



UNIVERSITY OF
GIBRALTAR

Academic Misconduct: Professional Certificates, Assessed Short Courses and Taught Awards

Policy and Procedure

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Date of (next) review	November 2019

1. INTRODUCTION

- 1.1 The arrangements governing the investigation of academic misconduct on professional certificate courses, assessed short courses and taught awards at the University of Gibraltar (The University) has been informed by a review of academic misconduct/malpractice/offences policies and procedures published by a number of UK universities¹ and with reference to “*Policy Works: Recommendations for reviewing policy to manage unacceptable academic practice in Higher Education*” (HEA, 2011)².
- 1.2 Academic misconduct is defined as a breach of academic integrity whereby an individual – or a group – cheats, fabricates data, falsifies the results of a study, plagiarises, purchases academic materials from a third party and/or submits a duplication of work for assessment or publication. These terms are elaborated in Table 1.
- 1.3 The misconduct offences noted in Table 1 are not exhaustive and The University reserves the right to amend and extend the list as necessary and appropriate.
- 1.4 This *Policy and Procedure* applies to all students enrolled on credit-bearing bearing and/or professionally qualifying courses at The University including those who are on placement, engaged in work-based learning, or on an approved leave of absence.
- 1.5 Investigations into alleged academic misconduct on professional certificate courses, assessed short courses and taught awards are managed through the Dean of Academic Quality and Professional Learning (herein the Dean) and the Academic Board’s Examinations Sub-Committee (herein the Examinations Committee).
- 1.6 The University will investigate and penalise, where necessary, any breach of academic integrity which is likely to advantage the student unfairly, to disadvantage other students unfairly (e.g., in assessment of collaborative group-work), affect the security of The University assessment processes and/or undermine the standards of The University awards and degrees.
- 1.7 This *Policy and Procedure* should be read in conjunction with The University’s *Appeals Policy and Procedure*.

¹ Universities of Bath, Kingston, Bath Spa, Gloucestershire. Lincoln, Oxford Brookes and UCL

² Higher Education Academy <https://www.heacademy.ac.uk/about-hea>

Table 1: Types of Academic Misconduct

Misconduct Offence	Explanation and Example(s)
Cheating	<p>Any irregular behaviour during an examination or a test, e.g.,</p> <ul style="list-style-type: none"> • unauthorised reference to notes or course material; • unauthorised advance acquisition of examination paper(s); • unauthorised use of devices (eg: iPads, programmable calculators, mobile phones); • unauthorised communication from the examination hall (eg: via telephone or other electronic media); • copying another candidate's work; • allowing oneself to be impersonated or impersonating another candidate.
Plagiarism	<p>Presenting the work of others (e.g., thoughts, ideas, writing, images, artefacts) as one's own without proper acknowledgement. It includes:</p> <ul style="list-style-type: none"> • copying from a published author, a student or other source without acknowledgement; • paraphrasing the work of a published author, student or other without acknowledgement; • copying large amounts of text from sources and linking them together with text of one's own; • unacknowledged presentation of material from learning resources or teaching materials provided by course tutors (e.g., transcription of recorded lectures).
Collusion	<p>Collaborating with another person to produce work that is presented as one's own.</p>
Duplication	<p>Submitting for assessment or publication work that has already been assessed or published.</p>
Fabrication	<p>Reporting on experiments or fieldwork never undertaken and/or data never collected. Making up or adapting experimental or social data where it was not collected, where there was a shortfall in the data set(s), or where the data supported a different conclusion.</p>
Falsification	<p>Misrepresentation of the results of an experiment or social science study; The purposeful selective use of data to make a scientific or academic claim; Falsifying attendance sheets for placements that are an assessed part of the course. Falsifying testimonials and/or reports that constitute evidence for a course assessment.</p>
Purchasing/Commissioning	<p>Purchasing work for an assessment from the internet; commissioning another to write an assessment.</p>

