

Academic Misconduct Regulations and Procedures 2023-24

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SCOPE

These regulations and procedures apply to all undergraduate and taught postgraduate programmes.

DEFINITIONS

The following definitions are used throughout the regulation.

Assessment Board: A formally convened meeting to consider and agree student progression and/or awards decisions.

Assessment Component: An assessment component is one of the assessments on a module from which the final mark/outcome for the module is derived. This is commonly referred to as summative assessment.

External Examiner: An individual appointed by the University to moderate student work and to advise the University on the standards of its awards and to assure the University about the conduct of its assessments.

Formative assessment: A type of assessment which is aimed at providing students with useful feedback on their performance and/or practice an assessment format. Formative assessment is not used to calculate the overall module mark or determine whether a student has successfully passed a module.

Hearing: A formally convened meeting to consider alleged cases of academic misconduct.

Marking Tutor: Any member of academic staff or otherwise authorised individual responsible for the marking of an assessment component.

Invigilator: Any member of staff or otherwise authorised individual involved in the supervision of an examination or in-class assessment.

Programme of Study: The modules pursued by a student in respect of their programme.

PSRB: A Professional, Statutory or Regulatory body. This includes, but is not limited to, accrediting bodies, awarding bodies and statutory bodies that deal with legal requirements and immigration.

Senate: Any reference to Senate in these regulations shall be deemed to include a reference to any committee of Senate to which Senate has delegated the relevant authority.

Summative assessment: A type of assessment which contributes to the formal outcome of a module, either through the contribution of marks or through a pass/fail requirement.

Unfair Means: This is another term for academic misconduct or academic malpractice.



Any reference in these regulations to the Head of Standards and Enhancement, Head of academic area, or other named officer of the University of Bolton shall be deemed to include a reference to any person designated by that officer for the purpose. Any reference to an On Campus role shall be deemed to also refer to an equivalent Off-Campus Division role.

1. Purpose

- 1.1 Any allegation of cheating or other form of academic misconduct in taught programmes, including, but not limited to, those outlined in section 2 of this regulation shall be dealt with in accordance with the procedures set out in this document.
- 1.2 Any allegation of cheating or other misconduct not included in the definitions set out section 2 below, shall be reported to the relevant member of Shockout Senior Academic Management Team or the University of Bolton's Head of Standards and Enhancement (or nominee) who, if satisfied there is a case for investigation, shall advise whether the allegation is considered to be a minor or serious offence.
- 1.3 Where a taught programme is subject to a PSRB's regulations then that body's regulations will be applied if this is a condition of approval to offer the programme. Otherwise the University's regulations will be applied.
- 1.4 Students may also be subject to Fitness to Practise procedures, where relevant, which may have further consequences for the student. Programmes subject to Fitness to Practise procedures will be identified in the Fitness to Practise regulations.
- 1.5 In the case of partner organisations of the University of Bolton where it would not be practicable for the named University post-holders themselves either to interview a student suspected of academic misconduct or to participate in any Hearing at the partner organisation, then designated alternative post-holders at the partner organisation will be nominated.
- 1.6 In cases referred to in 1.5 the University post-holder normally responsible for the equivalent stage of the academic misconduct procedures shall be consulted and provide advice and guidance. Partner staff nominees and proposals for alternative arrangements shall be subject to the approval of the Head of Standards and Enhancement (or nominee).
- 1.7 Use of video calling, video chat software and/or telephone interviews, may be used in the place of face-to-face panels, in which case the identity of the student may need to be verified at the start of the meeting.

2. Types of academic misconduct

- 2.1 Use of academic misconduct, encompassing plagiarism or other forms of academic dishonesty or misconduct, may be defined as any attempt by a student to gain an unfair advantage in any assessment.
- 2.2 Academic Misconduct may be demonstrated by using or attempting to use, whether successfully or not, any one or more of the following:

