

Academic Handbook
Section 4L
Student academic misconduct
procedure

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1. Introduction

- 1.1. Solent University is committed to ensuring the standard and integrity of its awards. Consequently, any allegation of academic misconduct is a serious matter and will be fully investigated.
- 1.2. It is an offence for any student to commit academic misconduct in any form of assessment.
- 1.3. The University has in place rigorous processes for handling allegations of student academic misconduct to ensure that students receive a fair and impartial hearing.
- 1.4. In allegations of academic misconduct, the burden of proof is upon the University, i.e., it is for the University to prove that academic misconduct has occurred, not for the student to prove that it has not.
- 1.5. In determining whether a case is proven or not the standard of proof is on the 'balance of probability' rather than 'beyond all reasonable doubt'.
- 1.6. The determination of academic misconduct is considered an academic judgement, which the University defines as "A decision about scholarship that only a suitably experienced academic can make".

2. What is Academic Misconduct

- 2.1. The practices listed below will automatically constitute academic misconduct. The list of practices is not exhaustive and does not preclude the University from taking action where other forms of academic misconduct are identified.
 - 2.1.1. Plagiarism: Where a student incorporates another person's or body's work by unacknowledged quotation, paraphrase, imitation or other device in any work submitted for assessment in a way which suggests that it is the student's original work.
 - 2.1.2. Artificial Intelligence (AI) misconduct: Submitting any assessment which contains work which has been generated by Artificial Intelligence. AI tools must only be used when the assessment instructions permit its use. Where AI is used, it must be referenced as a source.
 - 2.1.3. Collusion: Where the student/s in the same cohort knowingly allows their work to be viewed by another student, in any form, and this work is subsequently incorporated in, or represented as, the work of another student; or, the collaboration without official approval between two or more students in the presentation of work, which is submitted as the work of a single student.
 - 2.1.4. Falsification: Defined as the fraudulent creation, alteration or misrepresentation of data, or any other information falsely presented by the student as their own work.
 - 2.1.5. Replication (self-plagiarism): Where a student submits the same or similar piece of work, or substantial sections of the same work, which has already been submitted for any assessment within the University or elsewhere. Students repeating an assessment, module or level are expected to produce new coursework for all assessments except where the referral brief allows students to re-work a failed assessment. Students will, therefore, be required to attempt a new piece of work where they are referred in an assessment or taking repeat modules.
 - 2.1.6. The use of unauthorised notes or devices in an examination.
 - 2.1.7. Obtaining an unauthorised copy of an examination paper.
 - 2.1.8. Communicating, or trying to communicate, with another student of individual during an examination, or attempting to observe or copy another student's written and/or electronic examination script.

- 2.1.9. Being a party to impersonation in relation to an examination.
- 2.1.10. Failure to obtain, or breach of, ethical approval, where this is a requirement of the assessment.
- 2.1.11. Contract Cheating: defined as commissioning a piece of assessment to be carried out by a third party or knowingly using a commissioned piece of assessment.
- 2.1.12. Falsification of an Extenuating Circumstances claim.

3. Academic Misconduct Process

- 3.1. Where a tutor determines that there is academic misconduct in an assessment submitted by a student, or where academic misconduct is detected during an examination, the assessment submission, assignment brief and supporting evidence together with a completed Academic Misconduct pro-forma, should be submitted to the Student Academic Misconduct Officer.
- 3.2. The Student Academic Misconduct Officer shall review the evidence, undertaking any further investigation where required, and determine whether the offence is minor or major.
- 3.3. A **Minor** offence is defined as any first offence at all levels except for where the academic misconduct allegation meets the criteria for a Major Offence.
- 3.4. A **Major** offence is defined as:
 - 3.4.1. any second or subsequent offence at any level;
 - 3.4.2. any multiple offence (three or more assessments) at any level where the academic misconduct is deliberate, calculated and extensive;
 - 3.4.3. All allegations of obtaining an unauthorised copy of an examination paper, being a party to impersonation in relation to an examination and providing assessments for the purpose of academic misconduct shall automatically be treated as a major offence.

