



## **QUALITY ASSURANCE DOCUMENT QA 23 - UNFAIR PRACTICE IN ASSESSMENT**

### **INTRODUCTION**

1. Unfair practice covers a range of infringements within the assessment process. These regulations provide a definition of what unfair practice means and set out the process for dealing with suspected cases.

### **UNFAIR PRACTICE**

2. Unfair practice is any situation where a student, acting alone or in conjunction with others, attempts to gain credit or advantage in assessment by unfair or improper means. The term 'assessments' covers any type of assessment undertaken in pursuit of a qualification. Unfair practice includes cheating, attempts to cheat, plagiarism and collusion, and they also apply to any other similar allegation. It is wrong and unacceptable, not least because it is dishonest, and it undermines the value of qualification that students are pursuing.
3. Examples of unfair practice are provided below. This list of examples is not exhaustive and does not limit the general nature of the definition of unfair practice. Other actions may fall within the general definition of unfair practice.
  - 3.1 Infringements of examination regulations, for example, but not limited to: the introduction of prohibited material into the examination; copying from or any communication with any other person during the examination that has not been authorised by an invigilator; the impersonation of an examination candidate or allowing oneself to be impersonated.
  - 3.2 Plagiarism, which is the use without proper acknowledgement of another person's words and presenting it in an assessment as if they were one's own. Plagiarism includes copying from another student, copying from published work (including online learning materials, lecturer notes, books, internet sites, journal articles, case studies, computer code etc.), the reuse and submission of the same piece of work for two or more different purposes; self-plagiarism the reuse of previously submitted work from other modules or programmes and any other similar practice.
  - 3.3 Collusion, which includes work that is undertaken collaboratively by two or more people and is submitted as if it were the work of a single person; the submission of one student's work as if it were the work of another student; where a student makes their work available to another student to copy; where a student copies another's work with or without the other person's knowledge. It should be noted that in collusion cases, both or all parties can be considered



to be at fault even if the collusion takes place without the knowledge of the original author of the work.

- 3.4 Contracting, paid or otherwise of others to produce the work (ghost writing). This includes the use of known essay writing services and/or other agencies and the use of any other party in the production of some, or all of the work.
- 3.5 Falsifying data including but not limited to fabricated authorisation letters, making false claims to have carried out research, observations, surveys, interviews or other forms of data collection and analysis.

Where there are suspicions that the student has contracted out the writing of their assessment, falsified data or in suspected collusion cases, a viva voce interview may be requested. During the viva voce interview students will be given the opportunity to explain their work, questions may be posed in respect of sources, ideas and theories presented in the work.

#### **OFFENCE OF UNFAIR PRACTICE**

4. A student is guilty of unfair practice if acting alone or with other(s) gains or attempts to gain credit or advantage in an assessment by improper means:
  - 4.1 A student commits the offence of unfair practice if gaining advantage or credit or attempting to gain advantage or credit for him/herself or another.
  - 4.2 The student's intent in committing the actions which amount to the offence of unfair practice is immaterial and will not be considered by the Committee when determining whether the student is guilty of the offence of unfair practice.
  - 4.3 The student's intent in committing the actions which amount to the offence of unfair practice will if relevant be considered by the Committee in determining appropriate penalty or action.
5. Cases of unfair practice are treated extremely seriously. Students found guilty of committing an unfair practice offence will be penalised. Penalties may include a formal warning, the cancellation of a grade resulting in a referral or fail, or expulsion from the programme. Particularly severe cases of unfair practice or serial repeat offenses may also result in exclusion from further study with Arden University and/or the awarding body if different.

#### **PROCESS**

6. Students are required to submit their assignments electronically via its VLE. It is Arden University's policy to systematically scan all assessment submissions received in this way by use of the Turnitin plagiarism detection system. There is no set acceptable



Turnitin score, work with lower Turnitin scores may still be referred if there is any doubt over the originality of the work. In addition, markers and examiners are expected to be vigilant in detecting unfair practice in assessment.

