



PROTOCOL FOR DEALING WITH FRAUDULENT PRACTICES AT THE UNIVERSITAT DE VALÈNCIA

INTRODUCTORY STATEMENT - REGULATORY FRAMEWORK

The Universitat, as an institution responsible for students' education, has a duty to develop and promote ethical values in all areas of its activity. This is set forth in the Statute of the University Student, approved by Royal Decree 1791/2010 of 30 December, which provides that the University must be a space for the holistic development of all those who share, study and work within it. Consequently, the conduct of students, as well as that of all members of the university community, must be governed by principles of honesty, truthfulness, rigour, fairness, efficiency, respect and responsibility. Both teaching and learning processes as well as assessment processes must be conducted in accordance with these principles, since they are understood to contribute directly to the development of academic integrity and to the comprehensive education of students.

In this regard, Article 13.2.d of the Student Statute establishes as a duty of students to refrain from using or cooperating in fraudulent procedures in assessment tests, academic work or official university documents. Furthermore, Article 25.7 of the same Statute provides: "At any time during assessment tests, teaching staff may require attending students to identify themselves by presenting their student card, national identity document, passport or, failing this, other identification deemed sufficient by the examiner".

Also applicable is the Decree of 8 September 1954 approving the Regulations on Academic Discipline in Official Higher Education and Technical Education Institutions under the Ministry of National Education. These regulations set out the actions considered offences and the possible sanctions that may be imposed following their commission. As established in Article 5 of those regulations, which has not been repealed and therefore remains in force together with the case law that has interpreted it over the years, the following are classified as offences: "impersonation in academic activities and falsification of documents" and "lack of probity".

Furthermore, with regard to fraudulent conduct in assessment activities, Article 13 of the University of Valencia Regulations on Assessment and Marking for Bachelor's and Master's Degrees state:

1. During examinations, students are required to comply with the rules and procedures that guarantee the authenticity and privacy of their exam. Any behaviour or action contravening these norms may lead to the student being expelled from the examination room.
2. Also, the student is obliged to prove his or her identity as the person indicated on the exam paper. Impersonation shall lead to the student being expelled from the examination room.



3. The lecturer may retain intact any evidence involved in a relevant incident occurred during an examination and forward it to the faculty or school director.
4. The lecturer may ask the student involved in the incident to hand in the exam paper and leave the room.
5. In any case, evidence of examination fraud, either total or partial, may result in a mark of zero to that examination.
6. Cheating includes the possession of mobile telephones or of any other unauthorised electronic device or document during an examination. Failure to comply with this obligation may result in the student being expelled from the examination room and a mark of zero to that examination.
7. In addition to the previous measures, the student is also liable to disciplinary action and to any other penalty set down in the regulations in force.

In addition, Article 15.2 provides:

“In cases of confirmed plagiarism in a student's academic work, a mark of zero will be awarded to that piece of work, and disciplinary action and any other penalty set down in the regulations in force may apply”.

Reference should also be made to the Universitat de València Charter of Students' Rights and Duties, approved by the Governing Council on 19 October 1993, amended on 30 April 1998, and still in force. Article 61 states:

“Duty of fairness. Submit to assessment activities under conditions of fairness and with scrupulous respect for the principle of equal opportunities”.

Finally, the Data Protection Office of the Universitat de València has produced a Guide for Complying with Regulations on Data Protection, Intellectual Property and Know-How in Research Files or Databases and in the Completion of External Internships and Bachelor's and Master's Theses (TFGs and TFMs), which is intended to serve as a reference document for matters covered by this protocol, such as plagiarism.

In accordance with the above, this protocol aims to provide the university community with guidelines to ensure ethics and honesty in academic activities, establish rules and procedures for preventing fraudulent practices, and inform members of the university community of the sanctions that may be imposed.

In drafting this protocol, in addition to the aforementioned national legislation and UV-specific regulations, various documents from other public Spanish universities were consulted and considered¹.

¹ We would like to express our gratitude to UPV-EHU, whose regulations have served as an important point of reference.