4. Minor Offences

- 4.1. Where an offence has been identified as Minor, an appropriate penalty from the penalty tariff will be determined. The student shall be written to outlining the allegation and the penalty. The student shall also be referred to University resources for guidance.
- 4.2. Where the details of a minor offence cannot be determined without further investigation, the case will be referred to an academic misconduct inquiry panel for investigation. The penalty will still be deemed as a minor penalty.
- 4.3. Where the student refutes the decision or believes that the penalty tariff was incorrectly applied, they shall have the opportunity to appeal. In such instances the case will be considered by an academic misconduct inquiry panel.

5. Appeal against a Minor Offence

- 5.1. An appeal must be lodged with the Student Academic Misconduct Officer within 10 working days of the student receiving the formal notification of the outcome, or the student will be deemed to have accepted the conclusion. Exceptionally, at the discretion of the University, this deadline may be waived where evidence is provided to show circumstances prevented an appeal being lodged.
- 5.2. The panel will comprise the Head or an Associate Head of Department, and one member of academic staff independent from the course. The Student Academic Misconduct Officer will act as clerk and

advise the panel on procedural matters. The student has the right to bring with them a friend or a Students' Union representative who may address the panel. The definition of 'friend' excludes professional representation, unless the case is made that this would not be natural justice, and cannot be another student who is involved in the academic misconduct case.

- 5.3. The panel will normally interview the student and will be provided with a written report from the tutor. Where the panel requires further input from the tutor, they will be invited to attend the panel. The panel will then decide whether the academic misconduct is proven or not proven.
- 5.4. Where the allegation is not proven, the student shall be informed that no further action will be taken. The work will be marked as normal.
- 5.5. Where the allegation is proven, the panel will either confirm the penalty recommended at the review stage or impose a lower penalty. The panel cannot raise the penalty from that initially imposed prior to the appeal.
- 5.6. This marks the end of the appeal stage. The student will be issued with a 'Completion of Procedure' letter confirming that they have exhausted the University's internal appeals procedure relating to academic misconduct and advising that any further appeal would need to be made to the Office of the Independent Adjudicator (OIA).

6. Major Offences

- 6.1. Major offences will be investigated by an academic misconduct inquiry panel.
- 6.2. The panel will comprise the Head or Associate Head of Department and one member of academic staff independent from the course. Where the student has a previous major offence of academic misconduct or has appealed against a minor offence, the inquiry panel must not include anyone who sat on the previous panel. In such cases an independent Head or Associate Head shall hear the case. A Student Academic Misconduct Officer will act as clerk and advise the panel on procedural matters.
- 6.3. The student has the right to bring with them a friend or a Students' Union representative who may address the panel. The definition of 'friend' excludes professional representation, unless the case is made that this would not be natural justice, and cannot be another student who is involved in the academic misconduct case.
- 6.4. A student cannot be represented at an inquiry panel meeting except in cases where a student is not capable of representing themselves (e.g. they are suffering from evidenced mental health issues).
- 6.5. The student is not required to attend the panel meeting, but it is in their interest to do so. If the student does not attend, the meeting will proceed in their absence.
- 6.6. Exceptionally, the student can request the rescheduling of a meeting, providing reasonable notice is given, together with sufficient reason, or evidence supplied of why the student is unable to attend on the scheduled day, e.g., accident, serious illness.
- 6.7. The panel will normally interview the student and will be provided with a written report from the tutor. Where the panel requires further input from the tutor, they will be invited to attend the panel. The panel will then decide whether the academic misconduct is proven or not proven.
- 6.8. Where the academic misconduct is not proven, the student shall be informed that no further action will be taken. The work will be marked as normal.
- 6.9. Where the academic misconduct is proven, the panel will normally impose a penalty in line with the penalty tariff guidance at annex 1. The student shall also be referred to University resources for guidance.
- 6.10. Where the findings of the panel call into question the authorship of other assessments submitted by the student, the panel may suspend its decision while a preliminary investigation into these other

assessments is made. Where these preliminary investigations find a *prima facie* case, the panel will reconvene to consider these assessments. Where the preliminary investigation finds no *prima facie* evidence, the panel will make a penalty decision on the original assessment in which misconduct had been found.

6.11. Where the panel considers that the student should be withdrawn from their course this must be approved by the Chair of Academic Board. The approval process should only be carried out once the student has exhausted the internal appeal procedure.

