Academic Regulations 7:

Academic Misconduct
(Cheating in Assessment)
Research Degrees

2015-2016

This document is available in hard copy and on the University intranet and internet sites. Please contact the Student Life Centre (John Galsworthy Building, Penrhyn Road campus) or the Union of Kingston Students’ Advice Centre if you have any difficulty in obtaining a copy that you can read, or find any aspect of these regulations difficult to understand.
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Introduction

1. The University is a community bound by, among other things, a culture of Academic Integrity. Students are continually supported and guided in what constitutes Academic Integrity and why this enriches their experience and bestows benefits intrinsically linked to knowledge acquisition, skills development and qualification. Academic Misconduct is, in essence, a breach of this norm, and the application of Academic Regulations 7 primarily protects this culture.

2. The academic misconduct procedure is an internal procedure designed to examine why a piece of assessment has been judged to be the result of academic misconduct and why the student believes that this is incorrect. It is not a legal process. Should a student wish to pursue a complaint through legal channels then this matter will be treated separately from the Academic Misconduct Procedures. Letters received from solicitors shall be treated as legal matters. In such cases, the matter will be referred to the University Secretary.

3. The procedures allow both parties to present their viewpoints. Further information relating to accompaniment and representation can be found in paragraphs 42-45.

4. A finding that academic misconduct has occurred is a judgement based on available evidence, the standard of proof being the balance of probability. What this means is that, on the basis of the evidence, it is more likely than not that academic misconduct has occurred. Course teams are therefore required to provide evidence that academic misconduct against the definitions provided in this procedure has taken place. The student is not required to prove that it has not.

5. The University views academic misconduct very seriously. Senate has delegated to the University Research Degrees Committee (URDC) the authority to impose penalties for academic misconduct that may include the termination of a student’s registration and expulsion from the University. The URDC delegates responsibility for progression until students have reached the examination stage to the Faculty Research Degrees Committees (FRDCs). The possible penalties are outlined in Annex A.

6. These Regulations do not cover matters which have already or are currently being considered by the Office of the Independent Adjudicator for Higher Education (OIA), a court, or a tribunal.

7. Student expenses for attending an Academic Misconduct Hearing will not be reimbursed by the University regardless of the subsequent outcome.
Section 1

Definition of Academic Misconduct (Cheating)

1. The University defines academic misconduct (cheating) in assessment as any attempt by a student to gain an unfair advantage in assessments or to aid another to gain such an advantage. Examples of the types of academic misconduct covered by these procedures are provided below, but this should not be regarded as a definitive list. The University reserves the right to include other types of academic misconduct under this procedure.
Section 2

Types of Academic Misconduct

2 The University recognises the following types of academic misconduct:

Plagiarism (including copying)

3 The University defines plagiarism as the act of presenting the work of another person (or people) as one’s own without proper acknowledgement. This includes copying the work of another student or other students.

4 The University expects students to take responsibility for the security of their work (i.e. with written work, to ensure that other students do not get access to electronic or hard copy of the work). Failure to keep work secure may result in the same penalty being imposed on all those involved, if the origin of the work is in doubt.


The University will not accept a lack of understanding of the requirements for acknowledging the work of others as a legitimate defence for academic misconduct.

Self-Plagiarism

5 The University defines self-plagiarism as the act of presenting part or all of a student’s work that has been previously submitted to meet the requirements of a different assessment except where the nature of the assessment makes this permissible.

Collusion

6 The University defines collusion as the act, by two or more students, of presenting a piece of work jointly without acknowledging the collaboration.

This is the case even when those involved in the collusion are not aware that their work has been included.

The University also defines collusion as the act of one student presenting a piece of work as their own independent work when the work was undertaken by a group. With group work, where individual members submit parts of the total assignment, each member of a group must take responsibility for checking the legitimacy of the work submitted in her/his name. If even part of the work is found to contain academic misconduct, penalties will normally be imposed on all group members equally.

Cheating in Examinations or Tests

7 The University defines cheating in examinations or tests as including:

- taking notes or any unauthorised materials into examinations (whether or not there is evidence that they were used). This includes having notes available in toilets or other areas that may be visited during the examination
- obtaining an advanced copy of a question paper
• unauthorised communication during an examination (including via telephone or other
electronic media)
• removing an examination answer book from the examination room
• copying from another candidate
• allowing oneself to be impersonated
• impersonating another candidate.