FRAUDULENT PRACTICES IN ACADEMIC WORK AND ASSESSMENT ACTIVITIES

The following, among others, may be considered fraudulent practices:

- Refusing to provide proof of identity when requested by the academic staff invigilating an examination.
- Impersonating another person or consenting to such impersonation.
- Introducing unauthorised materials into, and/or using such materials during, an examination.
- Copying from another student or from any other person not involved in the examination, or passing information to them during an individual examination.
- Unlawfully gaining access to the content of an examination and/or its solutions prior to the examination taking place.
- Unlawfully altering the mark awarded for an assessment activity or the corresponding official record.
- Committing plagiarism in academic work, that is, wholly or partially reproducing the work of others without acknowledging its source and presenting it as one's own work.
- Any other conduct contrary to the regulations governing academic activity and assessment processes.

INFORMATION AND MEASURES FOR THE PREVENTION OF FRAUDULENT PRACTICES

With the aim of informing students and academic staff about the procedures to be followed when fraudulent conduct is detected in academic work or assessment activities, the following measures are established:

Declaration of Ethical Commitment and Academic Integrity

Students must be informed of the regulations applicable to cases of academic fraud, of the procedures to be followed and of the consequences, where appropriate, of engaging in such practices. Accordingly, at the time of enrolment they must be informed of these matters and of the importance of ethics throughout their academic studies.

Students must also declare and acknowledge that they are aware of the regulations and of the possible sanctions that the University may impose, where appropriate and within the framework of the legislation in force. They must further undertake not to engage in unacceptable behaviour, not to carry out fraudulent actions, and to cooperate, where appropriate and at the request of academic staff, in situations involving fraudulent conduct detected during assessment activities.

Information Mechanisms Regarding Assessment Activities

Students must have access to clear and up-to-date information regarding practices that are considered fraudulent in assessment activities and the sanctions that may result from engaging in such practices.

Accordingly, before an assessment activity, academic staff must inform students about the materials that may be used and those that are strictly prohibited, with particular reference to the use of telephones, computers, electronic devices or any other similar equipment.



Tools for Detecting the Use of Electronic Devices and Similarities in Academic Work

During an examination, students cannot have access to any electronic device, including mobile phones or any electronic means of transmitting, receiving and/or storing information, unless expressly authorised by academic staff.

The University may make use of electronic means to detect such devices. In these cases, students must be informed of the existence of these detection systems.

Through the Virtual Classroom, academic staff have access to a tool enabling the detection of plagiarism in academic work, particularly in bachelor's (TFG), master's (TFM) and doctoral theses.

GUIDELINES FOR DEALING WITH FRAUDULENT PRACTICES

Assessment Activities

If copying or any other form of fraud is detected during an assessment activity, the invigilator must require the student concerned to hand in the activity script and any related materials and must record the incident on them.

Personal mobile phones, computers or other electronic devices that are not directly related to the assessment activity may not be confiscated, nor may they be examined in search of information that could infringe on the student's privacy, nor may searches be conducted without the student's cooperation. However, mechanisms may be used to obtain evidence of the offence committed, such as collecting statements from academic staff and students present in the room and confiscating any copying devices specifically used to commit the offence.

The lecturer responsible for the subject must inform the person who has engaged in the fraudulent act that, in accordance with the Regulations on Assessment and Marking of the Universitat de València, the assessment is awarded a fail mark (zero) and must require the student to leave the room.

If, during the marking process, a fraudulent practice relevant to its result is revealed that was not observed at the time it was committed (for example, if substantial similarity is identified between an exercise/examination and a published text or another person's work), the assessment activity may, with appropriate justification, be awarded a fail mark (zero).

When academic staff have reasonable grounds to believe that the content of an examination and/or its correct answers may have been disclosed prior to the examination taking place, and it is not possible to rectify or modify the examination, its administration must be suspended. If such suspicion is well founded but arises only after the examination has been completed, it may, with appropriate justification, be declared void and re-scheduled.

In the event of any incident, the lecturer responsible for the subject must prepare a report setting out the facts, including a detailed account of the circumstances in which the offence occurred and the measures adopted. This report, together with any available material evidence, must be submitted to the academic authority of the faculty or school within five working days. Once the appropriate enquiries have been carried out to verify the facts, the



faculty or school must, where appropriate, request the initiation of disciplinary proceedings, which must be referred to the University's General Secretary as soon as possible.