7. Appeal against a Major Offence

7.1. The student may appeal against the conclusion (i.e. proven or not proven) or penalty of an inquiry panel where either:

7.1.1. there is new evidence that was not available to the academic misconduct panel at the time of their deliberation;

7.1.2. there is evidence that University procedures and/or guidance have not been implemented correctly;

7.1.3. The penalty tariff was incorrectly applied.

7.2. An appeal must be lodged with the Complaints and Appeals Manager within 10 working days of the student receiving the formal notification of the outcome or the student will be deemed to have accepted the conclusion. Exceptionally, at the discretion of the Complaints and Appeals Manager (or nominee), this deadline may be waived where evidence is provided to show circumstances prevented an appeal being lodged.

7.3. The Complaints and Appeals Manager (or nominee) will review the evidence on which the appeal is based and will determine whether there is sufficient evidence to warrant referral to an appeal panel.

7.4. Where no new evidence or insufficient evidence is submitted, the Complaints and Appeals Manager (or nominee) shall write to the student and inform them that their appeal has been rejected. This marks the end of the appeal stage. The student will be issued with a 'Completion of Procedures' letter confirming that they have exhausted the University's internal appeals procedure relating to academic misconduct and advising that any further request for redress will need to be made to the Office of the Independent Adjudicator (OIA).

7.5. Where the Complaints and Appeals Manager (or nominee) determines that sufficient new evidence has been submitted, the case shall be referred to an appeal panel.

7.6. The appeal panel will comprise:

7.6.1. a Head or Associate Head, independent of the department/school in which the course runs or;

7.6.2. one staff member of Academic Board or Learning Teaching and Student Success Committee;

7.6.3. one member of academic staff, independent of the department/school in which the course is based; and

7.6.4. an elected officer of the Students' Union.

8. Proceedings of an Appeal Panel

8.1. An appeal panel will normally meet to consider an appeal within twenty-five working days from receipt of the appeal.

8.2. The appeal panel will look at the original evidence, inquiry report and the evidence on which the appeal

is based.

- 8.3. The appeal panel may interview the tutor, the student, and any other person(s) whom the panel believes may be able to provide relevant information.
- 8.4. The student does not have to attend the appeal panel, but it is in their interest to do so.
- 8.5. As with the inquiry panel stage, the student can be accompanied by a friend or Students' Union representative who will have the right to address the panel. The definition of 'friend' excludes professional representation, unless the case is made that this would not be natural justice, and cannot be another student who is involved in the academic misconduct case.
- 8.6. The student cannot be represented at an inquiry panel meeting except in cases where a student is not capable of representing themselves (e.g. they are suffering from evidenced mental health issues).
- 8.7. Where the academic misconduct is not proven, the penalty shall be withdrawn and the student shall be informed that no further action will be taken.
- 8.8. Where the academic misconduct is proven the appeal panel will either confirm the penalty recommendation of the academic misconduct inquiry panel or impose an appropriate penalty based on the published penalty guidelines at annex 1. The student will also be referred to University resources for guidance.
- 8.9. Where the panel considers that the student should be withdrawn from their course this must be approved by the Chair of Academic Board. The approval process should only be carried out once the student has exhausted the internal appeals procedure.
- 8.10. This marks the end of the appeal stage. The student will be issued with a 'Completion of Procedures' letter confirming that they have exhausted the University's internal appeals procedure relating to the case of academic misconduct and advising that any further request for redress will need to be made to the Office of the Independent Adjudicator (OIA).

9. Recording of Meetings

- 9.1. It is not the University's normal procedure for meetings or hearings to be recorded by either party unless there are exceptional reasons why this should be considered, for example where a verbatim record is required or to accommodate a disability. The decision to do so will be taken by the Student Complaints and Appeals Manager (or nominee) in advance of the meeting. A recording may be made only where all parties agree to the use of recording.

10. Withdrawal of student and/or withdrawal of credit/award

- 10.1. Where an academic misconduct panel recommends that the student be withdrawn from their course, or the withdrawal of credit or an award, this must be approved by the Chair of Academic Board.
- 10.2. The student must first be given the opportunity to appeal the decision (see paragraphs 30-35).
- 10.3. Where no appeal is received, the Complaints and Appeals Manager (or nominee) shall refer the decision to the Chair of Academic Board for approval.
- 10.4. Where the Chair of Academic Board is dissatisfied with the process they will give their reasons and refer the case back to the Complaints and Appeals Manager (or nominee) for review.
- 10.5. Where the Chair of Academic Board is satisfied that the correct procedures have been followed, they will authorise the withdrawal of the student or withdrawal of credit or an award.
- 10.6. The student will be notified in writing of the decision of the Chair of Academic Board.

