

## Assessment Offences Policy

### Introduction

1. An assessment offence is defined as “an action which could give a candidate an unfair advantage in any element of assessment over other candidates participating in the same assessment”. The College has a duty to maintain academic standards by ensuring the integrity of all aspects of the assessment process and is concerned to ensure that the regulations and policies governing the assessment of modules and programmes at the College are fully and fairly implemented. The College will therefore treat any instance of an alleged assessment offence very seriously and take action against any student who contravenes this policy.
2. The policy has been developed in line with the Office of the Independent Adjudicator Good Practice Framework on Disciplinary Procedures and Quality Code expectations for standards and associated core and common practices, with reference to the associated Advice and Guide theme on [Assessment](#).
3. Types of assessment offences may include but are not limited to: Plagiarism, Examination Offences, Collusion and Other Offences.
4. This policy applies to any piece of work submitted for formal assessment towards a College or University award at Birkbeck, University of London.

### Burden of Proof and Intent

5. It is our responsibility to prove the allegation against you. We will base decisions on the balance of probability so will accept the explanation that is most likely to be true.
6. The College considers assessment offences using the concept of strict liability. This means that the intent or negligence on a part of a student is not used when determining whether an assessment offence is proven or not proven. These factors are considered when determining a penalty.

### Plagiarism

7. Plagiarism is defined as the presentation of another person's thoughts or words or artefacts or other output in such a way that they could be assumed to be your own. It may also include the submission of unattributed work previously produced by the student towards some other assessment, or published in some other forum. Students should be aware that this kind of self-plagiarism would also count as an assessment offence.
8. A student who knowingly assists another student to plagiarise (for example by willingly giving them their own work to copy from) is committing an assessment offence.

## **Collusion**

9. Collusion is defined as producing a piece of work for formal assessment with the assistance of another person, or persons, when the assignment was to have been undertaken and completed by you working individually. This includes cases where two or more students submit work for assessment that is identical in its entirety or in substantial parts.

## **Contract Cheating**

10. Contract cheating is defined as where a student submits work for assessment in part or in entirety where they have used one or more of a range of services provided by a third party, such as an essay mill, which is not permitted. The contract with the student can include payment or other favours, but this is not always the case.

## **Examination Offences**

11. An examination offence is defined as any action which could give you an unfair advantage over other students in an examination setting. Examples of examination offences can include, but are not limited to:
  - Taking unauthorised material into the examination room
  - Possessing electronic devices, such as mobile phones and smart watches, on your person when in the examination room
  - Hiding unauthorised materials in places outside of the examination room
  - Removing examination scripts from the examination room
  - Communicating with other candidates during the examination
  - Copying work from other candidates during the examination
  - Assuming a false identity in the examination room
  - Adding or amending to examination scripts after the official end of the examination
  - Offering a bribe to an invigilator, examiner or other person connected with the assessment
  - Tampering with any script, paper, or other official stationery within the examination room
  - Not complying with the requests/instructions by invigilators
  - Causing a disturbance when in the examination room

## **Other Offences**

12. Other offences that may be considered as assessment offences include, but are not limited to:
  - The inclusion of unauthorised members in student teams conducting group work assignments.
  - Being party to any arrangement which, if enacted, would constitute a breach of regulations.
  - Attempting to unduly influence or intimidate an invigilator or other member of staff supporting the conduct of assessments or examinations.
  - Falsifying data, evidence or experimental results.

- Breaches of research and ethics policies - e.g. carrying out research without appropriate permission

### **Joint Programmes and Shared Modules**

13. The College offers programmes that are taught in collaboration between departments and where a module(s) from one department may form part of the programme offered by another department. In cases where an alleged assessment offence has been committed, the department that 'owns' the module concerned will be responsible for dealing with the assessment offence. The Head of Department or nominee where the programme is principally based will also be informed that an investigation is underway and of the outcome. If the department that identifies the offence is not the student's home department, they should inform the home department immediately.