7. Students have the ability to submit a draft of their work to Turnitin in advance of the assessment deadline and are strongly encouraged to use this function developmentally before making their final submission.
8. An internal marker, external examiner, University staff or any other individual involved in the assessment of students who suspects, during or after the assessment and marking process, including following the ratification of grades and/or prior or following the award of a qualification, that a student has committed unfair practice must report this using the UP field on the marking screen (if using isystem) or refer the suspicion to the Head of Quality and provide details of the evidence that gave rise to this suspicion.
9. In the case that a marker reports an allegation of UP as above, the student's work in question must nonetheless be marked and awarded a grade on its own merit and produce feedback that takes account of the work in its entirety, irrespective of the allegation. This grade and feedback would stand in the case that a student is cleared of all wrong-doing.
10. In the case that markers assessing the first two modules of a programme, or modules submitted in the student's first round of assessments, identify cases of poor references where there is no evidence of intentional unfair practice, this will be noted in the feedback as an informal warning to students. These cases will be treated developmentally and need not be reported for further investigation.
11. Invigilators suspecting unfair practice in examinations will act in accordance with the relevant examination regulations and will make a report of the allegation in the invigilator's report and append any supporting evidence to their report.
12. All instances of alleged unfair practice will be collated by a nominee of the Quality Assurance team who will be responsible for convening a Committee of Enquiry to hear and investigate the allegations and to determine any penalties to be applied. The Committee of Enquiry will normally comprise the Quality Assurance nominee, who will act as secretary and take minutes of the proceedings, and two other members of the standing panel selected by the Head of Quality, one of which will act as Chair. Where deemed appropriate, an independent person may be appointed as an additional member of the Committee.



- 13.** Students will be issued with individual letters detailing the nature of the allegation being made against them and inviting them to provide a formal response either in writing, by telephone or in person to the Committee of Enquiry. A copy of this policy will be appended to these letters. Letters will be produced and distributed by the Quality Assurance nominee. Letters will normally be issued at least 7 days in advance of the scheduled meeting of the Committee of Enquiry.
- 14.** Students wishing to attend the Committee of Enquiry in person may be accompanied by a friend, adviser or representative who may speak on their behalf. They cannot be accompanied by a professional (e.g. solicitor or barrister) acting on their behalf in a professional capacity.
- 15.** Where the student has opted for, or has been required to attend, a viva voce examination of their work the dates and times will be provided to the student along with full instructions of how they may attend, either in person or virtually (skype, Adobe Connect etc.) and what they may expect as part of the process. The viva voce is not the point at which the outcome of the allegation is decided, and the student must not be informed of the potential findings. Once concluded, the evidence from the viva may be used during the consideration of the case. If a student requests, or is required to attend, a viva, but does not respond to the request or fails to attend the meeting does not do so then an outcome to the allegation will be decided based on the evidence already in hand.
- 16.** The student will be required to inform the Quality Assurance Team via [upresponses@arden.ac.uk](mailto:upresponses@arden.ac.uk) whether they intend to make a verbal response or provide a written response to the allegation or not. Students who are being accompanied by a friend, adviser or representative must inform the Quality Assurance nominee of the name of the person in writing in advance of the meeting. Every reasonable attempt will be made to obtain a response from the student and the Committee of Enquiry will not normally hear a case for which no acknowledgement of the allegation has been received from the student, or without the student being fully informed that their case will be heard without their response. If, however, a student does not attend the meeting of the Committee of Enquiry, having previously indicated that they would attend, and providing all reasonable attempts have been made to contact the student, the meeting shall proceed in their absence.
- 17.** Cases of collusion will normally be heard separately, however students who choose to attend the Committee of Enquiry meeting may request that their case be heard jointly.
- 18.** The terms of reference of the Committee of Enquiry are:



- 18.1 To consider the evidence on which the allegation of unfair practice is based;
- 18.2 To determine whether the allegation has been substantiated;
- 18.3 Where a case has been substantiated, to determine the penalty or action to be imposed;
- 18.4 To record observations and outcomes that may be used to inform staff training, assessment design, process and practice or any other outcome that would benefit from further investigation and reporting.