11. SUPPORT CONTACT DETAILS

11.1. For help and advice please contact:

Students' Union Advice & Wellbeing
Coordinator
E: suadvice@solent.ac.uk

Student Hub
T: 023 8201 5200
E: student.hub@solent.ac.uk

Student Complaints and Appeals Manager
Academic Registry
T: 023 8201 3808
E: appeals.complaints@solent.ac.uk

ANNEX 1: Penalty Tariff and Guidelines

Guidelines

1. **Plagiarism in group work.** If plagiarism is confirmed, and it is clear that it was the act of specific member(s) of the group, then the appropriate penalties may be applied to those specific members. If plagiarism is confirmed but it is still unclear who in the group was the originator(s), then all students in the group will have the appropriate penalties applied.
2. In a case of alleged collusion where for one or more of the students it is a second or subsequent case of academic misconduct, it will be automatically referred to an academic misconduct inquiry panel. This is for all students named in the allegation regardless of whether it is another student's first offence and has been deemed a Minor offence. However, the penalty imposed on each individual will still be in line with the penalty tariff below.
3. An offence will be deemed sequential if, at the time of committing the second offence, the student could reasonably be assumed to be aware that he or she was committing a second offence.

The following penalties may be imposed:

*please note there are different penalties listed in the tariff for unauthorised copy of examination paper, impersonation in relation to an exam and providing assessments for the purpose of academic misconduct.

Type of offence	Description	Penalty
Minor	<ul style="list-style-type: none">• Where for good reason the student was not aware of the regulations.• Exceptionally where there are circumstances that would suggest that natural justice means the lightest penalty should be imposed.	0. the student should receive a letter of caution that will remain on their file for the duration of the student's course and will be considered in the result of any further allegations of academic misconduct. Those sections of the work not subject to academic misconduct would be marked as normal.
Minor	<ul style="list-style-type: none">• Any minor first offence at level all levels* (see above for exceptions)	1. the student should fail the particular assessment to which the allegation relates, with the right to resit and with the module mark capped at the pass mark. The right to resit is subject to the relevant assessment regulations.

<p>Major</p>	<ul style="list-style-type: none"> • Second offences at any level * (see above for exceptions) • First offence at any level of obtaining an unauthorised copy of an examination paper. 	<p>2. the student should fail the assessment to which the allegation relates. The student shall be given one final reassessment attempt for that element, subject to being available in the relevant assessment regulations. Students will be required to produce new assessments for the failed element and will not be permitted to re-work assessments. The module mark will be capped at the pass mark.</p> <p>3. the student should fail the whole module, all marks for any assessment on the module to be set at zero. The student shall be given one final reassessment attempt in all elements, subject to the relevant assessment regulations. Students will be required to produce new assessments for the module and will not be permitted to re-work assessments or resubmit elements which have previously passed. The module mark will be capped at the pass mark;</p> <p>4. the student should fail the whole module to which the allegation relates with no right to resit, all marks for any assessments on the module to be set at zero.</p>
<p>Major</p>	<ul style="list-style-type: none"> • Any third offence at any level • Multiple offences at any level where academic misconduct is deliberate, calculated and extensive * • Any second or subsequent offences of obtaining an unauthorised copy of an examination paper. • Any first offence of being a party to impersonation in relation to an examination. • Any first offence of providing assessments for the purpose of academic misconduct. 	<p>5. the student should be withdrawn from the course. The student may be eligible for award of credit or an exit award, where they have sufficient credit and meet the learning outcomes for that award. In such cases the student is not eligible for admission onto any other University course;</p> <p>6. the student should fail the entire level/stage of the course to which the allegation relates with no right to re-sit. All credit and marks for that level to be withdrawn. The student may be eligible for an exit award, where they have sufficient credit and meet the learning outcomes for that award. In such cases the student is not eligible for admission onto any other University course;</p> <p>7. the student should be withdrawn from the course and all credit and marks would be withdrawn. In such cases the student would not be eligible for any award of the University or for admission onto any other University course. In the case of a student who has received an award and has left the University the award should be withdrawn.</p>