Fabricating or falsifying data or using without permission another person’s work

8 The University defines the act of fabrication as the creation of false data or other aspects of
research, including documentation and participant consent.

9 The University defines the act of falsification as the inappropriate manipulation and/or
selection of data, imagery and/or consents.

Misrepresentation

10 The University defines the act of misrepresentation as the misrepresentation of data, for
example suppression of relevant findings and/or data, or knowingly, recklessly or by gross
negligence, presenting a flawed interpretation of data;

Purchasing or Commissioning

11 The University defines the act of purchasing or commissioning as either purchasing work
for an assessment including, for example from the internet, or commissioning someone
else to complete an assessment.

Where students are judged to be aiding others outside the jurisdiction of the University or
are acting as an agent for a third party, they will be dealt with under the general disciplinary
processes, General Regulations 3: Student Disciplinary Procedure which is available on the
University’s website and MyKingston.

The University considers the use of copy-editing and proof reading services as a legitimate
support to a research student’s own endeavours. There are strict rules around what is
permitted, which are provided in Annex C.

12 These examples of academic misconduct are not exhaustive and the University reserves
the right to include other types of cheating under the terms of this procedure.
Section 3

Procedures for Dealing with Academic Misconduct

13 The University recognises that students who are new to UK higher education may need some time to learn how to acknowledge sources properly. Therefore, the focus of the University’s response to academic misconduct in the first piece of submitted work is to educate students in regard to appropriate academic practice rather than to penalise unacceptable academic practice.

Section 3a outlines the procedure to be followed for assessments before submission of the thesis or dissertation.

Section 3b outlines the procedure to be followed for assessments after submission of the thesis or dissertation.

Consistency of treatment
14 The University aims to treat its students consistently across all programmes, but it recognises that some courses lead to both a University qualification and a licence to practise e.g. nursing and teaching. These courses may have specific codes of conduct of professional behaviour which will be clearly communicated to students. Any record of academic misconduct may result in the termination of a student’s registration on one of these courses as the University will be unable to confirm students’ suitability to practise.

Section 3a

Allegations made before Submission of the Thesis for Examination

Step 1 – actions by the First Supervisor where academic misconduct occurs for the first time
15 Where potential academic misconduct by a research student is identified, including material in draft work that seems to fall within the definition of plagiarism as given in section 2, the First Supervisor will discuss the matter with the student with a view to ascertaining whether academic misconduct has occurred. For cases of possible plagiarism s/he will ensure that the student has read the Plagiarism Guidelines and the Procedure for dealing with Academic Misconduct in Research Degrees and explain the potential penalties.

Step 2 – actions by the student
16 The student will be advised that her/his right to submit the thesis and be examined does not apply in cases where there is evidence of plagiarism or other academic misconduct and that her/his registration may be terminated as a result. The student may be given the opportunity to revise the work.

Step 3 – actions by the First Supervisor where academic misconduct occurs for the second time
17 Where potential academic misconduct is discovered for a second time, the First Supervisor will advise the student that the evidence will be submitted to the Chair of the FRDC for the Academic Misconduct Procedures to be invoked. If the supervisory team includes the Chair of the FRDC an alternative committee member will be appointed, in consultation with the Head of School, to review the evidence.

Step 4 – actions by the FRDC
18 The Chair of FRDC will determine either:
there is insufficient evidence to proceed, s/he will notify the student and the person making the allegation of the reasons for not holding a hearing. This may include advice to the student about how to avoid such allegations in future or

there is sufficient evidence to proceed to a formal hearing.

If the Chair of the FRDC judges that a formal hearing is justified, the Faculty Research Administrator will provide the student with:

a) a copy of these Procedures;
b) written details of the allegation. This should include specific reference to the nature of the suspected misconduct;
c) advice to contact the Union of Kingston Students' Advice Centre. Although Union of Kingston Students officers cannot act as advocates, they may be able to advise on the presentation of the case and may agree to act as an observer at the hearing;
d) the date, time and place of the hearing. The University will try to arrange the hearing at a time that is suitable for the student. Normally the hearing will take place within six weeks of the date that the student is formally notified in writing that an allegation has been made.

Where the evidence of misconduct relates to a group of students, the Chair of the FRDC will judge from the nature of the offence and the numbers involved, whether to hold individual hearings or to call the group together in a single hearing.