**19.** The following procedures apply to meetings of the Committee of Enquiry:

- 19.1 The Chair or other member of the Committee will present the case against the student and the evidence on which the case is based.
- 19.2 If the student is in attendance, in person or by telephone, the Committee may question the student during the presentation of evidence.
- 19.3 Once the presentation of evidence is complete, all persons, excluding the Committee members, shall withdraw, and the committee shall consider whether the allegation has been substantiated.
- 19.4 If the Committee finds that the case has been substantiated, it shall then consider the penalty or action to be imposed.
- 19.5 If the Committee finds that the case is not substantiated but the Committee finds that the infraction goes beyond poor references as outlined in paragraph 9, then the Committee can make a finding of poor academic practice and consider imposition of an action.

### **ACTIONS AND PENALTIES**

**20.** Actions and penalties available to the Committee of Enquiry are:

20.1 Actions available to the Committee:

- UPA: Initial warning letter for poor academic practice – grade stands.

20.2 Penalties available to the Committee:

- UPB: Formal warning – loss of marks for all or part of the work with re-sits capped at the minimum pass grade. Recommended for first substantive offences. Students will be required to resubmit based on a new assessment question for taught modules. For dissertations/research projects, students may be required to select a new research topic.
- UPC: Final warning - loss of marks for all or part of the work with re-sits capped at the minimum pass grade. Recommended for students who have received a UPB in a previous assessment period or for first offences due to



the severity of which a UPB is deemed inappropriate. Students will be required to resubmit based on a new assessment question for taught modules. For dissertations/research projects, students will be required to select a new research topic, particularly in cases of falsified data.

- UPD: Exclusion from programme. Recommended for students who have received a UPC in a previous assessment period or for serious first offences due to the severity of which a UPB or UPC are deemed inappropriate.

20.3. If a Committee of Enquiry deems that the above actions and penalties are inappropriate, it may use its discretion to impose an appropriate penalty or action. However, claims of exceptional mitigating circumstances cannot override an Unfair Practice penalty or action and cannot lead to a lower penalty or action.

**21.** Following the proceeding of a meeting of the Committee of Enquiry, the following actions will be undertaken:

- 21.1 A letter will be issued to students notifying them of the outcome of the Committee of Enquiry and informing them of any penalty or action that has been imposed, if applicable.
- 21.2 Where the recommended penalty is exclusion the details of the case will be referred to the Subject Assessment Board and then to the Pro Vice-Chancellor, consideration of previously ratified grades will be undertaken to determine whether it is appropriate to cancel grades and or awards achieved in cases where the student has had repeated, serious, unfair practice allegations upheld.
- 21.3 The Quality Assurance nominee will record such outcomes on the student's record and any cancellation of grade will also be recorded.
- 21.4 The outcomes of the Committee of Enquiry will be presented to the next meeting of the Progression and Awards Board, where these outcomes will be noted and where they will inform progression decisions, as appropriate.
- 21.5 There shall be no further discussion of the details of the case or the proceeding of the meeting with the candidate following the Committee of Enquiry meeting. The student does, however, have the right of appeal as detailed below.
- 21.6 Students that are issued with a formal or final warning (UPB or UPC) will be required to engage with the University's ASSIST – Unfair Practice module and with the study skills tutor. Access to all active modules may be suspended until engagement with the ASSIST- Unfair Practice module and the study skills tutor has been demonstrated.
- 21.7 Allegations of malpractice which involve fraud or a serious breach of examination security and implicate the Head of Centre or senior management will be reported to the awarding body and subject to the awarding body's investigation process.



21.8 Confirmed cases of Unfair Practice may be reported to professional bodies where applicable.

## **APPEALS**

22. Students whose allegation of unfair practice has been substantiated have the right to appeal against the decision of a Committee of Enquiry. Student appeals must be made in writing and in accordance with the Academic Appeals procedure.

## **Outcomes**

- During the investigation of unfair practice allegations issues and observations may arise that would benefit from further investigation. These may impact on future academic practice, staff development and other University processes and procedures.
- Narrative findings will be discussed during the committee and summarised by the secretary. These will then be passed to the nominated owner who will generate actions based on the findings.
- Actions will be passed to relevant parties for their attention and responses will be gathered.
- Where the actions pertain to a decision that has been, or needs to be taken, by the Committee of Enquiry, they will be reported back to the Quality Assurance nominee for action.
- All actions and outcomes will be reported by the nominated owner to the Learning and Teaching Committee and Progression and Award Board on a quarterly basis and will form part of the annual report to Academic Board.