Academic Work and Bachelor's (TFG), Master's (TFM) and Doctoral Theses

When, during the marking of academic work, it becomes evident that a fraudulent practice relevant to its result has been committed, the work may, with appropriate justification, be awarded a fail mark (zero).

When there are indications of plagiarism, or a lack of rigour in the referencing of sources in a TFG, TFM or doctoral thesis, the thesis supervisor must inform the student concerned so that the irregularities may be remedied prior to submission.

The University must establish mechanisms to require students to declare authorship of the work when submitting a TFG, TFM or doctoral thesis.

If plagiarism is detected during the presentation of a TFG, TFM or doctoral thesis, the examination committee must award the work a fail mark (zero) and must report it to the academic authority of the faculty or school or, in the case of a doctoral thesis, to the director of the Doctoral School.

CONSEQUENCES OF ENGAGING IN FRAUDULENT PRACTICES

As provided for in the Regulations on Assessment and Marking of the Universitat de València and as indicated in the preceding sections, fraudulent conduct may result in a fail mark (zero).

Once the relevant checks have been carried out and depending on the circumstances of the case, the faculty or school must, where appropriate, request the University's General Secretary to initiate disciplinary proceedings.

In accordance with Article 5 of the Academic Discipline Regulations – a national regulation currently in force – such fraudulent conduct may be classified as minor, moderate or serious misconduct. Under those regulations, any act that may disrupt academic order or discipline constitutes a minor offence, while serious offence includes, among other things, impersonation in academic activities, falsification of documents, lack of probity and conduct constituting a criminal offence.

The sanctions provided for by these regulations, to be applied according to the circumstances of each case, may include, among others: cancellation of enrolment in one or more subjects; suspension, for a specified period, of the right to attend classes; prohibition from sitting exams in one or more subjects, either in all examination periods or in specified periods; withdrawal of scholarships and other educational benefits; or temporary or permanent expulsion from the University.

The rector shall impose the appropriate sanction following the corresponding disciplinary proceedings. Any sanction imposed shall be determined in accordance with the principle of proportionality, taking into account the specific circumstances of the offence committed.



ANNEX I. CODE OF PRACTICE FOR ACADEMIC STAFF

1. Preparation and start of the examination:

- It is important to be familiar with the applicable national and institutional regulations.
- The examination must be designed so as to guarantee the principles of merit and equality and to comply with the provisions of the course guide.
- Students must be identified on entry to the examination venue and it must be verified that they are enrolled on the subject.
- The invigilator, as the authority responsible for conducting the examination, must not permit entry to any person who has not been properly identified. Should a person refuse to accept this decision, the University's security services must be notified.
- Students must be informed of the materials and items that they may and may not have in their possession, and of the conditions for their use.
- Materials that cannot be used during the examination must be left at a sufficient distance, as determined by the invigilator in charge. Invigilators have no duty to safeguard or take custody of unauthorised materials; responsibility for such items remains with the students themselves.

2. During the examination:

- When fraudulent conduct is detected, the offender and the nature of the offence must be identified, the incident documented as far as possible, and all available evidence collected.
- In doing so, academic staff must respect the privacy of the person concerned and may not, under any circumstances without consent, retain personal property unrelated to the examination when this could infringe on the individual's privacy, nor may they conduct searches without that person's cooperation.
- Materials or devices specifically used for copying may be confiscated; however, mobile phones may not be confiscated under any circumstances unless the owner consents. Nevertheless, possession of such devices during the examination or their misuse as observed by academic staff shall be sufficient to establish the offence.
- Academic staff must document any confiscated items and prepare an inventory identifying them, signed by both parties. Responsibility for the safekeeping and custody of such items rests with academic staff.
- Depending on their perception of the seriousness of the offence, academic staff may decide either to allow the student provisionally to continue the examination or require them to leave.
- If the student refuses to hand over the evidence or if additional incidents arise, the University's security services must be informed.
- In relation to all these actions, statements made by academic staff constitute particularly authoritative evidence.