- i. Plagiarism may be defined as the representation of another person's work, without acknowledgement of the source, as the student's own for the purposes of satisfying assessment requirements. This includes information taken from the internet as well as published works. Examples of plagiarism are:
 - copying the work of another person (including a fellow student) without acknowledging the source through the appropriate form of citation;
 - the summarising of another person's work by simply changing a few words or altering the order of presentation, without acknowledgement;
 - the use of ideas or intellectual data of another person without acknowledgement of the source, or the submission or presentation of work as if it were the student's own, which are substantially the ideas or intellectual data of another person;
 - the submission of coursework making significant use of unattributed digital images such as graphs, tables, photographs, etc. taken from books/articles, the internet or from the work of another person.
- ii. Collusion is where two or more students collaborate to produce a piece of work in order to both/all gain advantage. The work is then submitted as individual work. Collusion does not apply to assessment components which specify group submissions.
- iii. Fabrication of data refers to the falsification of data (either qualitative or quantitative), through invention or amendment, which is then presented by the student as if it had been legitimately gathered in line with the norms of the discipline concerned.
- iv. Duplication – refers to the inclusion in work of any material which is identical or similar to material which has already been submitted by the student for any other assessment within the University or elsewhere e.g. submitting the same piece of coursework for two different modules.
- v. Commissioning – also known as “contract cheating” involves requesting another person or using AI to complete an assessment, or contribute to an assessment, such that the output of that commissioning in whole or part is then submitted as the student's own work. This includes the purchasing or securing for free a pre-written assessment from an essay writing website (“essay mill”) or another source.
- vi. Theft of work – submitting another's work as the suspected student's own, either in whole or in part, without that student's permission.
- vii. Bribery and blackmail - paying or offering inducements or coercing another person to obtain higher marks or another form of advantage.

- viii. False declarations – Misreporting facts and/or falsification of documents to gain an advantage. This may relate to (but is not limited to) obtaining an extension, claims for mitigating circumstances and/or appeals.

2.3 In addition to the above, the following relates specifically to conduct during examinations or in-class assessments and will also be considered to be academic misconduct:

- i. having at the examination desk any unauthorised notes or other unauthorised material (whether or not concealed in any manner).
- ii. the use of an unauthorised electronic device;
- iii. the use of unauthorised programmes on allowed electronic devices, including algorithms on calculators that have been programmed prior to the assessment;
- iv. communicating or trying to communicate in any way (oral, written, electronic, nonverbal) with another person during an examination or test except where the examination rubric permits this e.g. group assessments;
- v. copying or attempting to copy from another student sitting the same examination or test;
- vi. being party to impersonation where another person sits an examination or test in the place of the actual student or a student is knowingly impersonated by another;
- vii. leaving the examination or test venue to refer to concealed notes or other unauthorised material;
- viii. taking rough notes, stationery, scripts or examination or test papers, which indicate that they are not to be removed, away from the examination or test venue;
- ix. provision or assistance in the provision of false evidence or knowledge or understanding in examination or tests;
- x. disruptive behaviour.

2.4 Academic misconduct within an online learning environment will be dealt with in the same way as for more traditional learning methods.

2.5 Supporting an individual to commit any of the offences listed in 2.2 and 2.3 shall also be considered to be academic misconduct. Posting assessment material on a commissioning/essay writing website will also be interpreted as attempting to use unfair means in assessment and will be dealt with

accordingly. Organising for someone else take an assessment in your place will also be considered as commissioning.

- 2.6 The list of offences in section 2 of this regulation is not exhaustive and should not be interpreted as such by students as outlined in 1.2 above.

3. Procedure for dealing with suspected academic misconduct

3.1 Identification of academic misconduct

3.1.1 Marking tutors, invigilators, and exceptionally External Examiners and those considering appeals or mitigating evidence, are responsible for the identification of suspected cases of academic misconduct. The suspected academic misconduct should be reported to the relevant Module Leader (or Programme Leader if the academic misconduct does not relate to a specific assessment). The Module Leader (or Programme Leader) and the person responsible for reporting the academic misconduct should assess the severity of the alleged academic misconduct and shall initiate the relevant procedure below.

3.1.2 The table provided in Annex C should be used to determine the severity of the alleged academic misconduct. There are two levels of offence; Minor and Serious. The relevant procedure outlined below should be followed for the relevant type of offence.

3.1.3 Where a post-holder who is involved in the consideration of a case of academic misconduct has a personal relationship with a student suspected of academic misconduct, any potential conflict of interest should be declared. This should be reported to the post-holder's line manager, who shall determine if the relationship presents a genuine conflict of interest. If necessary, the line manager will appoint an alternative member of staff to consider the alleged academic misconduct.

