points raised with the ADO.

The Convener will invite the student to make a statement.

The student and/or the student's representative may at this stage present supporting evidence to the Disciplinary Panel. Evidence may include oral evidence of witnesses or written submissions, including mitigating evidence, which should have been submitted to the Clerk no less than two working days before the meeting.

The Panel will take the opportunity to seek clarification on any points raised, both with the student and any witness(es).

The student and/or their representative will be invited to address questions through the Convener to the ADO or witness(es) on their statement(s) and on their written submissions.

The student and/or their representative will be invited to give a concluding statement. This will be the final stage at which new evidence can be submitted.

When all statements have been made, all witnesses heard and all questioning completed, all persons present other than the members of the Disciplinary Panel must leave the meeting. The Clerk will, however, remain with the Disciplinary Panel.

The Disciplinary Panel will consider the evidence and reach a decision, which will be sent to the student in writing **normally** within five working days. The decision will also be communicated to the School and to Academic Services, in order to be lodged in the student's record.

a. Student representation at Disciplinary Panels

Where a student cannot attend the meeting, they may nominate another person to represent them, but is not required to do so. Where a student elects to nominate another person to represent them at the meeting, written notification of this must be submitted in advance to the Clerk (StudentConduct@abertay.ac.uk). A student may only nominate another member of the University Community (i.e. a fellow student, a member of staff or a member of the Students' Association Executive) as their representative.

²In exceptional cases, the Director of Student and Academic Services has authority to allow students to be represented by an external representative.

Where a student has not informed the Clerk in advance that they are unable to attend a meeting and/or fail to attend, it will be at the Convenor's discretion whether the meeting proceeds in the student's absence.

Appendix B - Summary of process