2. PRINCIPLES

- 2.1 The University expects all students and staff to commit to, uphold and maintain high standards of academic integrity to ensure that:
- the work and originality of others is respected;
 - the good functioning of The University is maintained;
 - the academic reputation of The University is upheld; and
 - the international academic community and the general public can have confidence in the work and authority of The University.
- 2.2 The University will ensure that all students are educated as to what constitutes best practice; and that students and staff are aware of what constitutes academic misconduct and the consequences and penalties that follow on the detection of such misconduct.
- 2.3 All staff involved with teaching, tutoring or supervision are responsible for upholding the principles and practice of academic integrity in that they will:
- advise students of the best academic practice in the discipline;
 - refer students to resources and guidance on best academic practice;
 - take action to detect and report plagiarism and/or other forms of academic misconduct.
- 2.4 All students have the responsibility for maintaining their academic integrity by:
- understanding what constitutes an academic offence, its seriousness and consequences;
 - reviewing their work for errors in citation, attribution and/or accuracy;
 - making an originality declaration on submitted work (see Appendix 1).
- 2.5 In order to ensure the thorough and fair investigation of academic misconduct, The University expects to be able to collect appropriate information from all the parties concerned in **within 20 working days** of the allegation being formally lodged.
- 2.6 Where there is a need to investigate a serious allegation the Dean will request the Examinations Committee to convene an independent panel comprising membership with no prior involvement in the alleged academic misconduct.
- 2.7 The procedures are underpinned by principles of objectivity and respect and are intended to safeguard, as far as possible, the interests and well-being of all parties.
- 2.8 Parties to the allegation have a right of audience to present their viewpoints but neither party has redress to legal representation in the investigation of an allegation of academic misconduct.
- 2.9 Neither party will digitally record the proceedings of investigatory meetings.
- 2.10 The official record of investigatory meetings and decisions will be made by The University.
- 2.11 The University will not process allegations that have already been, or are currently under consideration by a court or tribunal.

3. BURDEN of PROOF

- 3.1 Those investigating charges of misconduct must base their judgement on the available evidence.
- 3.2 Proof of an offence does not have to be 'beyond reasonable doubt' but on the balance of probability, i.e., it is more likely than not, on the basis of the evidence, that an offence was committed.
- 3.3 It is the responsibility of the Programme Coordinator or Course Leader to provide evidence that misconduct has taken place; the student is not required to prove that it has not.
- 3.4 Where an offence is substantiated The University will determine a penalty taking into account the evidence and the following.
 - a) **Premeditation:** a planned act will normally be considered more serious than an impulsive action.
 - b) **Continuity:** the commission of an academic offence(s) on more than one occasion may be dealt with more severely than an isolated incidence.
 - c) **Scale and Extent:** extensive evidence of academic misconduct may be dealt with more severely than smaller scale dishonesty.
 - d) **Theft of Materials:** where the academic offence involves the theft of another's assessed work it will normally be dealt with severely.
 - e) **Stage of Study:** where the student has passed through their first year of undergraduate study and/or is enrolled on a postgraduate award an academic offence will be dealt with more severely than a similar offence committed by an undergraduate student in their first year of study.
 - f) **Other Students:** where the academic offence has an adverse effect on other students it will be dealt with severely.

4. INVESTIGATION

- 4.1 The University takes all allegations of academic misconduct very seriously and will investigate all allegations.
- 4.2 The student has the right, at any stage of an investigation to acknowledge alleged academic misconduct in a written statement to the Dean; the investigation may be adjusted accordingly but the penalties remain unchanged.
- 4.3 If a member of staff thinks that an assessment offence has been committed it will be reported to the appropriate Programme Coordinator or Course Leader who will begin an investigatory process.
- 4.4 In order, in the first instance, to determine whether an offence has occurred the Programme Coordinator or Course Leader will collect and collate evidence of the offence. This will include a written report from the course tutor/assessor and evidence (i.e., scripts, Turnitin reports, artefacts). Where the alleged offence arises from an examination or test, the evidence should include the script, any materials gathered in the room (or elsewhere) and the Chief Invigilator's report.
- 4.5 The Programme Coordinator or Course Leader will pass the evidence to the Dean who will determine the appropriate investigatory routes:
 - a local investigation where the alleged misconduct is of a minor or technical nature;
 - a formal inquiry by an independent panel convened for the purpose.