3.2 Informal warnings

3.2.1 Where it is concluded that there was no intent to deceive and/or that the academic misconduct occurred on a formative assessment, an informal warning may be issued to the student.

3.2.2 If an informal warning is issued it should be reported to the relevant Programme Leader who should record the fact that an informal warning has been issued. The Module Leader should arrange for the student to receive appropriate training and/or advice on how to avoid committing academic misconduct. Informal warnings will not be recorded on the Academic Misconduct register.

3.2.3 An informal warning should only be issued for a first time minor offences or a first time serious offence which was unintentional and caused no advantage. An informal warning can only be issued once.

3.3 Procedure for dealing with minor offences

3.3.1 In cases where there is a suspected Minor Offence of academic misconduct, a Programme Hearing will be held, normally within one month of identification of the alleged offence.

3.3.2 The Programme Hearing will normally require the student to attend an interview with their Programme Leader (Panel Chair)* and another academic who has had no previous involvement in the case. The Panel will assess the allegations and review documentary evidence.

The marking tutor for the assessment in question, or the person responsible for reporting the academic misconduct, if different, may also be invited to attend the start of the hearing to present the case in question.

* Where the Programme Leader has had previous involvement in the case, another Programme Leader should be appointed as the Chair.

3.3.3 Where the academic misconduct involves more than one student, the students should be invited to attend separate hearings and panel decisions should not be made until all parties have been interviewed.

3.3.4 In advance of the meeting, the marking tutor for the assessment in question, or the person responsible for reporting the academic misconduct if different, should in conjunction with the Module Leader, complete an Academic Misconduct Report, outlining the facts and nature of the case, the evidence for the alleged offence and whether any prior offence(s) have been recorded.

3.3.5 A copy of the report, a copy of these regulations, a letter or email explaining the possible consequences of the academic misconduct being proven and any other papers considered relevant should be emailed to the student along with the invitation to attend the meeting and/or provide a documentary response, as appropriate. These should normally be sent at least five working days before the Programme Hearing.

3.3.6 All papers should also be emailed to the Programme Leaders(s) responsible for the programme.

3.3.7 The student has the right to be supported at the meeting by one friend. The friend may be a fellow student or a member of staff from the Student Support Team, or, if the student has a disability, a support worker, but may not otherwise be external to

the University. It should be noted that the friend is there to support the student, not to answer questions or put forward a case in their stead.

- 3.3.8 If the student does not attend the interview, or chooses not to attend but to submit documentary evidence, the meeting will go ahead in the student's absence and the hearing will consider the case based on any documentary evidence submitted by the tutor and the student in response to the charge of academic misconduct.
- 3.3.9 The outcome of the meeting, with or without the attendance of the student, will be that the minor case of the use of unfair means is either proven (including where admitted by the student) or not proven.
- 3.3.10 In cases where the academic misconduct is proven a penalty will be applied from those available for Minor Offences as detailed in Annex C. In deciding the severity of the penalty for the minor offence, the Panel should normally take the following mitigating factors into account:
- the number and seriousness of previous offences (if any)
 - whether the student has admitted the offence at the earliest opportunity
 - whether the student has expressed remorse
 - whether the student has compelling personal circumstances which affected their judgment
- 3.3.11 The applied penalty will be reported to the relevant Assessment Board and recorded on the Academic Misconduct Register.
- 3.3.12 In cases where academic misconduct is not proven, no penalty shall be applied and the student's details shall not be entered onto the Academic Misconduct Register.
- 3.3.13 The student will normally be informed in writing, normally via the students' University email and personal email (if on the student record) addresses, of the outcome of the Programme Hearing within five working days of the meeting.

3.4 Procedure for dealing with Serious Offences

- 3.4.1 In cases where there is a suspected Serious Offence of academic misconduct, a hearing will be held.
- 3.4.2 The hearing will normally require the student to attend an interview with a Panel Chair, the student's Programme Leader*, and another academic (chosen by the Chair), who has had no previous involvement in the case. The Chair will be the Head of the academic area or nominee of sufficient seniority. The Panel will assess the allegations** and review documentary evidence.

