

01 June 2012

Amendment to the Code of Practice on Plagiarism

Purpose of the Paper

1. APRC is asked to **consider**, and if thought appropriate, **approve** amendments to the Code of Practice on Plagiarism. These changes relate to three separate matters, however as they both relate to the same Code of Practice, are presented in the same paper. The first amendment relates to students who are also members of staff, and seeks to align the Code of Practice with the staff guidance from Human Resources. The second amendment relates to the types of work that are subject to the University's Plagiarism legislation. The third amendment would bring about greater consistency in communication with students who are subject of allegations of plagiarism.

Proposal

2. (a) That a new section is added in to the Code of Practice on Plagiarism as follows:

10. Code of Practice for Staff on Plagiarism

10.1 Where a student is also a member of Staff (whether Academic Staff, Teaching Staff, Research Staff, Academic Information Service Staff or otherwise), the instigation of the procedures set out in this Code of Practice shall not preclude the instigation of procedures set out in the Code of Practice for Staff on Plagiarism, and the instigation of procedures set out in the Code of Practice for Staff on Plagiarism shall not preclude the instigation of procedures set out in this Code of Practice. These procedures may operate concurrently.

- (b) That the initial definition of "student" and the definition of plagiarism is amended:

*1.1 Plagiarism is the act of a Registered Student or, a Student on a Leave of Absence, **an external Resit Student, a student with Thesis Awaited Status and Graduands ("students")** claiming as his or her own, intentionally or by omission, work which was not done by that student. For the purpose of this Code of Practice this includes **all work (both formative and summative) presented to a Supervisor or any other member of academic staff at any point in time during their period of registration** auto-plagiarism and fabricating evidence, results or data as well as copying work done by others. More detailed information on what constitutes plagiarism is contained in the separate document 'Guidance for Students on Plagiarism'.*

- (c) That all subsequent references to specific student statuses (Registered Student, Student on Leave of Absence, etc), be replaced by "student" or "students" as appropriate.

3. That on the matter of consistency of communication with students who are subject to allegations of plagiarism, the following amendments are made (additions emboldened and underlined):
 - (a) 4.1 *The Registered Student or Student on a Leave of Absence must be invited by way of a 'Notification Letter' (which may be sent by post and/or email) to a Plagiarism Meeting. **A template Notification Letter is available for use via the staff Plagiarism web pages..***
 - (b) 4.11 *Whether or not the Registered Student or Student on a Leave of Absence is advised of the decision during the Plagiarism Meeting, within 5 working days of the Plagiarism Meeting the Registered Student or Student on a Leave of Absence will be sent an 'Outcome Letter' confirming the outcome of the Plagiarism Meeting, the reasoning behind the decision and right of review and shall enclose a copy of the notes of the Plagiarism Meeting. **A template Outcome Letter is available for use via the staff Plagiarism web pages.** The notes of the Plagiarism Meeting should be retained on the Registered Student's or Student on a Leave of Absence's file by the School.*

Background and Consultation

4. Regarding points 2 (a) – (c), Human Resources have recently amended their guidance on the procedure to be followed for dealing with alleged plagiarism in staff members. Registry was asked to review the Code of Practice on Plagiarism to ensure consistency, particularly where a member of staff is also a student. The proposed changes represent the amendments required to be made in order to ensure that there is clarity of process between the two sets of guidance.
5. In addition, regarding point 2 (b), Student Conduct and Appeals have identified a discrepancy within the definition of Plagiarism in the Code of Practice whereby a student could submit plagiarised work at a formative stage, or in a submission of a chapter of a PhD to their Supervisor, and potentially mitigate their misconduct by arguing that there is a distinction between formative and summative work in this regard. This amendment is reflected in changes to the Code of Practice on Misconduct and Fitness to Practise Procedures, and also to Regulation 8, which have been submitted to the June APRC.
6. Regarding paragraph 3, the Code of Practice on Plagiarism, in its current state, was implemented in the 2011 academic session. During this first year of implementation there have been a small number of localised issues relating to consistency across Schools on the application of the Code of Practice. The individual student cases associated with these issues have been resolved. The Guild of Students has, however, contacted the Senior Tutor, citing these cases, with the aim of improving the quality of communication with students who are subject of allegations of plagiarism. In particular, advising that all the requirements of the Code of Practice that relate to communication be adhered to.
7. The Senior Tutor and the Deputy Pro-Vice-Chancellor (Education) have discussed the concerns raised and examined the possibility of making use of template letters, developed to match the requirements of the Code, mandatory. Template letters already exist, however their use is currently advisable, rather than mandatory.
8. Advice was sought from Legal Services regarding the proposal to make use of the template letters mandatory. It was the advice of Legal Services that this would not

provide a suitable resolution to the issue. Below, for information, is the relevant extract of the communication:

Making use of the templates mandatory, whilst it might improve the standard of communication with the student (and I guess that is the main reason for the proposal) might however lead to 2 unsatisfactory scenarios. First, a review/appeal based on non-use of the templates might find that not using the templates was a procedural irregularity but had no material bearing on the outcome as the letter/IO [Investigating Officer] report contained all the relevant information – that would effectively make the mandatory requirement pointless and would set a precedent that the templates need not be used provided they contained all the relevant information. Alternatively, a review/appeal based on non-use of the templates might decide that notwithstanding that all the relevant info was in the documents used, non-use of the templates invalidated the decision or might result in the process needs to be repeated, and this might not really be in anyone's interests either.

Deborah Warren, Solicitor, Legal Services, 9th May 2012 [via email to Gillian Davis]

Arguments to Support Proposal

9. The amendments noted in points 2 (a) – (c) are requested in order to legislate for a situation where student is also a member of staff. The intention in amending the Code is so that instigation of procedures under the Code of Practice on Plagiarism which pertains to students does not preclude instigation of procedures under the staff plagiarism procedures and vice versa.
10. The amendment to the definition of plagiarism included in point 2 (b) is requested in response to a number of situations of academic misconduct regarding plagiarism in work not submitted for assessment. It is felt necessary to provide clarity to students and staff alike as to the provisions of the Code of Practice. It has been possible for students to mitigate their misconduct by arguing that there is a distinction between formative and summative work in this regard. The Code of Practice on Misconduct and Fitness to Practise Procedures and Regulation 8 have been amended to provide for this change, and the proposed change in Section 1 of the Principles of the Code of Practice on Plagiarism is requested to ensure consistency across all the relevant legislation.
11. The amendments noted in point 3 (a) – (b) are requested in order to provide greater support and consistency for the processes by which students are communicated with throughout the Plagiarism procedure.

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Registry