

Academic Misconduct

Academic Misconduct refers to any decisions taken by a Standing Academic Misconduct Panel (StAMP), implementing the Academic Misconduct Policy (<https://www.york.ac.uk/staff/supporting-students/academic/taught/misconduct/>). If you are appealing against a StAMP decision, you will have been subject to an investigation and decision regarding academic misconduct - for example plagiarism, collusion, cheating (in an exam) or other forms of academic misconduct.

Questions on the form:

What is the academic misconduct decision you are appealing against and what assessments were affected by it?

State the decision you are appealing against as clearly and concisely as you can. This will usually be a decision to find you guilty of academic misconduct. Please ensure you list *all* affected assessments and set out the date they were taken/submitted.

I am appealing on the basis that.....

There are five grounds on which students may appeal against academic misconduct decisions:

- 1) Exceptional Circumstance
- 2) Procedural Irregularity
- 3) Unreasonableness
- 4) Bias
- 5) Disproportionate penalty / Procedurally incorrect penalty

Before explaining each of these grounds below, it is important that you are aware that students may **not appeal against academic judgement**. Academic judgement is a judgement which can only be made by an academic in a given field, e.g. an academic in History for a History essay. For academic misconduct cases, there is usually academic judgement involved in the decision, for example a judgement that the quality of a student's work is inconsistent with their prior work and that it is not feasible for them to have written that work themselves. For plagiarism cases, the penalty decision may also involve some academic judgement, for example that the key ideas central to the work were plagiarised - only an academic in your subject would be able to say what the key ideas central to the work were. This means that

the question of whether or not the plagiarism affected 'key ideas' is a matter of academic judgement which cannot be appealed against.

In practical terms this means that you **cannot appeal if you simply disagree that you committed academic misconduct**. To appeal successfully, you would need to demonstrate that there were errors in the way the decision was arrived at, for example that you submitted relevant information which was ignored, that the penalty was not in line with the published penalty tables, that there was clear evidence that the academics involved in the StAMP were personally biased against you or that you had special exceptional circumstances.

The issue of academic judgement - and specifically what is covered and what is exempt - can be a difficult one to interpret and you are encouraged to contact the specialist advisers at the Students Union if you have further questions about it (asc@yusu.org for undergraduates or advice@yorkgsa.org for postgraduates).

Each of the five appeal grounds are explained in more detail below:

1) Exceptional circumstances

There are two ways in which exceptional circumstances can be used as a defence against academic misconduct:

a) If you are so unwell at the time of the misconduct that you are unable to tell right from wrong.

The Academic misconduct policy explains this as:

"If, in the professional opinion of an appropriate professional, the student's condition at the time of the offence was such that they were unable to differentiate between right and wrong in relation to their actions (cf. The Exceptional Circumstances Affecting Assessment Policy Section E.xi. at <http://www.york.ac.uk/students/support/academic>). Where the condition is longstanding, it can only be used as a defence where adjustments have not been made, and the lack of adjustments is not because of the student. StAMPs should not infer the inability to differentiate between right and wrong from a more general diagnosis of mental health issues; the professional evidence presented to the panel must specifically address this question in relation to the student's psychological state at the time of the alleged offence."

This means that you must have **clear evidence from a qualified professional** (in most cases this would be medical evidence) **showing that, at the time of the affected assessment, you were unable to tell right from wrong.** An example of this would be a student who is diagnosed as experiencing a psychotic episode at the time of an assessment. Your evidence should clearly state that your condition would leave you unable to differentiate right from wrong.

If your appeal is upheld on this basis, it could provide a defence against the offence of misconduct itself - i.e. the remedy might be to waive the misconduct penalty altogether or to re-run the misconduct process, depending on the facts of the case.

The other way in which exceptional circumstances can be used as a defence is:

b) That your judgement or ability to comply with academic standards was affected by a disability or mitigating circumstances.

This defence can only be used to alter the level of penalty imposed for academic misconduct. It cannot be used to consider whether or not academic misconduct took place.