The marking tutor for the assessment in question (or the relevant invigilator for academic misconduct in an examination) may also be invited to attend the start of the hearing to present the case in question.

* Where the Programme Leader has had previous involvement in the case, another academic should be appointed as a Panel member

**This assessment may include asking the student relevant questions to test the authenticity of their work.

- 3.4.3 Where the academic misconduct involves more than one student, the students should be invited to attend separate hearings and panel decisions should not be made until all parties have been interviewed.
- 3.4.4 In advance of the meeting, the marking tutor for the assessment in question, or the person responsible for reporting the academic misconduct if different, should in conjunction with the Module Leader (or Programme Leader), complete an Academic Misconduct Report, outlining the facts and nature of the case, the evidence for the alleged offence and whether any prior offence(s) have been recorded.
- 3.4.5 A copy of the report, a copy of these regulations, a letter or email explaining the possible consequences of the academic misconduct being proven and any other papers considered relevant shall be emailed to the student along with the invitation to attend the meeting and/or provide a documentary response, as appropriate. These should normally be sent at least five working days before the School Hearing.
- 3.4.6 All papers should also be emailed to the Programme Leaders(s) responsible for the programme and the Chair of the Academic Misconduct Panel.
- 3.4.7 The student has the right to be supported at the meeting by one friend. The friend may be a fellow student or a member of staff from the Shockout Student Support Team, or, if the student has a disability, a support worker, but may not otherwise be external to the University. It should be noted that the friend is there to support the student, not to answer questions or put forward a case in their stead.
- 3.4.8 If the student does not attend the interview, or chooses not to attend but to submit documentary evidence, the meeting will go ahead in the student's absence and the hearing will consider the case based on any documentary evidence submitted by the tutor and the student in response to the charge of academic misconduct.
- 3.4.9 The outcome of the meeting, with or without the attendance of the student, will be that the case of the use of academic misconduct is either proven (including where admitted by the student) or not proven.
- 3.4.10 The School Hearing may decide to downgrade the severity of the offence to Minor, in which case a penalty from those available for Minor offences will be applied.

3.4.11 In cases where the academic misconduct is proven, a penalty will be applied as detailed in Annex C. In deciding the severity of the penalty for the serious offence, the Panel will normally take the following mitigating factors into account: - the number and seriousness of previous offences (if any)

- whether the student has admitted the offence at the earliest opportunity
- whether the student has expressed remorse
- whether the student has compelling personal circumstances which affected their judgment

3.4.12 The applied penalty will be reported to the relevant Assessment Board and recorded on the Academic Misconduct Register.

3.4.13 In cases where academic misconduct is not proven, no penalty shall be applied and the student's details shall not be entered onto the Academic Misconduct Register.

3.4.14 The student will normally be informed in writing, normally via the students' Shockout and/or University of Bolton email and personal email (if on the student record) addresses, of the outcome of the Programme Hearing within five working days of the meeting.

4. Retrospective investigation and identification of academic misconduct

4.1 If new evidence becomes available in relation to a previous academic misconduct case, the case can be reconsidered and the process described in section 3 repeated.

4.2 If there is good reason to suspect academic misconduct has taken place in relation to an assessment which has been considered at an Assessment Board, this may be investigated retrospectively and the process described in section 3 undertaken.

4.3 In accordance with the Regulations and Procedures for the Conferment of University Awards, the outcome of investigations into academic misconduct by students may exceptionally lead to an academic award being rescinded where approval or conferment has already occurred.

5. Appealing against an academic misconduct decision

5.1 If a student has good reason to believe that the outcome of the relevant Hearing is unfair, they may submit an academic misconduct appeal together with relevant evidence to the Head of Standards and Enhancement (or nominee) within fourteen calendar days of the outcome of the relevant Hearing being sent to the student.

5.2 The Head of Standards and Enhancement (or nominee) shall acknowledge receipt of the appeal within five working days.

5.3 An appeal may be submitted on the following grounds:

- i. The penalty is inconsistent with the type and degree of academic misconduct found;
- ii. Further information is now available that would have meant that the Hearing would have made a different decision had that information been available at the time; [*Note: if students wish to appeal on such grounds, they must give adequate reasons with supporting documentation why this information was not made available prior to the decision being made.*]
- iii. that there was a material administrative error or procedural irregularity in the conduct of the Hearing of such a nature as to cause significant doubt whether the decision might have been different if the error or irregularity had not occurred;

5.4 The Head of Standards and Enhancement (or nominee) will assess whether the appeal meets the grounds outlined in 4.3. If the appeal clearly has no grounds then the Head of Standards and Enhancement (or nominee) will write to the student to reject their appeal.