**Step 5 – actions by the student**

At this stage, the student may decide to admit that the allegation of academic misconduct is justified by providing a written statement. In this case no formal hearing will take place. The URDC will be informed of the academic misconduct and the student’s admission when it considers the penalty to be imposed. A copy of the statement provided by the student will be kept on his/her file.

If the student wishes to proceed to a formal hearing, s/he will be asked to confirm attendance and inform the Faculty Research Administrator of the name of any person chosen to accompany the student (see paragraphs 42-45 for further information on accompaniment and representation).

If the student fails to attend the hearing without a reason that is deemed acceptable by the University, the hearing will proceed on the basis of the evidence available to the panel. This will include any written submission that the student may have made.

**Step 6 – formal hearing - actions of the hearing panel**

The panel established to consider the evidence will comprise a minimum of two members of academic staff. One of these will be designated as Chair of the panel. The Chair of the panel will be chosen from a group of staff designated for this purpose by the Faculty and will be independent, i.e. will not be directly associated with the student’s learning and teaching. The panel should normally include at least one member with experience of academic misconduct hearings, and a subject specialist.

The panel will normally interview:

- the student, who may present documentation and/or supporting evidence.
- any relevant members of staff (e.g. the First Supervisor who will present the evidence).
26 The panel will decide if:

- there is evidence of academic misconduct. A summary report will be presented to the FRDC, setting out the nature of the allegations and the recommendations of the panel concerning the level of penalty to be imposed (see Annex A: Penalties for Academic Misconduct). The student(s) will be provided with a copy of this report and it will be placed on the student’s file.

- or

- there is insufficient evidence of academic misconduct. The process will then be terminated. No report will be kept on the student’s file.

27 If the panel is unable to reach a consensus view, it shall find in the student’s favour and will give the student a statement to this effect.

**Step 7 – actions by the FRDC**

28 The report of the formal hearing will be considered by the FRDC. The Committee will be asked to ratify the recommendations of the formal hearing.

29 The outcome of a formal hearing will be reported to the URDC in its capacity as the Programme Assessment Board.

**Section 3b**

**Allegations made after submission of the thesis for examination**

**Step 1 – actions by FRDC**

30 Where potential academic misconduct is reported, the evidence will be referred to the Chair of the FRDC for investigation and submission to the URDC in its capacity as the Programme Assessment Board.

**Step 2 – actions by URDC**

31 The URDC will determine either:

- there is insufficient evidence to proceed and will notify the student that an allegation has been made. The URDC will also notify both the student and the person making the allegation of the reasons for not holding a hearing. This may include advice to the student about how to avoid such allegations in the future.

- or

- there is sufficient evidence to proceed to a formal hearing

32 If the URDC judges that a formal hearing is justified, the Graduate Research School will provide the student(s) with:

- a copy of these Procedures;
- written details of the allegation. This should include specific reference to the nature of the suspected misconduct.
- advice to contact the Union of Kingston Students Advice Centre. Although Union of Kingston Students' officers cannot act as advocates, they may be able to advise on the presentation of the case and may agree to act as an observer at the hearing;
- the date, time and place of the hearing. The University will try to arrange the hearing at a time that is suitable for the student. Normally the hearing will take place within six weeks of the date that the student is formally notified in writing that an allegation has been made.
Where the evidence of misconduct relates to a group of students, the Chair of the FRDC will judge from the nature of the offence and the numbers involved, whether to hold individual hearings or to call the group together in a single hearing.

**Step 3 - actions by student**

At this stage, the student may decide to admit that the allegation of academic misconduct is justified by providing a written statement. In this case no formal hearing will take place. The URDC will be informed of the academic misconduct and the student’s admission when it considers the penalty to be imposed. A copy of the statement provided by the student will be kept on her/his file.

If the student wishes to proceed to a formal hearing, s/he will be asked to confirm attendance and inform the Graduate Research School of the name of any person chosen to accompany the student.

If the student fails to attend the hearing without a reason that is deemed acceptable by the University, the hearing will proceed on the basis of the evidence available to the panel. This will include any written submission that the student may have made.