### **Determining How an Assessment Offence is Considered**

14. In the case of examination offences, where examinations are centrally administered, the Academic Registrar or nominee is responsible for deciding the Stage at which any case should be heard. For all other offences, this responsibility lies with the Chair of the relevant Sub-Board of Examiners, or nominee.
15. Where a Sub-Board of Examiners suspects that an offence of plagiarism, collusion or contract cheating has been committed, that Sub-Board may require you to undergo a 'viva voce' examination, to test your knowledge of the subject in relation to the knowledge displayed in the piece of work concerned.
16. A viva voce examination is conducted by two members of academic staff, at least one of whom has not been involved in marking the originally submitted work. A note taker is present for the viva; the report they write may be used by a Panel at either Stage 2 or Stage 3 hearings as described in this policy, as evidence when considering if in their judgement you committed an assessment offence.

### **Stage 1**

17. Assessment offences of any type may be dealt with at a departmental level under Stage 1, if it is your first alleged offence. All Stage 1 offences dealt with at department level must be recorded by the department. In cases of plagiarism, collusion and other offences where, in the judgement of the marker, the offence is minor and an investigation is not appropriate, they may apply a Penalty 1 or Penalty 2 sanction as outlined in Schedule 1.
18. In addition, you may be asked to undertake specific tuition in relation to assessment offences, for example by attending an academic skills session or having a meeting with a learning development tutor.
19. For minor examination offences, senior Registry staff may issue a Penalty 2 sanction, or refer the case to the relevant Sub-Board of Examiners for resolution under Stage 1 or Stage 2 of this policy.

## Stage 2

20. Allegations of assessment offences that cannot be dealt with in accordance of paragraphs 17-19 of this policy should be heard under Stage 2, unless the outcome of any action may lead to the termination of your registration.<sup>1</sup> In those cases, the offence should be heard under Stage 3.
21. Where a case is dealt with under Stage 2, an Assistant Dean or nominee will nominate a Panel consisting of a minimum of two academic members of staff<sup>2</sup> one of who shall be Chair to consider the case. The Panel should not consist of any member of staff associated with the allegation or any previous investigation involving the student concerned. The diversity of the Panel will be considered when the Panel is convened.
22. You will be informed of the allegation and investigation, and will receive copies of any evidence to be used to support the allegation. You will then be offered, in writing, the opportunity to make representations to the Panel. You may choose to attend the Panel and speak to them in person, in which case a meeting will be convened.
23. If you admit to the offence, no Panel Hearing will take place. You will be informed of the applied penalty in writing, within 14 calendar days. Possible penalties are listed under point 22 of this policy.
24. If you contest the allegation, a Panel Hearing will take place. If you wish to attend the Hearing, you will be offered a date. If you do not respond within 14 calendar days without good reason, or decline the date, the Panel may decide the outcome of the case in your absence. Where you do not attend at a previously agreed meeting, the investigation will continue and may be concluded in your absence.
25. You may choose to be accompanied by a companion, who should be a member of the College, for example a fellow student, member of staff, or the Student Union Advice Manager. The role of the companion is to provide support to you. Anyone acting in this role is not a member of the Panel and should not be involved in determining the outcome of the investigation. Companions should not contribute to any Hearing unless invited to do so by the Panel. Companions shall not be professional legal representatives except in exceptional circumstances.
26. Where the finding is that an offence has been committed, the Panel may choose from one of the penalties outlined in Schedule 1. The Panel may choose from any penalty ranging from Penalty 1 to Penalty 3 inclusive.
27. The Panel will inform you of its decision within 14 calendar days. In addition you may be asked to undertake specific tuition in relation to assessment offences.

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<sup>1</sup> This includes any alleged offences on the student's final attempt of a module (except a core module), where a result of failure of the module would be that the student's programme of study would be terminated.

<sup>2</sup> Which may include sessional lecturers or Learning Development Tutors.

28. Where the Panel are unable to come to a clear decision or consider that the offence potentially merits a more severe penalty than that which can be authorised under Stage 2 of this policy, then the alleged offence will be referred to Stage 3 of this policy.