5.5 If the appeal does have grounds, the Head of Standards and Enhancement (or nominee) will organise a meeting of an Academic Misconduct Appeal Panel. The Academic Misconduct Appeal Panel will consist of two members of academic staff from outside the School or partner institution.

5.6 The Academic Misconduct Appeal Panel members shall normally not have been involved in the case prior to the Appeal Panel. However, they may seek clarification from the previous Academic Misconduct Panel as part of their investigations if necessary.

5.7 The Academic Misconduct Appeal Panel will be serviced by the Head of Standards and Enhancement (or nominee). Meetings of the Academic Misconduct Appeal Panel will normally take place within thirty calendar days of the appeal being acknowledged. The quorum for the meeting shall be the two academic members of staff. Nonattendance by the student member shall not be deemed a reason for the meeting not to proceed.

5.8 The student will be notified in writing by email of the date of the meeting at least five working days before it is due to be held and will be invited to attend or to submit a written statement. The student may be supported by a friend. The friend may be a fellow student or a member of staff from the Students' Union, or, if the student has a disability, a support worker, but may not otherwise be external to the University. It should be noted that the friend is there to support the student, not to answer questions or put forward a case in their stead. If the student is unavailable to attend they may provide an additional written statement. Failure to attend or provide a statement will not

be a reason for the meeting not to proceed and a decision may be made in the student's absence.

5.9 The Academic Misconduct Appeal Panel will consider evidence from the School and the student. Any new documentary evidence should be shared with the student and the relevant staff in the School at least five working days' in advance of the meeting. The Academic Misconduct Appeal Panel may meet with representatives from the School who have knowledge of the case.

5.10 The Academic Misconduct Appeal Panel may decide that the appeal is upheld or rejected. If the appeal is upheld, the Academic Misconduct Appeal Panel may with justification do the following:

- Dismiss the academic misconduct case and remove this instance of academic misconduct from the Academic Misconduct register
- Downgrade the severity of the offence and/or penalty
- Upgrade the severity of the offence and/or penalty

5.11 The Head of Standards and Enhancement (or nominee) will normally write to the student informing them of the outcome of the Academic Misconduct Appeal Panel within five working days of the meeting. Head of Standards and Enhancement (or nominee) will also inform the student about the possibility of taking their appeal to the Office of the Independent Adjudicator (OIA) in the event that they remain unhappy with outcome of their appeal.

6. Equality Impact Assessment

6.1 Shockout and the University of Bolton is committed to the promotion of equality, diversity, and a supportive environment for all member of our community. Our commitment to equality and diversity means that this procedure has been screened in relation to the use of plain English, the promotion of the positive duty in relation to race, gender and disability and avoidance of discrimination to other equality groups related to ages, sexual orientation, religion or belief or gender reassignment.

7 Other Related Policies, Procedures, Codes and Guidelines

7.1 Other relevant policies include:

- Regulations and Procedures for the Conferment of University of Bolton Awards

8 Monitoring and Review

8.1 These regulations will be monitored by the Shockout Senior Management Team and the University of Bolton Standards and Enhancement Office.