**Step 4 – formal hearing – actions of the hearing panel**

The panel established to consider the evidence will comprise a minimum of two members of academic staff. One of these will be designated as Chair of the panel. The Chair of the panel will be chosen from a group of staff designated for this purpose by the Faculty and will be independent, i.e. will not be directly associated with the student’s learning and teaching. The panel should normally include at least one member with experience of academic misconduct hearings, and a subject specialist.

The panel will normally interview:
- the student, who may present documentation and/or supporting evidence and may be accompanied by a friend, family member or Union of Kingston Students staff member
- any relevant members of staff (eg. Internal examiner who will present the evidence).

The panel will decide if:
- there is evidence of academic misconduct. A summary report will be presented to the URDC, setting out the nature of the allegations and the recommendations of the panel concerning the level of penalty to be imposed (see Annex A: Penalties for Academic Misconduct). The student(s) will be provided with a copy of this report and it will be placed on the student’s file.
- or
- there is insufficient evidence of academic misconduct. The process will then be terminated. No report will be kept on the student’s file.

If the panel is unable to reach a consensus view, it shall find in the student’s favour and will give the student a statement to this effect.

**Step 5 – actions by URDC**

The report of the formal hearing will be considered by the URDC in its capacity as the Programme Assessment Board. The URDC will be asked to ratify the recommendations of the formal hearing.
Accompaniment and Representation

42 A student may wish to seek advice from the Union of Kingston Students however, this is an internal procedure and it is appropriate for students to represent themselves with any necessary support which is permitted as follows:

Accompaniment

43 Students invited to attend a hearing may be accompanied by a friend, family member, officer or staff member from the Union of Kingston Students’ Advice Centre, or a Trade Union or professional association staff member, if applicable. The individual accompanying is not permitted to make representations, or ask or answer questions on behalf of the student, or attend in any legal capacity.

Non Legal Representation

44 Non legal representation by any third party will only be permitted where there is a compelling reason, such as ill health and/or disability. In such circumstances, representation must be agreed with the staff member responsible for that stage of the process, and the student must provide signed written consent for the representation.

Legal Representation

45 Legal representation will not be permitted at hearings. Legal representation at any other stage of the procedure may only be permitted in exceptional circumstances and if considered necessary by the University (whose decision is final).
Section 4

Penalties and Appeals

Penalties

46 The penalties in Annex A have been determined on the basis of the following principles:

- no student should gain any advantage over another as a result of academic misconduct
- for students found guilty of collusion, all students implicated in the case should normally receive the same penalty
- for students found guilty of plagiarism or copying group work, all those involved will normally receive the same penalty
- mitigating circumstances cannot excuse academic misconduct.

47 The URDC in its capacity as the Programme Assessment Board has authority delegated from the Academic Board to make a judgement on the penalty to be imposed and this judgement is final and not subject to appeal.

48 The academic misconduct penalties apply to a student's registration at the University, not to the award the student is registered for.

Concurrent offences

49 Concurrent offences of academic misconduct will be considered to be repeat offences. Penalties for second, repeat and concurrent offences arising before submission of the work for examination are set out in Annex A.

50 Failure due to academic misconduct cannot be compensated.

51 In exceptional circumstances General Regulations 3: Student Disciplinary Procedure will apply where academic misconduct has brought the good name of the University into disrepute or criminal proceedings are involved or where that misconduct constitutes any other breach of the University's Regulations.

Appeals

52 A student can use the procedures set out in Academic Regulations 9: Academic Appeals (Research Degrees) to request a review of the decision of the Programme Assessment Board if there is evidence that the procedure was not followed.

53 A student cannot appeal against the penalty imposed by the URDC.
Annex A: PENALTIES FOR ACADEMIC MISCONDUCT IN RESEARCH DEGREES

Note:
- The University reserves the right to terminate the registration of any student for academic misconduct.
- The academic misconduct penalties apply to a student's registration at the University, not to the award the student is registered for.

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Annex B

Sample Letter informing student of allegations

<Student's Contact Address> <Date>

Kingston Student ID:
Route:
Level:

Dear <Name>

<Research Degree Title>

It has been noted that you may have committed academic misconduct as there appears to be evidence of <type of academic misconduct> in the <type of assessment> for the above module.

- reference to annotated extracts of relevant coursework,
- indication of source material, or
- other details relevant to the nature of the assessment and allegation e.g. notes found on student during an examination and the invigilators report

In accordance with Academic Regulations 7: Academic Misconduct (Research Degrees), a copy of which is enclosed, you are required to attend a formal hearing to discuss this matter unless you wish to acknowledge in writing that the academic misconduct did take place.

