

# THE STUDENT'S GUIDE TO *ACADEMIC MISCONDUCT ALLEGATIONS*



# Academic Misconduct

Few things are as stressful as receiving a letter from your university informing you of an investigation for academic misconduct. If that happens, do not panic or act hastily. Take time to understand the nature of the allegation against you and consider any evidence that the university has submitted as part of the allegation.

## UNDERSTANDING THE ALLEGATION



### Definition

It is important, at the outset, to understand what *exactly* you have been accused of.

The first step is to look up your university's regulations, which can usually be found with a simple Google search, and find the regulations or policy documents relating to Academic Misconduct. The definition of the allegation should be included in this document.

By way of example, if you are a student at Cardiff University and you have been accused of plagiarism, you will find the definition of plagiarism in their policy document titled 'Academic Integrity Policy':

## 2. Definition of Academic Misconduct

2.1 When your action(s) or inaction(s) raises a concern that you might be engaging in academic misconduct, this will be investigated as a breach of academic integrity. Academic misconduct can take place irrespective of whether your actions or inactions were intended to gain an unfair advantage or not. Academic misconduct includes, but is not limited to the following:

- .1 Plagiarism: the use of someone else's words, ideas, intellectual property, or work, without proper acknowledgment by use of correct referencing conventions, or necessary permissions. Words or ideas may include: text (including paraphrasing), diagrams, formulae, software.

Pay special attention to the wording of the definition. For example, plagiarism is defined by some universities as a 'deliberate act'. In that case, the University would need to show that you intended to plagiarise. However, at Cardiff University, and many other institutions, the University does not need to prove intent to find you guilty of the offence. It is what lawyers call a 'strict liability' offence.

## EVIDENCE

Once aware of the nature of the allegation, consider the evidence against you. The university should have provided the evidence. If not, ask for it. You are entitled to it.

In cases of plagiarism the evidence will often include a Turnitin Report. In cases of collusion it may include a copy of your exam script with the marker's comments indicating where they believe you have colluded.

## PROCEDURE

Refer to the procedure in the university's academic misconduct policy and regulations to understand how academic misconduct cases are handled by the institution.

Follow the procedure carefully and comply with any deadlines.

If you are unable to comply with a deadline, seek an extension before the deadline passes, giving reasons for the need for more time.

## RESEARCHING YOUR CASE

Your starting point should always be the university's policy documents and regulations on academic misconduct. If you are unable to find the relevant documents on the university's website, ask the university for them.

In addition to researching the definition of the allegation and the university's procedure, identify the burden and standard of proof. Who has to prove what? And to what degree of certainty? Beyond a reasonable doubt or on the balance of probabilities? Proving the allegation beyond a reasonable doubt is a much higher burden than on the balance of probabilities. For example, at Cardiff University, a glance at the Academic Integrity Policy shows that the standard of proof is on the balance of probabilities:

## 2.9 The Chair of the Examining Board's decision will be made on the balance of probabilities. The Chair will make one or more of the following decisions:

Next, consider the sanctions the university can impose. If you decide to plead guilty, decide which sanction you will suggest is appropriate. It may be that you decide to plead not guilty to plagiarism, but admit to a lesser charge of poor academic practice.

You must support your proposal with arguments. You cannot simply state which sanction you want without justification. This will involve seeking to mitigate the seriousness of the offence, for example by saying that this is a first offence, that there was no intent to deceive, and so on.



When gathering evidence to support your case, a good rule of thumb is to break down the allegation into constituent parts and look for supporting evidence that challenges each element. For instance, if you have been accused of plagiarism, you might seek to argue that there has been proper acknowledgement of your sources. If so, the charge of plagiarism should fall away.

When analysing the Turnitin report, focus on the parts of the assessment that are problematic, not just the parts that you can easily justify. Don't bury your head in the sand.

Previous iterations of the work that show your working process might also be useful. Again, the strength of the evidence will help you decide how you are going to plead, and what sanctions if any you are going to propose.

Finally, consider if expert evidence is needed to support your case. For example, in instances where the university has alleged you have not written an essay yourself, a forensic linguistics expert might be useful to challenge this allegation. Medical evidence and psychologist reports can also help support mitigating and extenuating circumstances arguments.

## WRITING YOUR STATEMENT

Start by deciding what you want to achieve (e.g., dismissal of the allegation). Next, think about how the university is likely to develop its case against you. Consider the arguments they are going to make and the evidence they will rely upon. If the allegation is plagiarism, which passages from the Turnitin Report will they focus on? It is important to address these issues head-on in your statement.

Where there are failings on your part that you cannot justify, think about how you have sought to remedy this. What steps have you taken to improve your practice?

For example, where referencing has been a problem, read the university's guide on referencing. There are also online courses you can take on how to reference. By doing this you are demonstrating to the university that you recognise certain failings and have been pro-active in addressing them. This can help lower the sanction.

When writing your statement, be succinct in your arguments. Avoid repetition and emotional statements such as “I am sorry from the bottom of my heart”.

Make sure you have a clear structure. Your aim is to make life as easy as possible for the reader and minimise the work they have to do. For this reason, it can be useful to include key parts of the relevant regulations.



A ‘Background’ section is an essential part of your appeal statement. Do not assume the person reading your statement knows the background to your case. What facts you present, and how you do so, are key. The ‘Background’ section should be clear, accurate, without embellishment or emotion, and present a narrative that helps your case. In most cases, it will be chronological. If done properly, it can contribute considerably to the persuasiveness of the document.

Your submissions should be logical, well founded and relate directly to the grounds of appeal. Separate each argument so they can be easily identified.

## THE HEARING



In cases of academic misconduct, you will be normally be invited to attend a hearing. In almost all cases, we recommend you attend the meeting, preferably with a member of the Student Union or a legally qualified professional if permitted by the regulations.

Attending the hearing will give you the opportunity to articulate some of the points made in your statement, answer any questions the Panel may have, and it shows a willingness to be open and engage. If you do not attend, the Panel will decide in your absence and may draw adverse inferences from your absence.

Before the hearing, find out as much as you can about what will happen. You will be less nervous if you know what to expect.

Understanding the procedure will also be of benefit if the university strays from it.

## GET FURTHER EXPERT HELP NOW

An allegation of academic misconduct should be taken extremely seriously. It can affect your future, including in some cases your employment prospects.

To help you achieve the best possible outcome, we have developed a 30-minute online course on how to deal with academic misconduct. Delivered by a specialist barrister and former University lecturer, it is full of useful tips and practical, real-life examples derived from years of helping students in your situation.

Just visit the course page here:

**[https://alpha-academic-appeals.teachable.com/p/the-worried-student-s-guide-to-dealing-with-academic-misconduct-allegations/?preview=logged\\_out](https://alpha-academic-appeals.teachable.com/p/the-worried-student-s-guide-to-dealing-with-academic-misconduct-allegations/?preview=logged_out)**.

As readers of this guide, we are happy to offer you an exceptional 25% discount on the course fee. When at the check-out page, use the Coupon Code 'UNI25'.