8.2 These regulations will be reviewed every three years.

9 **Dissemination of and Access to the Policy**

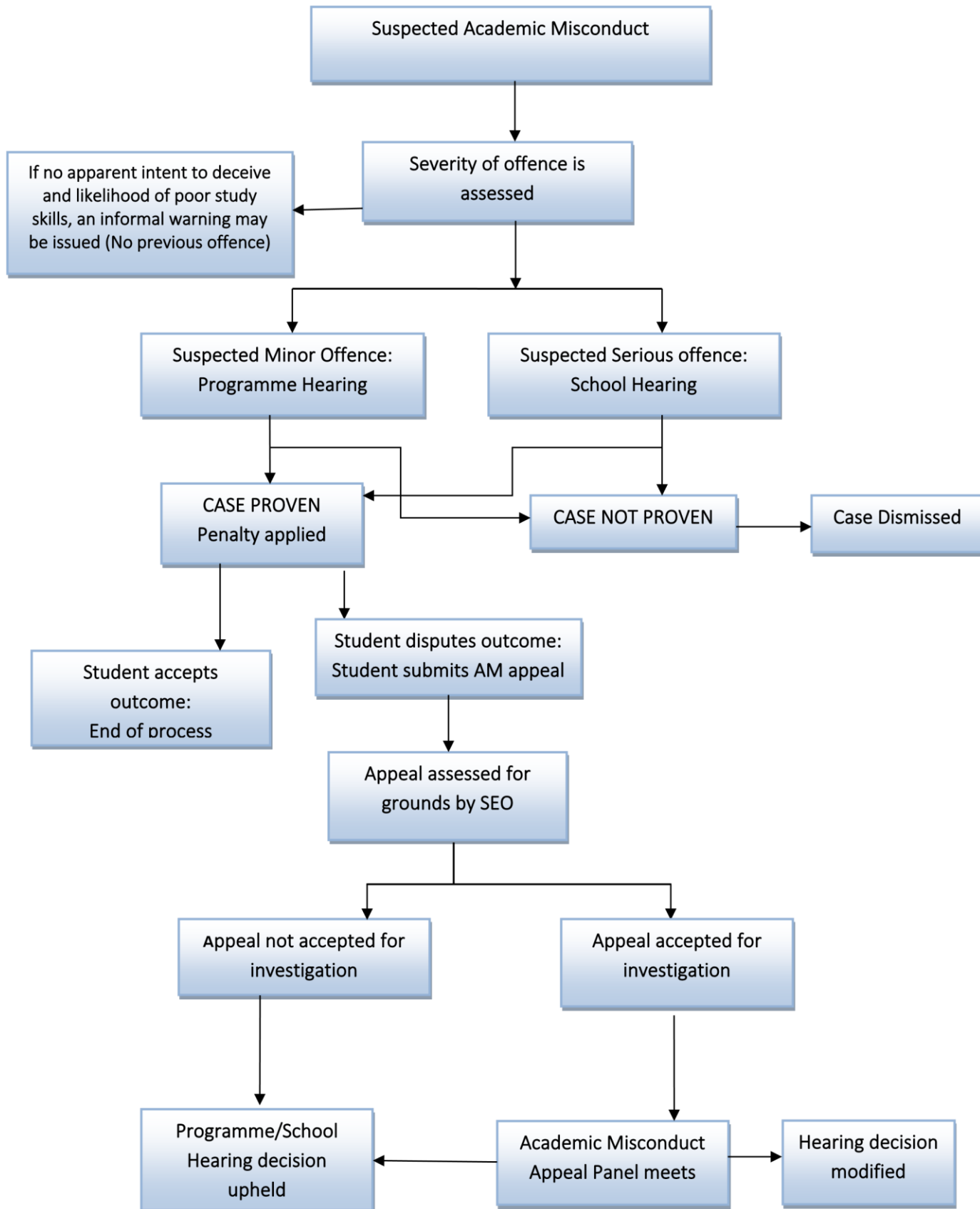
9.1 This Policy will be available on the Shockout and University of Bolton website.

ANNEX A: Guidance on Academic Misconduct in creative subjects

The following is particularly relevant to practice in creative subjects.

- Programme Handbooks and Module Guides will normally outline aspects of originality, independence and creativity expected of students in achieving aims and outcomes and meeting assessment criteria in Creative Subjects.
- It is recognised that in generating new work in Creative Subjects use is sometimes made of previously published, exhibited or performed material such as words, images, objects, code, sounds and recordings from specific sources. Such material sometimes may be quoted or reproduced in whole or in part as part of a new work of art. It is not expected that identification through bibliographical data, or other acknowledgement of the source material will be incorporated or exhibited overtly in the new creative work itself in the way that footnotes appear in essays or scientific papers.
- However, it is required that the use of appropriation, allusion and quotation as outlined above will be acknowledged fully and clearly in students' personal commentaries or self-evaluations on their work where such written or verbal self evaluation is a part of the assessment requirements. Students must be prepared to list and explain such source material to tutors and assessors as required.
- Creative work may be marked and assessed, in part, in response to the originality, inventiveness and creativity of appropriation, allusion and quotation. However, a student may be penalised for refusal to acknowledge and discuss such usage if and when it has been identified. Absence of the acknowledgement of such material in the appropriate format may be deemed to be use of unfair means and may result in the unfair means procedures being implemented.

