

## **08.3**

# **GUIDELINES ON PENALTIES FOR UNFAIR PRACTICE**

# CARDIFF METROPOLITAN UNIVERSITY

## Guidelines for Committees of Enquiry on the Imposition of Penalties for Unfair Practice

### Introduction

Cardiff Metropolitan University is conscious that there is a spectrum of unfair practice offences which do not fit easily into categories such as moderate or severe, especially when other factors (including various levels of mitigation) have to be taken into account. This means that it is not appropriate simply to attempt to allocate specific penalties for specific offences, but it is possible to provide guidelines on how the penalties might be applied.

The following guidelines on the appropriateness of possible penalties for different levels of offences, and on taking account of mitigation and other factors, have been drawn up to assist Committees of Enquiry (and Examination Boards in appropriate cases) when determining the penalties to impose when allegations of unfair practice are substantiated. These guidelines relate to cases of plagiarism, as the commonest form of unfair practice, but can easily be adapted for other offences, and contain examples only as a general guide.

The guidelines below should be read in conjunction with the list of penalties set out in the University's '*Unfair Practice Procedure*' in the Academic Handbook, and appended to this document. These penalties for implementation from the start of session 2008/09 are sufficiently flexible to enable Committees of Enquiry to impose penalties appropriate to the circumstances of individual cases.

Committees of Enquiry (or Examination Boards) are welcome to seek advice from the Academic Registry on specific cases.

### Appropriateness of Penalties

1. The formal reprimand could be used for a first offence of very minor plagiarism in a piece of work where there is no evidence of intent by the candidate to deceive (e.g. poor referencing). In many cases, this might be combined with an instruction to the examiners, when marking, to ignore any plagiarized text, which may result in a reduced mark. If the work had already been marked, it would have to be remarked accordingly.
2. Cancellation of the mark for the piece of work in question or for the whole module would be appropriate for most cases of plagiarism involving occasional paragraphs or sentences within a piece of work, with or without a recommendation to an Examination Board regarding the possibility of a resubmission (if permitted under regulations). There is flexibility within this penalty for it to be set at a level commensurate with the nature of the offence, mitigation and other factors, including the percentage weighting of the assignment to the module as a whole.
3. Cancellation of marks for all modules for the whole year or level in question would be appropriate for plagiarism in respect of a whole piece of work

(dissertation or other written assignment) or a substantial proportion of a piece of work - i.e. the whole work or majority of the work was copied from or written by someone else.

This penalty assumes that the student is full-time; an equivalent penalty for a part-time student would have to be determined. For example, this could mean cancelling the marks for all modules for the year in question and some or all of the modules in the previous year.

This penalty could stand alone or could be combined with disqualification from future examinations, depending on factors such as whether or not there is mitigation and the level of mitigation, and whether it is a first or a subsequent offence.

4. The reduction of the degree result by one class or the non-award of a distinction could be a stand alone penalty in specific circumstances, but would more usually be combined with one of the other penalties to increase the severity of the penalty in appropriate cases, such as a second offence.
5. Provision for the Committee of Enquiry to use its discretion to decide an alternative penalty is intended for use only in exceptional cases, where none of the stated penalties would be entirely appropriate. This would normally only involve modifying one of the existing penalties to fit the circumstances of the case, but there may be specific occasions where an alternative penalty of equivalent severity to an established penalty might better fit the circumstances of the case. In such situations, Committees of Enquiry would be advised to seek advice from the Academic Registry before proceeding.

### **Mitigation and Previous Offences**

Mitigation, previous offences and other factors could all influence the overall penalty. For example, where the mark is cancelled or zero awarded for a module, mitigation or previous offences could be taken into account in respect of a recommendation to the Examination Board as to whether or not a resubmission should be allowed (if permitted under regulations) and whether that resubmission would be for the bare pass mark only or the full range of marks (as if a first submission).

No leniency should be given specifically in respect of a first offence. The majority of cases are first offences and appropriate penalties should be imposed, but a second or subsequent offence would normally result in the imposition of a more severe penalty.

For example a candidate might be given a formal warning on the first occasion if the plagiarism was very minor and believed to be just a matter of poor referencing, but if it happened again, awarding zero (cancelling the mark) for the piece of work would be appropriate. Similarly, if there was plagiarism of a whole Master's dissertation but a significant level of mitigation, a penalty of zero for all modules in the particular level of study could be imposed, but the candidate could be allowed to retake all those modules, as a way of taking account of the mitigation, but if unfair practice was subsequently repeated, then it would be appropriate to impose a penalty of zero for all modules in the particular level and disqualification from future examinations.