4.6 Local Investigation

- 4.6.1 Where the Dean determines that there is insufficient evidence, the Dean will notify the student in writing **within 10 working days** that the case is closed and inform the member of staff who raised the concern, and the Programme Coordinator or Course Leader of the decision and the grounds for it. No records will be made.
- 4.6.2 Where the Dean determines that there is a case to answer, the Dean will write to the student **within 10 working days** clearly stating the nature of the allegation and offer the opportunity for the student to respond in writing **within 10 working days** of the letter date.
- 4.6.3 Where the Dean determines that there is a case to answer, the Dean will meet with the Programme Coordinator or Course Leader to review the evidence and consider whether it constitutes:
- a minor or technical offence which can be penalised at local level; or
 - an initial moderate offence of misconduct which can be penalised at local level; or
 - a second moderate offence of misconduct which automatically has to be considered a serious offence and referred to an inquiry panel; and/or
 - a serious offence to be referred to an inquiry panel.
- 4.6.4 All allegations of misconduct in examinations will be regarded as serious offences.
- 4.6.5 Where the Dean determines that a minor or technical offence is proven, the Dean has the authority to determine the penalty and will write to the student advising of the same, copying the Programme Coordinator or Course Leader and the Chair of the Examinations Committee, and placing the letter on the student's file.
- 4.6.6 Examples of offences and their associated penalty tariff are shown in Appendix 2.
- 4.6.7 The student retains the right of appeal under the Appeals *Policy and Procedure* of The University.

4.7 Inquiry Panel Investigation

- 4.7.1 Where the Dean determines an offence is serious, the Dean convenes an inquiry panel; none of its members shall have been involved with the allegation or its investigation to date.
- 4.7.2 The panel will comprise senior members of staff of The University³, one of whom will act as chair. The chair will not be/have been directly involved or associated with the student's learning.
- 4.7.3 A student will be given at least **10 working days'** written notice of the meeting of the inquiry panel and be provided with the evidence of the case. The written notice will also invite the student to provide written submissions and evidence to the panel, and provide advice about the student's right to attend in person and to bring a friend or advisor, pointing out that these must be neither paid nor members of the legal profession.
- 4.7.4 The student should provide the chair of the panel with the name and contact details of his/her representative/friend and any supporting written evidence at least **5 working days** in advance of the meeting of the panel.
- 4.7.5 The inquiry will be conducted in the following sequence:
- the chair will summarize the alleged academic misconduct;

³ Who may, for example, be drawn from staff, associate campuses, associate researchers, academic board and/or its subcommittees

- the student, friend or representative will make a statement in defence of the case, which may be that presented in advance in writing (see 4.8.4) and/or presented orally;
 - the Dean will make a statement in support of the case, which should also be submitted in advance and shown to the student and/or presented orally;
 - the panel may pose questions to both parties;
 - the student, friend or representative makes a final statement in defence of the case;
 - the Dean makes a final statement.
- 4.7.6 The chair, in consultation with the panel membership, reserves the right to call witnesses to the panel inquiry and to determine at what points they will be invited into the meeting and at what point they will be asked to withdraw.
- 4.7.7 All parties have the right to be present throughout the panel meeting, and all have the right to ask questions during the course of the meeting, except that none has the right to question the final statements.
- 4.7.8 If the student does not attend the meeting, without a reason that is deemed acceptable by the panel, the inquiry will proceed on the basis of the available evidence, including that submitted by the student *in absentia*.
- 4.7.9 In conclusion the inquiry panel will determine whether there is sufficient evidence or not of academic misconduct.
- 4.7.10 Where there is insufficient evidence the process will be terminated and the student will be advised in writing of the outcome **within 5 working days** of the panel meeting.
- 4.7.11 Where there is sufficient evidence the panel may then ask to be advised of any prior instances of academic misconduct in order to determine the recommended penalty. In the interests of natural justice this information should not be available to the panel before it has reached its decision.
- 4.7.12 The panel will set out the nature of the allegation and recommend to the Examinations Committee a penalty proportionate to the circumstance of the offence. The student will be sent a copy of this report **within 10 working days** of the panel meeting, a copy will be sent to the Chair of the Examinations Committee and a copy placed on the student's file.
- 4.7.13 If the panel is unable to reach a consensus decision on the culpability or otherwise of the student, it shall find in favour of the student and advise the student in writing **within 5 working days** of the panel meeting, a copy will be sent to the Chair of the Examinations Committee and a copy placed on the student's file..
- 4.7.14 The student retains the right of appeal under the Appeals *Policy and Procedure* of The University.

