



UCL Academic Manual 2023-24

Chapter 6: Student Casework Framework

Annex 6.9.7

## Academic Misconduct – Penalty Guidance for Decision Makers

### Guidance

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## 1 Introduction

1. In line with sector good practice, UCL allows decision makers to use their discretion when they are considering an appropriate penalty for a confirmed case of academic misconduct.
2. This discretion does not diminish the importance of a finding of confirmed academic misconduct. It does, however, enable the decision maker to set a penalty that is appropriate and proportionate to the offence.
3. It is important that, as we record our decisions, it is clear where discretion has been used, and why. This helps our students to understand how their individual contexts have been considered during the investigation process and ensures that we have a record that can be provided should there be further questions on a specific outcome.

## 2 Distinction between the offence and the penalty

4. A judgment of academic misconduct will normally not be affected by external or personal mitigating factors. This guidance is intended for use in decision making about appropriate penalties.

# 3 Use of Discretion

## 3.1.1 What do we mean by discretion?

1. The Academic Misconduct policy clearly sets out the penalties that are available to different decision makers when they are considering a case.
2. Most decision makers have a range of penalties available to them, and the decision about which penalty to use in a specific case will be based on the evaluation of a range of factors.
3. That decision, which is based on the assessment of how the evidence and other relevant factors combine to form a contextualised picture, is where discretion can be applied.

## 3.1.2 What factors may influence a penalty decision?

1. There are many factors that may contribute to a decision about the appropriate severity of a penalty. These will normally include:
  - a) The severity of the offence.
  - b) The extent to which the offence advantaged the student academically in relation to their peers.
  - c) Linked to the above point, the component weighting may also be factored in as this will determine the extent to which the student may have been advantaged.
  - d) The extent to which the student can be judged to have intentionally committed the offence, for example, in a clear case of contract cheating.
  - e) The extent to which the student received clear guidance on appropriate behaviour during the assessment, for example, guidance on the difference between collaboration and collusion, or on the appropriate use of sources.
  - f) Whether and at what point in the proceedings the student admitted fault and agreed that there is a case to answer.
  - g) Whether there have been previous cases of proven academic misconduct.
  - h) Whether there has already been referral to additional training on good academic practice.
2. Through conversations with the student and the decision maker's own investigations, it may become clear, that the student can evidence that their judgement was impaired during the assessment. Examples of such circumstances may include:
  - a) Serious personal illness, such as significant mental ill health, hospitalisation, or substance misuse during the period of the assessment.
  - b) Serious personal circumstances, such as the loss of a parent or sibling, or the sudden loss of housing, during the period of the assessment.

- c) Evidence of coercion or significant deception by a third-party actor, leading the student to believe that their actions were appropriate or were not leading to misconduct.
3. There may also be situational or context specific reasons to amend a penalty to ensure that it remains proportionate. For example, where there may be a disproportionate effect on the progression or award of a student, including a delay to the completion and award of a finalist.

## 4 Recording penalty decisions

1. Decision makers must clearly outline the reasons for the penalty that they choose to apply in each case. Within this, they should:
  - a) Explain why any lesser penalty that was available to them was not considered suitable.
  - b) Explain how the factors considered during the process of investigating the misconduct have contributed to or mitigated the severity of the penalty agreed.
  - c) Directly reference any representations made and evidence submitted by the student, and how these contributed to the decision that has been made.
  - d) Explain where a penalty may have been adjusted to avoid effects disproportionate to the intended purpose of the penalty.
  - e) In cases where the most severe penalty is the only one deemed appropriate, a clear rationale for why that is the case, with reference to the factors that contributed to that decision.
2. To ensure decision makers are applying penalties consistently, it is recommended that a local anonymised record is kept of records of offences, mitigating factors and penalties applied which can be referred to.
3. The Student Academic Misconduct Outcome Form (Annex 6.9.5) should be used to record and report penalty decisions to students.

# 5 Case Studies

The following case studies are based on real cases of academic misconduct that were considered within UCL. The details have been amended to prevent individual identification, but the outcomes are real.

## **Case Study: Amending a penalty to account for serious personal circumstances.**

A student is found to have committed plagiarism in an assessment that accounts for the majority of the module mark. Based on the extent of plagiarism, the Panel is considering awarding a mark of zero for the assessment and requiring the student to submit the work again at the second attempt in the LSA period.

Prior to the Panel meeting, the student submits evidence that they are currently undergoing treatment for a recent cancer diagnosis, and their first round of chemotherapy will be during the LSA period. Taking this information into account, and in the interest of ensuring the punishment remains proportional to the wider circumstances the student is facing, the Panel agrees to amend their proposed penalty, opting to instead cap the assessment at the pass mark.

This achieves the same outcome as requiring the student to complete a second attempt, by preventing them from achieving a mark higher than the pass mark, while preventing additional distress during a significantly difficult time.

## **Case Study: Awarding a lesser penalty based on the extent of misconduct.**

A student was accused through a whistleblower of Contract Cheating which had then been corroborated with a Departmental Viva questioning the student on how they had completed the work which revealed numerous irregularities, including outputs produced through specialist software that the Department did not use, and specialist sources not on the standard reading list and, in some cases, outside of UCL's own collections.

As this irregularity occurred early in the academic year, there were not yet other assessments in scope that needed to be reviewed to ascertain whether they had also been completed through contract cheating. Bearing that in mind, whilst Contract Cheating typically attracts the penalty of Expulsion, the Panel took into consideration the overall weighting of the component which was very small (less than 10%) and agreed that a reduced penalty of Suspension would be more proportionate. This penalty still had a significant impact on the student but did allow them to continue their studies.

**Case Study: Good faith submission of falsified medical evidence.**

A student is accused of providing Falsified Extenuating Circumstances (EC) evidence which had been discovered by the Department due to irregularities with the documentation and a non-existent doctor referenced.

The student through their statement and attendance at panel revealed that they had experienced serious personal issues that they did not want to disclose to their Department at the time. They had therefore resorted to the use of a private online service to cover the period of their claim with the details they were comfortable sharing. The student had believed the evidence provided would be from a real UK based doctor after an online consultation but had in fact been provided with fraudulent evidence.

Whilst the panel did not condone the use of such a service, due to the student having real issues that could be evidenced for their EC claim, it was agreed that, while the student was found guilty of falsification, no penalty would be given. The student was instead strongly advised to liaise with Student Support and Wellbeing and engage with their Department to ensure ongoing support.

**Case Study: Amending a standard penalty to ensure proportionality.**

A student is found to have brought unauthorised material into a practical exam. The Academic Misconduct Panel considers giving the student a zero mark and requiring them to retake the exam at the next normal occasion, which at this point would be the following academic year.

The student is a final year student whose visa will expire at the end of the academic year. The practical exam cannot be taken in the student's home country. The panel decides that the effect of the penalty would be to prevent the student from graduating in time to apply for a graduate visa, which would be disproportionate to the offence in this case. It decides to allow the student to either sit an alternative assessment, if appropriate, or to alternatively ask the department to prepare a special, earlier sitting of the exam.