Within the existing penalties, it is possible to create subtly different penalties for the same offence in order to take account of mitigation. For example, for two candidates

found guilty of collusion and awarded zero for their work with a recommendation to the Examination Board that both be allowed to resubmit, it is possible to distinguish between them in order to take account of mitigation in respect of one of them by recommending that one student resubmits for the bare pass mark only while the other resubmits as if a first submission for the full range of marks.

### **Level of Study**

The student's status (postgraduate or undergraduate) would be irrelevant when deciding a penalty to impose - the same penalties would be used for either. However, it could be argued that a postgraduate student should, having already completed an initial degree, know more about referencing and plagiarism than say a Level 5 undergraduate. This would normally be reflected not in the penalty but in the consequences of the penalty. For example, for an undergraduate student, some plagiarism in an essay for a 20 credit module would result in zero for the 20 credit module, which might or might not affect the final degree classification, whereas for a postgraduate student on a taught Master's programme some plagiarism in the dissertation could mean zero for a 60 credit dissertation resulting in the award of a Postgraduate Diploma instead of the Master's degree. For a PhD/MPhil candidate it could mean the whole thesis fails and no award is made after several years work.

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*Approved AQSB, 18 April 2007*

## Penalties set out in Cardiff Metropolitan University's Unfair Practice Procedure

### 9. **Penalties available to the Committee for Unfair Practice in Examination Conditions**

*The Committee of Enquiry shall apply one or any combination of the following penalties:*

- 9.1 The issue of a formal reprimand to the candidate, a written record of which shall be kept.
- 9.2 The cancellation of the candidate's marks in part or in whole for module(s) concerned, or in all of the modules for the year or level in question or the equivalent for a part-time candidate, with a recommendation as to whether or not a re-assessment should be permitted, either with eligibility for the bare pass mark only or for the full range of marks.
- 9.3 The reduction of the degree result by one class or the non-award of a distinction, as appropriate.
- 9.4 The disqualification of the candidate from any future Cardiff Metropolitan University examination.

If a Committee of Enquiry decides that the above penalties are inappropriate, the Committee may use its discretion to decide upon the appropriate penalty.

In exceptional circumstances where an allegation has been substantiated and the Committee is concerned that this may affect the candidate's ability to practise in a particular profession, the case shall also be considered under the *Student Fitness to Practise Procedure*.

### 10. **Penalties Available to the Committee for Unfair Practice in Non Examination Conditions**

*The Committee of Enquiry shall apply one or any combination of the following penalties:*

- 10.1 The issue of a formal reprimand to the candidate, a written record of which shall be kept.
- 10.2 An instruction to the examiners, when marking, to ignore any plagiarized text, which may result in a reduced mark.
- 10.3 The cancellation of the candidate's marks in part or in whole for module(s) concerned, or in all of the modules for the year or level in question or the equivalent for a part-time candidate, with a recommendation as to whether or not a re-assessment should be permitted, either with eligibility for the bare pass mark only or for the full range of marks.

- 10.4 The reduction of the degree result by one class or the non-award of a distinction, as appropriate.
- 10.5 The disqualification of the candidate from any future Cardiff Metropolitan University examination.

If a Committee of Enquiry decides that the above penalties are inappropriate, the Committee may use its discretion to decide upon the appropriate penalty.

In exceptional circumstances where an allegation has been substantiated and the Committee is concerned that this may affect the candidate's ability to practise in a particular profession, the case shall also be considered under the *Student Fitness to Practise Procedure*.

## **11. Penalties for Unfair Practice in Research Degrees**

*The Committee of Enquiry shall apply one or any combination of the following penalties:*

- 11.1 The issue of a formal reprimand to the candidate, a written record of which shall be kept.
- 11.2 The disqualification of the candidate from the degree with a right to resubmit the thesis.
- 11.3 The disqualification of the candidate from the degree with no right to resubmit the thesis.
- 11.4 The disqualification of the candidate from all future Cardiff Metropolitan University examinations.

If a Committee of Enquiry decides that the above penalties are inappropriate, the Committee may use its discretion to decide upon the appropriate penalty.

In exceptional circumstances where an allegation has been substantiated and the Committee is concerned that this may affect the candidate's ability to practise in a particular profession, the case shall also be considered under the *Student Fitness to Practise Procedure*.