The circumstances here are **not** the same as exceptional circumstances defined by the Exceptional Circumstances Policy. The policy on this defence states that the following circumstances can be taken into account when setting a penalty for academic misconduct (see [Misconduct Policy](#) AM 3.7.1):

"1. The exceptional personal circumstances were of such severity that their impact on the student's judgement at the time that the academic misconduct offence occurred makes it appropriate, in the opinion of the [Academic Misconduct]Panel, to impose a less serious penalty by reason of those circumstances.

ii. A specific disability, or other chronic condition, which clearly impacted the student's judgement, or their capacity to comply with academic standards. This may be taken into account where, through no fault of the student, such a disability has not been accounted for through a reasonable adjustment or where that adjustment was not made in time for the assessment. If the specific disability, or its impact, has not been declared to the University, and hence is not addressed in a university Student Support Plan (SSP), a compelling, and evidenced, explanation for this will need to be provided.

In i. and ii. above, compelling evidence will need to be provided. That evidence must show that the student's circumstances were sufficiently significant that it would be, in

the opinion of the panel, inappropriate to impose the penalty which would otherwise be indicated by the tables in Section 3[of the academic misconduct policy].”

An example of this defence would be a student who commits plagiarism but has recently been diagnosed with severe depression and anxiety. Their GP confirms that they were still able to differentiate right from wrong, but their judgement would have been affected by the nature of their medical condition. In this scenario, the student would still be considered to have committed plagiarism, but the severity of the penalty would be reviewed in light of their GP's evidence. The Special Cases Committee might review the penalty itself, or might refer the case back to the Standing Academic Misconduct panel to review the penalty, depending on the facts of the case.

Evidence

As you will see from both of these defences, **you will need to provide suitable evidence** (i.e. from a suitably qualified independent third-party) which specifically addresses the impact of your circumstances - either on your judgement, ability to avoid committing misconduct or ability to tell right from wrong.

If you are appealing on the basis or one or both of these defences, you should indicate that you are appealing on the basis of “Exceptional Circumstances”.

When asked why you did not submit an exceptional circumstances claim, **you should instead explain why you did not submit your medical evidence at the time of your StAMP (misconduct) hearing.**

You should then indicate that you have supporting evidence and upload it with your appeal.

2) Procedural irregularity

If you are appealing on the basis that there was a procedural irregularity in the investigation, you will need to explain the procedural error(s) in the misconduct investigation, and why they should change the decision.

It would be helpful for you to refer to the Misconduct policy:

(<https://www.york.ac.uk/staff/supporting-students/academic/taught/misconduct/>) and identify where you believe it was breached.

3) Unreasonableness

This appeal ground is that the decision was unreasonable in all the circumstances. Whilst this appeal ground sounds quite broad, you would need to *demonstrate* that the StAMP failed to act reasonably, rather than just that you disagreed with the decision. Just because you disagree with a StAMP, that does not mean the StAMP must have acted unreasonably.

An example of unreasonableness would be to exclude some highly relevant piece of information from a decision, or to include something totally irrelevant.

A theoretical example of an unreasonable decision could be that:

- A student was told specifically, via email, by a module leader that they could re-submit a previously submitted assignment again for assessment. The student is found guilty of self-plagiarism, but submits the module leader's email to the StAMP to explain what happened. The StAMP ignores the email and finds the student guilty of self-plagiarism.

4) Bias

This ground is that the decision of the panel was affected by either bias or a reasonable perception of bias. This means that one or more members of the StAMP panel were personally biased against you when the decision was made.

The fact that you were found guilty of academic misconduct does not mean that the StAMP must have been biased. You would need to provide some specific evidence of bias, such as personal correspondence or remarks about you as an individual which would demonstrate the StAMP decision was not made in a fair way.

5) Disproportionate penalty / Procedurally incorrect penalty

This ground relates solely to the penalty, rather than the decision itself. You must make reference to the penalty tables in the [academic misconduct policy](#) (at AM3) if you are appealing on this ground.

This ground does overlap with the reasonableness and procedural error grounds, but if you are specifically appealing against the penalty we suggest you use this ground instead as it helps the appeals handles understand the different elements of your appeal.

You are strongly advised to contact YUSU (asc@yusu.org) or the GSA (advice@yorkgsa.org) for help and advice with your appeal. The Special Cases team can also be contacted by emailing appeals@york.ac.uk.