3. After the examination:

- If, despite the incident, the student involved has been allowed to continue the examination, academic staff shall evaluate the work only when, after examining the evidence gathered, it is concluded that the materials concerned were not intended for cheating. In all other situations, the exam must be awarded a zero mark.
- Academic staff must notify the person responsible for the faculty or school of the incident and submit a report containing the identity of the person or persons involved, details of the action taken, the evidence collected and, where applicable, the items confiscated. Such items must be sent to the faculty or school for safekeeping.
- The faculty or school must, where appropriate, request that the University's General Secretary initiate the corresponding disciplinary proceedings.

4. Plagiarism in bachelor's (TFG), master's (TFM) and doctoral theses:

- Academic staff must use the plagiarism-detection software provided by the Universitat de València for all assessable work and, in particular, for all TFGs, TFMs and doctoral theses carried out under their supervision or for which they have assessment responsibilities.
- When plagiarism of any kind is detected, academic staff must inform the student and seek an explanation.
- If plagiarism is confirmed and remains uncorrected at the time of submission and assessment of a TFG, TFM or doctoral thesis, the work shall be awarded a mark of zero or, in the case of a doctoral thesis, a mark of fail.
- Academic staff must notify the faculty or school director of the incident and submit a report containing the identity of the person or persons involved, details of the action taken, the evidence collected and, where applicable, any confiscated items, which must be sent to the faculty or school for safekeeping.
- The faculty or school must, where appropriate, request that the University's General Secretary initiate the corresponding disciplinary proceedings.



ANNEX II. CODE OF PRACTICE FOR STUDENTS

1. Preparation and start of the examination:

- It is important to be familiar with the applicable national and institutional regulations.
- Students must be aware of the conditions governing the examination as specified in the subject course guide and must comply at all times with the instructions given by the teaching staff.
- Students are required to identify themselves before taking the examination in accordance with the procedures established.
- Students must follow the instructions concerning the use of materials and the items that may or may not be available to them during the examination. They are responsible for their own belongings at all times and invigilators have no obligation to safeguard such items.

2. During the examination:

- In the event of any incident, students must comply with the instructions of the academic staff and hand in all materials requested in connection with the examination, as well as any materials or items specifically used to commit the alleged fraudulent act.
- Students are not obliged to hand in personal belongings that could compromise their privacy, such as mobile phones, if they do not wish to do so.
- If requested by academic staff to leave the room and discontinue the examination, students must do so in accordance with the instructions provided.
- When academic staff confiscate items belonging to a student, the student is entitled to obtain a list identifying those items and signed by both parties. The items must be returned after completion of any necessary information-gathering procedure and, where applicable, disciplinary proceedings. During this time, responsibility for the safekeeping and custody of the materials rests with academic staff.
- In relation to all these actions, academic staff are acting as an authority and, consequently, their testimony constitutes particularly authoritative evidence. Students may, however, submit any additional evidence they consider relevant to refute or qualify the interpretation of the person responsible for the examination.

3. After the examination:

- Students may challenge, within the relevant procedure, any procedural decisions made by those responsible for the examination.
- Students have the right to make representations and to exercise all rights of defence within any disciplinary proceedings arising from alleged fraudulent practices.
- Students are entitled, where applicable, to appeal a final disciplinary decision through both administrative and judicial review procedures.
- If any of these procedures establish that the student did not cheat or plagiarise, they shall be entitled to have the work or examination marked, provided they were permitted to complete it, or shall be given the opportunity to retake it if they were prevented from continuing.
- Students also have the right to challenge the mark awarded for the examination in



accordance with the regulations in force.

4. Plagiarism in bachelor's (TFG), master's (TFM) and doctoral theses:

- Students must be aware that all assessable work, and particularly TFG, TFM and doctoral theses, may be subject to plagiarism-detection software used by the Universitat de València, and that the results of such checks constitute particularly authoritative evidence.
- Students have the right to be informed if plagiarism is detected and to submit representations and possible amendments.
- If plagiarism is confirmed and remains uncorrected at the time of submission and assessment of a TFG, TFM or doctoral thesis, the work shall be awarded a mark of zero or, in the case of a doctoral thesis, a mark of fail.
- In such cases, students are entitled to the same procedures described in the preceding section.

This document is a translation of the original Catalan version of the Protocol d'actuació davant pràctiques fraudulentas a la Universitat de València, approved by the UV Governing Council on 14 July 2020. The Catalan version is the only legally valid document for the purposes of regulation and enforcement.