If you choose to admit the academic misconduct in writing, then you will be excused attendance at the formal hearing and a penalty will be determined by the assessment board in line with the enclosed procedures. To take this option, please complete and return the form below to your Faculty Research Administrator (if pre-submission of thesis) or Graduate Research School (if thesis is being examined). The form must be returned within one week of the date of this letter.

If we do not receive the completed form within one week of the date of this letter you will be contacted by us with a date and time for the formal hearing. You should note that failure to attend the meeting without good reason will remove the right to a hearing and the matter will be referred to the Faculty Research Degrees Committee/University Research Degrees Committee for a decision on the penalty.

You should contact the Union of Kingston Students’ Advice Centre (see www.kusu.co.uk/kusu-support or email support@kingston.ac.uk) and you may bring a staff member of the Union of Kingston Students, a friend or family member with you as an observer. You should give a copy of the enclosed Academic Regulations 7: Academic Misconduct (Research Degrees) to this person as guidance on their role.

Please note that neither mitigating circumstances nor lack of intent are acceptable defences against an allegation of academic misconduct and cannot be used to mitigate any penalties.

Yours sincerely

<Name of administrator>
<Role: e.g. field administrator>
Return portion to be completed by the student

Name ........................................................................................................

ID ...........................................................................................................

Module ....................................................................................................

Assessment ............................................................................................

I have read and understood the regulations. I do not wish to attend a formal hearing and accept that the academic misconduct took place. I understand that the assessment board will decide on the appropriate penalty.

Signed ................................................................. Date ______________________

To be returned to your Faculty Research Administrator (if pre-submission of thesis) or Graduate Research School (if thesis is being examined) within one week of the date of this letter.
Annex C: Statement on editorial help for students’ written work: guidance for students, supervisors and examiners

Introduction
This guidance is for use when a student is considering whether to employ a third party such as a professional copy editing or proof reading company when producing work in draft or final version. It is not concerned with the regular and iterative interaction between student and tutor/supervisor(s) on draft versions of his/her work throughout the registration period. The student’s tutor/supervisor is not regarded as a “third party” for this purpose. This guidance also applies when a student seeks editorial help from other, non-professional third parties, such as fellow-students or friends.

If a student contravenes this statement, this will be considered an assessment offence and investigated in accordance with AR7 Academic Misconduct: Research Degrees.

Rules governing use of third party help
1. Any written work a student produces for their Masters by Research/MPhil/PhD theses must be solely his/her own work. Specifically, a student must not employ a third party to write parts or all of the work, whether in draft or as a final version, on his/her behalf. (This does not preclude the use of a ‘scribe’ where verbatim dictation might be required for a student with a particular disability.)

2. If the student chooses to use a third party, it is his/her responsibility to give them a copy of this statement. When submitting work the student must acknowledge what form of contribution they have made, by stating for example, ‘this thesis/essay/dissertation was copy edited for conventions of language, spelling and grammar by ABC Editing Ltd’.

3. A third party cannot be used:
   - to change the text of the work so as to clarify and/or develop the ideas and arguments
   - to reduce the length of the work so that it falls within the specified word limit;
   - to provide help with referencing in terms of content;
   - to correct information within the work;
   - to change the ideas and arguments put forward within the work;
   - to translate the work into English and/or
   - to convert unintelligible English into good English

4. A third party can be used to offer advice on:
   - spelling and punctuation;
   - formatting and sorting footnotes and endnotes for consistency and order;
   - ensuring the work follows the conventions of grammar and syntax in written English;
   - shortening long sentences and editing long paragraphs;
   - changing passives and impersonal usages into actives;
   - improving the position of tables and illustrations and the clarity, grammar, spelling and punctuation of any text in or under tables and illustrations; and
   - ensuring consistency of page numbers, headers and footers.

5. The third party shall give advice by means of tracked changes on an electronic copy or handwritten annotations on a paper copy or other similar devices. The student must take responsibility for choosing what advice to accept, and must him/herself make the changes to the master copy of the work.
Notes
The student should only submit a final draft to a third party. It should be noted that significant corrections to grammar and syntax under 4.3 will at some point be considered conversion of poor work into good work under 3.7