### Stage 3

29. When an alleged offence (including a first or second offence) is of such a serious nature that it may lead to the termination of your registration, then a written request for Stage 3 proceedings should be made by the Sub-Board to the Academic Registrar or nominee. Such a request should also be made where it is your third or more offence.
30. Where a case is dealt with under Stage 3, the Academic Registrar or nominee will nominate a Panel consisting of two senior members of academic staff<sup>3</sup> one of whom shall be Chair and a representative from the Students' Union to consider the case. The Panel will not consist of any member of staff or student from the same School as the student concerned. The diversity of the Panel will be considered when the Panel is convened.
31. You will be informed of the allegation and investigation, and will receive copies of any evidence to be used to support the allegation. You will then be offered, in writing, the opportunity to make representations to the Panel. You may choose to attend the Panel and speak to them in person, in which case a meeting will be convened.
32. If you admit to the offence, no Panel Hearing will take place. You will be informed of the applied penalty in writing, within 14 calendar days. Possible penalties are listed under point 31 of this policy.
33. If you contest the allegation, a Panel Hearing will take place. If you wish to attend the Hearing, you will be offered a date. If you do not respond within 14 calendar days without good reason, or decline the dates, the panel may decide the outcome of the case in your absence. Where you do not attend at a previously agreed meeting, the investigation will continue and may be concluded in your absence.
34. You may choose to be accompanied by a companion, who should be a member of the College. The role of the companion is to provide support to you. Anyone acting in this role is not a member of the Panel and should not be involved in determining the outcome of the investigation. Companions should not contribute to any Hearing unless invited to do so by the Panel. Companions shall not be professional legal representatives except in exceptional circumstances.
35. Where the finding is that an offence has been committed, the Panel may choose from any one of the penalties outlined in Schedule 1.

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<sup>3</sup> Of senior lecturer level or above

36. The Panel will inform you of its decision, and provide you with a panel report, within 14 calendar days.

### Appeal

37. You can make an appeal against decisions made under Stage 1 of this Policy via the College's [Appeals Policy and Procedure \(Taught\)](#). You can appeal decisions made under Stage 2 or 3 of this policy to the Academic Registrar within 14 calendar days of receipt of the Panel decision. Appeals should be made on one or more of the following grounds:
- i. That the penalty imposed was excessive or inappropriate
  - ii. That the process applied or the decision reached by the Panel is not in accordance with this policy
  - iii. That the conclusions of the Panel cannot, given the evidence, be reasonably sustained
38. If the case is to be re-heard, the Panel will consist of new members with no prior involvement in the case.
39. The Academic Registrar or nominee's decision on the appeal shall be communicated to you within 14 calendar days of receipt of the appeal, and the decision shall mark the conclusion of the College's internal appeal process.
40. Students who have exhausted the College's internal procedures for appeals may bring their appeal to the Office of the Independent Adjudicator for Higher Education (OIAHE) within one calendar year of receiving a Completion of Procedures letter. The OIAHE's website (at [www.oiahe.org.uk](http://www.oiahe.org.uk)) contains full information, and the OIAHE can also be contacted at: OIA, Second Floor, Abbey Gate, 57-75 Kings Road, Reading, RG1 3AB, tel: 0118 959 9813, email: [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk). Anyone wishing to pursue a complaint through the OIAHE must complete a special Scheme Application Form, copies of which are downloadable from the website.

### Reporting of Offences

41. Where an allegation of an assessment offence has been made and the case is being investigated, you will not be disadvantaged unless there is evidence to substantiate an offence with an associated outcome. Where an alleged assessment offence is under investigation the relevant Board of Examiners will not defer a decision on your progression or classification until the investigation is completed.
42. Marking of the work in question, progression and enrolment should be processed in the normal way where an alleged assessment offence is under investigation.
43. In the event you are in the final year of your programme and about to graduate but an alleged assessment offence is under investigation the relevant Board of Examiners will not confirm and confer your final award until the outcome (and where appropriate appeal) have reached a conclusion.