5. EXAMINATIONS COMMITTEE

- 5.1 The Examinations Committee has delegated powers to impose penalties without recourse to Academic Board **except where** the recommended penalty is to:
- a) downgrade the classification or level of an undergraduate award (e.g., to an unclassified or ordinary degree, or a lower award DipHE/CertEd);
 - b) downgrade the classification or level of a taught postgraduate award (e.g., from Distinction to Merit or Pass; from MSc to PGDip or PGCert.);
 - c) terminate the students studies with no award/credit;
 - d) refer the case under the student Disciplinary Procedures and/or Fitness to Practice procedures.
- 5.2 Any such recommended penalty must be referred to Academic Board for final deliberation.
- 5.3 Where an offence is so serious⁴ that it indicates the need to report to the police, any such report should be made in consultation and under the authority of the Vice-Chancellor.

6. MONITORING and REVIEW

- 6.1 The Examinations Committee will provide an annual report on academic misconduct to the Academic Quality and Standards Committee (AQSC). The report will provide a quantitative and qualitative summary of the cases processed and actions taken.
- 6.2 The report should highlight trends over academic years (when available) to identify emerging institutional issues and to inform enhancement of The University's learning, teaching and assessment strategies.
- 6.3 Based on the report, AQSC will make recommendations, as necessary, to Academic Board.

⁴ E.g., actual material or intellectual theft
12 February 2018

Appendix 1



Declaration of Originality, Taught Awards

Declaration of Originality

Students are asked to complete this Declaration of Originality (amending and/or deleting as appropriate all red text) and include at the front of work submitted for assessment.

Originality

I, **Student Number**, confirm that the work presented here – *Insert Title* – is an original piece of work in that I am the sole originator and author of the work.

I also confirm that (*please delete as appropriate*):

- the work **has not** been submitted in whole or part for any other assessment at the University of Gibraltar, or for any comparable academic award elsewhere;
- the work **does contain** material that has been previously submitted for another assessment/another award and the previously submitted work is clearly included/referenced at - **INSERT PAGES or equivalent**.

Copyright

I confirm that where necessary (i.e.: reproduction of substantial text, tables, diagrams, websites, recordings of performances, reproductions of artworks) all 3rd party copyright permissions have been sought and such evidence can be found at appendix X.

I confirm that copyright permissions have been sought for all my previously published work reproduced here and such evidence can be found at appendix X.

Candidate Name :

Candidate Number:

Candidate Signature:

Date :

Example Offences, Indicative Evidence and Penalties⁵

Category of Offence	Example of Offence	Key Evidence	Penalties 1 st Offence	Penalties 2 nd or Concurrent Offence
A Minor or Technical Misconduct (essentially poor academic practice)	<ul style="list-style-type: none"> Reproducing an existing concept/idea/artefact unintentionally; Failure to reference sources adequately, including incomplete or incorrectly cited bibliographies and footnotes; Incorrectly cited and referenced quotations; Several sentences of direct copying without attribution; Several sentences of unacknowledged paraphrasing; Unacknowledged help with English language. 	<ul style="list-style-type: none"> The student has not had the opportunity to learn about the importance of the academic conventions of referencing and paraphrasing; The student has not understood the importance of the academic conventions of referencing and paraphrasing; The student's behaviour appears unintentional; The student is in the 1st year of university education. 	<ul style="list-style-type: none"> Advisory letter written to student, pointing out the potential consequences of continuing poor academic practice; Letter to invite student to a guidance tutorial; Letter to include written advice as to where the student can access further academic guidance support; Letter to include the Academic Misconduct Policy and Procedures; Letter logged on student's file and copy sent to the Chair of the Examinations Board. Grade for assessment item capped at the minimum pass mark. 	<p><u>Concurrent Offence</u></p> <ul style="list-style-type: none"> Grade(s) for up to two affected submissions to be capped at minimum pass mark. Grade(s) for 3 or more affected submissions to be graded at zero (Z) and resubmissions to be capped at minimum pass mark. <p><u>2nd Offence</u></p> <ul style="list-style-type: none"> First submission of work to be graded (at zero Z), retake submission to be capped at the minimum pass mark. Second attempt submissions to be graded (Z) an opportunity to repeat/replace the module will be offered.

