



The following text is taken from a good practice guide produced by Oxford Brookes University. It is important to note that the recommendations provided here should not be executed in isolation. It is clear that the implementation of all plagiarism strategies should be part of a holistic approach to the issue. Individual tactics will have much less impact than strategies that look more widely at all stages of academic life and how students can be encouraged not to plagiarise.

Guide 8 - Using a separate procedure for disciplinary issues

No matter how well a course teaches ways to avoid plagiarism, or how much effort the lecturer has put into building a climate that values learning itself, there will always be students who commit academic misconduct whether through ignorance or deliberate choice. For the reasons set out in guide 1 and 4, such occurrences must be dealt with through a disciplinary process. Furthermore, it is essential that this is clearly differentiated from the normal process of assessment via examination boards.

This separation is necessary in principle because the two processes fulfil different functions, require different procedures to be followed and apply different criteria within those procedures. Put crudely, an examination board will consider the extent to which a piece of work demonstrates that the student has achieved the necessary learning outcomes and determine what academic credit should be awarded for it. It will apply procedures developed through internal quality assurance and external peer review. A disciplinary committee, on the other hand, will consider whether or not the evidence presented to it is sufficient to warrant a finding of academic misconduct and, if so, what penalty should be imposed. Some penalties, such as expulsion from the University, go beyond the normal powers of examination boards and many should be imposed without reference to the merits or otherwise of the (non-plagiarised) remainder of the work submitted. Unlike assessment procedures, those for disciplinary committees are governed by the rules of natural justice (and quite possibly now the Human Rights Act) (see guide 9).

These distinctions have been tested out in the courts and it has been shown that the application to the disciplinary process of procedures appropriate to the examination board can easily lead to a successful challenge to the outcome. Thus, in *R v Manchester Metropolitan University ex parte Nolan* (1993), Mr Justice Sedley was clear that the exclusion of a student from the meeting of the examination board that considered an allegation of plagiarism against him was

...not beyond challenge if its effect were to rob a student altogether of a hearing by or on behalf of those who were to judge him, not - I stress - on examination performance but on the academic equivalent of a criminal charge. (p21)

The same case made clear that, if the examination board is to play any role in the disciplinary process (for example, by determining an appropriate penalty after a disciplinary committee has determined guilt or innocence),



then it must at the very least have all of the relevant information before it since

...a material failure on the part of the Board of Examiners ... to take into account matters which it was incumbent on them to take into account, namely the full evidence in mitigation which had been placed before and accepted by the Disciplinary Committee, ... will ordinarily vitiate the material proceedings and nullify the decision. (*op cit* p25).

Moreover, once a disciplinary committee has made its decision a subsequent examination board must be extremely careful not to revisit or seek to alter the decisions made by that disciplinary committee. It was exactly such behaviour that led Mr Justice Sedley to state that “it was the obligation of the Board of Examiners to accept and not to revise or go back on the findings of the Disciplinary Committee” when quashing the decision of an examination board to permanently fail a student for plagiarism (*op cit* p.22). All in all, institutions would be well advised to err on the side of separating the two procedures rather than conflating them.

Though necessary, and from many points of view desirable, the separation between disciplinary and assessment processes does lead to certain difficulties. Provided a judgement of plagiarism does not lead to expulsion (and most do not), the disciplinary penalty and the determination of the student’s future programme must be brought back into the normal institutional systems for recording academic credit and determining progression. If the plagiarism is sufficiently serious to warrant failure of the piece of work, or of the relevant course unit, this can be decided by the disciplinary committee and incorporated into the student’s academic record administratively. Any consequential issues of progression and/or resubmission should be dealt with by the examination committee in exactly the same way as for any other student with a similar record of failure, however caused.

More difficult is the situation when plagiarism is judged to have occurred but is not sufficiently serious to warrant a complete failure of the piece of work. In this case, it is necessary for institutions to develop and apply a methodology for determining a mark that accurately reflects the “underlying academic merit” of the piece of work while also imposing an appropriate punitive reduction. Developing such a methodology is fraught with difficulty, not least because some academics believe that the very concept of the “underlying academic merit” of a piece of semi-plagiarised work is inherently meaningless (Appleton, personal communication, 2000). In any event the outcome, whatever it is and however it is determined, must be fed back into the normal administrative processes of the institution as in the previous case.

Following from the separation between assessment and discipline, there also needs to be clarity about appeals. Policies must specify which elements of any outcome can be appealed against through the appropriate provisions of the Disciplinary Procedure and which, if any, can be reviewed by means of an appeal against a decision of an Examination Board. None of these



distinctions are impossible to establish, and many are not even particularly difficult, but it is not clear whether all institutions have yet adopted such an approach.

Good Practice Recommendation:- *clearly define the respective roles of the Examination Board and the Disciplinary Procedure in cases of plagiarism, and any interrelation between them; ensure that all parties are aware of and adhere to their respective limits.*

Related Information:

List of Good Practice Recommendations

http://online.northumbria.ac.uk/facilities/art/information_studies/imri/jiscpas/docs/brookes/list_of_good_practice_recommendations.doc

Report Authors

http://online.northumbria.ac.uk/facilities/art/information_studies/imri/jiscpas/docs/brookes/report_authors.doc

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