44. Written records are kept of all stage 2 and stage 3 assessment offence investigations and outcomes.
45. Your academic transcript does not include reference to assessment offences, whether proven or otherwise; transcripts solely provide details on the final marks awarded for modules taken, together with the class of award made (where appropriate).

**Assessment offence after a mark of module result has been assigned or an award has been made**

46. If evidence of an assessment offence is produced after a mark has been awarded, the mark, module result or an entire award can be revoked.
47. Consideration of whether to revoke a mark, module or degree result as a result of an assessment offence should be dealt with in accordance of Stage 2 or Stage 3 of this policy. The result of any hearing should be communicated to the relevant Sub-Board Chair; where a decision is made to revoke a degree the Chair of the relevant College Board of Examiners will also be informed.



### Schedule 1: Table of Assessment Offence Penalties

Penalty 1	Issue a formal warning to the student. The Module Convenor shall mark the work, but the mark may be reduced to reflect a student's failure to address the assessment criteria in areas of collation of sources and their citation. The student may be required to redo the work on pedagogic grounds.
Penalty 2	Award a mark of zero for the element of assessment in question, with reassessment right where permissible. The reassessment element mark will be capped at a bare pass.
Penalty 3	Award a mark of zero for the module in question, the student must retake the same module and the module result will be capped at a bare pass. Where the module in question is an option module, the cap should be applied to any optional module attempted by the student as a substitute. Where a retake of the same module, or suitable alternative, is not permissible the student will not be able to continue on the programme.
Penalty 4	Award a mark of zero for the module in question, the student must retake the same module and the module result will be capped at a bare pass. Where the module in question is an option module, the cap should be applied to any optional module attempted by the student as a substitute. Where a retake of the same module, or suitable alternative, is not permissible the student will not be able to continue on the programme. Additionally the following penalty will be applied to the student's final award:  Undergraduate Honours - student's final classification will be reduced by one level  Unclassified Bachelors to Diploma in Higher Education  Foundation Degree – Distinction to Merit; Merit to Pass; Pass to Certificate in Higher Education  Masters - Distinction to Merit; Merit to Pass; Pass to PG Dip
Penalty 5	Terminate a student's registration and enrolment on the programme of study immediately with permission granted to exit with an intermediate award, provided the student has satisfied the requirements for that award.

The Table of Penalties applies to a substantiated first assessment offence. A penalty for a second or subsequent assessment offence will normally be one penalty level higher than that suggested in the tables below, or one level higher than the previously imposed penalty, whichever is higher.



**Examinations or tests**

	<b>Category</b>	<b>Type of assessment offence</b>	<b>Penalty to be imposed</b>
<b>Minor Offence</b>	EX1	Removing any script, paper, or other official stationery (whether completed or not) from the examination room, unless specifically authorised by an invigilator or examiner.	<b>Penalty 2</b>
	EX2	Possession or use of devices of any kind other than those specifically permitted in the rubric of the paper.	<b>Penalty 2</b>
	EX3	Communicating with another student or with any third party other than the invigilator/examiner during an examination or test.	<b>Penalty 2</b>
<b>Major Offence</b>	EX4	During an examination or test, copying or attempting to copy the work of another student, whether by overlooking his or her work, asking him or her for information, or by any other means	<b>Penalty 3</b>
	EX5	Possession of crib sheets, revision notes (including, for example, those held on digital media devices) or accessing the internet in contravention of the examination rubric.	<b>Penalty 3</b>
<b>Severe Offence</b>	EX6	Attempting to persuade another member of the College (student, staff or invigilator) to participate in actions that would breach these Procedures.	<b>Penalty 4</b>
	EX7	Being party to any arrangement whereby a person other than the candidate represents, or intends to represent, the candidate in an examination or test.	<b>Penalty 4</b>
	EX8	Taking into an examination a pre-written examination script / answer book for submission and exchanging it for a blank examination script / answer book.	<b>Penalty 4</b>
	EX9	Obtaining access to an unseen examination or test prior to the start of an examination/test.	<b>Penalty 5</b>
	EX10	A penalty of termination shall be applied where a student has previously received a Penalty under these Procedures where the previous or current penalty is Penalty 5 or where two or more allegations are made within one academic year that each individually equate to Penalty 5.	<b>Penalty 5</b>
		Being party to any other arrangement that would constitute a breach of these Procedures.	<b>Penalty will correspond to the nature of the offence and will be in accordance with penalties outlined for each of the above</b>