⁵ Based on published schemes at Bath Spa, Bath, Kingston, Lincoln and exemplar scheme from University of the Arts, London (HEA, 2011: 41)

<p>B Moderate Misconduct</p>	<ul style="list-style-type: none"> • Repeat of minor misconduct offences; • Several paragraphs of direct copying without attribution; • Several paragraphs of unacknowledged paraphrasing of another's concepts/ideas/texts/artefacts; • Work identical to or with significant similarities to another student's submission (other than where this is permitted in a group assessment task); • Work that is identical or significantly similar to material submitted in another assignment, and is not acknowledged as such, which has already been graded and/or credited; • An assignment that has been translated into English by someone other than the student; • An assignment that has been significantly proof-read/edited by another. 	<ul style="list-style-type: none"> • Continued, ongoing evidence of academic dishonesty after the first year of University education. 	<ul style="list-style-type: none"> • Warning letter written to student, logged on the student's file and copy sent to Chair of the Examinations Board. • Grade(s) for affected submission(s) graded at Z, and resubmission(s) capped at the minimum pass mark. 	<ul style="list-style-type: none"> • All second offences committed after the first year of undergraduate study will be progressed as matters of serious academic misconduct.
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<p>C Serious Misconduct</p>	<ul style="list-style-type: none"> • Repeat of moderate and/or serious misconduct offences; • Submitting an assignment purchased or downloaded from the internet; • Submitting an assignment commissioned from another; • Breach of examination room regulations; • Extensive and significant plagiarism with large portions of the submission (e.g., text, ideas, hypothesis, tables, code, graphics, artefacts) based on the reproduced but unacknowledged work of others, including that of other students and/or commercial and industry practitioners; • Plagiarism in work submitted as the final submission of any postgraduate research degree; • Colluding with others to commit any of the above. 	<ul style="list-style-type: none"> • The student has been previously warned and penalised for their behaviour; • The student's behaviour is intentional and on a significant scale; • The student's behaviour is premeditated and intended to deceive; • The student would benefit from the undetected commitment of the offence; • Other student's would be affected by the undetected commitment of the offence; • The student's behaviour compromises/puts at risk the reputation of the University 	<ul style="list-style-type: none"> • Student required to attend an Examinations Board Inquiry which will determine whether to recommend: • Allow a retake or repeat of the module, specific learning and/or assessment;⁶ • Allow a retake or repeat of a year of study;⁷ • In relation to an undergraduate final award, downgrade the degree classification; • In relation to an undergraduate final award, recommend an unclassified honours or ordinary degree; • In relation to a taught postgraduate award downgrade the level (e.g., from MSc to PGDip/PGCert); • In relation to a taught postgraduate award recalibrate the grade (eg: from Distinction to Merit/Pass); • Refer the case to a Disciplinary inquiry. 	
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⁶ This will also be dependent on the assessment regulations particular to the programme, some programmes accredited by Professional, Statutory, Regulatory Bodies (PRSBs) may not allow, or constrain these options.

⁷ This will also be dependent on the assessment regulations particular to the programme, some programmes accredited by Professional, Statutory, Regulatory Bodies (PRSBs) may not allow, or constrain these options.

<p>D Disciplinary Offences</p>	<ul style="list-style-type: none"> • Impersonating another, or being impersonated by another in any examination other assessment; • Fabrication of results, ie: reporting on experiments never conducted or data collected; making-up results; • Falsification, ie: purposefully selective use of data to make a scientific or academic claim; falsifying attendance sheets for assessed placements; falsifying testimonials and/or reports that constitute evidence for a course assessment; • Theft of the work of others (including students and/or commercial and professional practitioners); • Copyright theft; • Conspiring, colluding with others to commit any of the above; • Coercing others to commit any of the above. 		<p>Allegations on any of these counts will lead to immediate suspension of the student pending a Disciplinary inquiry which will determine whether to recommend:</p> <ul style="list-style-type: none"> • Expulsion; • Referral to the Police as a criminal matter; • Referral to the Professional and/or Regulatory Body; • Total failure of the course of study; • Rescinding of a previously awarded degree. 	
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