ANNEX B: Process flow chart



ANNEX C: Range of Penalties

A Programme Hearing may apply one of the following penalties for a Minor offence:

Minor Penalties:

Case logged on Academic Misconduct Register, completion of relevant LEAP badge (where appropriate) and

M1 No penalty*

M2 Fail attempt for the assessment component in question. Further attempt (if eligible) does not have capped mark i.e. Refer but with uncapped mark on next attempt. The refer assessment brief may differ from the original.

M3 Mark assessment component but cap at pass mark*

M4 Fail attempt for the assessment component in question. Further attempt (if eligible) has a capped mark i.e. Refer. The refer assessment brief may differ from the original.

* If the offence relates to plagiarism then only original authentic work will be taken into account when marking.

A School Hearing may apply one of the following penalties for a Serious offence:

Serious Penalties:

Case logged on Academic Misconduct Register, completion of relevant LEAP badge (where appropriate) and

S1 Fail attempt for the assessment component in question – allow further attempt in the assessment component (if eligible) i.e. Refer. The refer assessment brief may differ from the original.

Overall module mark will be capped at the pass mark.

S2 Fail module with no further attempts. Student can continue for interim award or if module is optional.

S3 Fail module (if applicable) and programme with immediate effect - with or without an interim award.

S4 Recommend to Senate expulsion of student from the University - with or without an interim award.



Alternatively, a School Hearing may decide to downgrade the severity of the suspected academic misconduct to Minor and apply one of the penalties.

ANNEX D: Guidance on determining whether an offence is suspected minor or serious

Plagiarism: Reproduction of work from another source (e.g. student, academic source, internet), without appropriate acknowledgement.

Minor	Serious
Small amount of work reproduced without appropriate acknowledgement.	Significant amount of work reproduced without appropriate acknowledgement.
Unlikely intention to deceive.	Likely/proven intention to deceive.
No previous formal offence.	Previous formal offence.
First semester/stage of the programme.	Later stages of the programme.
Levels HE3 and HE4	Level HE5 and above.

For a particular penalty band to apply, it might normally be expected that at least three of the conditions listed in that band would be met by the case under consideration.

Other Forms of Academic Misconduct

Minor	Serious
Collusion	
Collaborative work is apparent in a few areas, but possibly due to lack of student's/students' awareness.	Collaborative work reflects significant similarities, and is probably due to deliberate attempt to share.
Fabrication of Primary Data	
Substantial part of the data is original to the student.	A significant amount of data is found to be fabricated.
Duplication	
A small amount of work already submitted as part of a previous assessment is being passed off as new work for another assessment.	A significant amount of work already submitted as part of a previous assessment is passed off as new work for another assessment.

Commissioning	
N/A	Work commissioned from another person or via the use of AI and submitted as the student's own – includes the purchasing of work from an essay-writing website.

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Minor	Serious
Theft of work	
N/A	Someone else's work is taken without permission and passed off as the student's own
Bribery and Blackmail	
N/A	Academic advantage is sought through inducement or threats to others.
False Declarations	
N/A	False information is knowingly presented to the University in order to seek to gain an academic advantage, for example in relation to Mitigating Circumstances and Appeals.
Examinations and In-Class Assessments	
Communicating with someone other than the invigilator during an examination or in-class assessment on unrelated matters.	Communication during examination or in-class assessment in order to seek academic advantage.
Unauthorised material is not relevant or intentionally used.	Use of unauthorised notes or other material (including in electronic format) in order to seek academic advantage.

	Attempting to copy from another student in the examination or inclass assessment.
	Misuse of examination or in-class assessment briefs, for example gaining prior knowledge of contents of unseen paper.
	Taking material away from examination or test when instructed not to.
	Impersonation: Allowing another person to take the examination or in-class assessment on the student's behalf.