## Coursework

Sources of in assessment offences in coursework can include fellow students, published sources including the Internet, essay banks and other commissioned and uncommissioned sources.

	Category	Type of assessment offence	Penalty to be imposed	
Minor Offence	CW1	Making available work to another student, either intentionally or as a result of negligence that can be presented as another student's.	Penalty 1	
	CW2	Isolated use of quotes without the use of quotation marks and/or referencing.	FHEQ levels 3 & 4	Penalty 1
			All other levels	Penalty 2
	CW3	Representation of work produced in collaboration with another person or persons as the work of a single student.	FHEQ levels 3 & 4	Penalty 1
			All other levels	Penalty 2
	CW4	Submission for assessment of work submitted previously by the student (either at Birkbeck or another institution) or work submitted for assessment that has previously been published elsewhere, where the duplication concerned is <b>isolated</b> .	FHEQ levels 3 & 4	Penalty 1
All other levels			Penalty 2	
CW5	Extensive use of quotes or close paraphrasing without the use of quotation marks and/or referencing, where the student <b>has</b> cited the plagiarised material in the bibliography.	FHEQ levels 3 & 4	Penalty 2	
Major Offence	CW6	Submission for assessment of work submitted previously by the student (either at Birkbeck or another institution) or work submitted for assessment that has previously been published elsewhere, where the duplication concerned is <b>extensive</b> .	All other levels	Penalty 3
			FHEQ levels 3 & 4	Penalty 2
	CW7	Using another student's work and submitting some or all of it as if it were the student's own.	Penalty 3	
			Penalty 3	
	CW8	The presentation of data in laboratory work, projects etc. based on work purporting to have been carried out by the student but which has been invented, altered or falsified.	Penalty 3	
CW9	Extensive use of quotes or close paraphrasing without the use of quotation marks and/or	Penalty 3		

		referencing, where the student <b>has not</b> cited the plagiarised material in the bibliography.	
<b>Severe Offence</b>	CW10	Stealing another student's work and submitting it as the student's own work (where the originator is not denied the opportunity of submission).	<b>Penalty 4</b>
	CW11	Commissioning another person to complete an item of College assessment. This could include the use of professional essay writing services, essay banks, ghostwriting services etc.	<b>Penalty 3</b>
	CW12	Commissioning another person to complete an item of College assessment, which is then submitted as a student's own work. This could include the use of professional essay writing services, essay banks, ghostwriting services etc.	<b>Penalty 4</b>
	CW13	Failure to secure appropriate ethical approval in advance of conducting research, an experiment, study or similar.	<b>Penalty 4</b>
	CW14	Stealing another student's work and submitting it as the student's own work (where the originator is denied the opportunity of submission).	<b>Penalty 5</b>
	CW15	Agreeing, assisting, encouraging, advising or attempting to persuade another member of the College (student or staff) to participate in actions that would breach these Procedures.	<b>Penalty 5</b>
	CW16	A penalty of termination shall be applied where a student has previously received a Penalty under these Procedures where the previous or current penalty is Penalty 5 or where two or more allegations are made within one academic year that each individually equate to Penalty 5.	<b>Penalty 5</b>
		Being party to any other arrangement that would constitute a breach of these Procedures.	<b>Penalty will correspond to the nature of the offence and will be in accordance with penalties outlined for each of the above</b>

### **Graduates**

Where an assessment offence has been substantiated for a student who has completed his or her studies and on whom a final award has been conferred, the most serious penalty that may be applied shall be withdrawal of the relevant final award previously conferred on the student.