

Academic procedures
Fraud and plagiarism

Disciplinary procedure in cases of fraud and plagiarism

Directive

Version 4, 17.1.2025

This document is subject to regular review. To make suggestions for improvement or to share feedback, please contact the Office of the Vice-Rector for Academic and Student Affairs (VRAE) at vraa@uni.lu.

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Document information

Version	Date created	Author(s)	Validated by	Validated on	Status	Comments
1.0	9.3.2020	VRA	RT	9.3. 2020	Approved	
1.0	9.3.2020	VRA	CU	13.05.2020	Favourable opinion	
2.0	31.8.2021	VRA	RT	7.9.2021	Approved	
3.0	1.2.2023	VRA	RT	7.2.2023	Approved	
4.0	17.1.2025	VRAE	RT	28.1.2025	Approved	
4.0	17.1.2025	VRAE	CU	4.2.2025	Favourable opinion	

Authority and validity

This procedure is prepared under the responsibility of the Vice-Rector for Academic and Student Affairs and subject to approval by the Rectorate. It is presented for information to the University Council, that can issue a recommendation.

It is issued, modified or withdrawn by the Vice-Rector for Academic and Student Affairs (VRAE).

This procedure has first come into effect on 9.3.2020

The last modification (4.0) has come into effect on **4.2.2025**. It supersedes all previous versions of the procedure.

Responsibility for publication: VRAE

Contents

1. What this procedure covers and to whom it applies.....	4
2. Instances of misconduct according to the Law: fraud and plagiarism.....	5
3. Penalties set out by the Law in cases of fraud and plagiarism	5
4. Disciplinary procedure	6
4.1 Types of academic misconduct	6
Fraud or attempted fraud.....	6
Plagiarism.....	7
4.2 Stages of the disciplinary process	7
Report of misconduct.....	7
Hearing	7
Decision	8
4.3 Repeated Misconduct.....	9
Annex 1. The process of academic misconduct.....	11
Annex 2. Report of misconduct.....	12
Annex 3. Minutes of the hearing	13

1. What this procedure covers and to whom it applies

In line with the Law of 27 June 2018 (amended) on the organization of the University of Luxembourg (henceforward 'the Law'), and with reference to its article 45, disciplinary powers within the university are shared between two disciplinary authorities:

1. The **Rector**, who decides on all disciplinary matters;
2. The **Dispute Committee** (*Commission des litiges*), who decides on disciplinary matters in the second instance.

Pursuant to Article 7 (2) of the Law, the Rector delegates and entrusts the following **disciplinary authority** for handling **academic misconduct**:

a) The **Chair of the Board of Examiners** serves as the disciplinary authority in cases involving a **first occurrence of misconduct**. In exceptional instances, where the severity or related circumstances of the first occurrence of the misconduct require a need for a higher-level assessment and decision, the Chair of the Board of Examiners may refer the case to the Vice-Rector for Academic and Student Affairs.

b) The **Vice-Rector for Academic and Student Affairs** serves as the disciplinary authority for all cases of **repeated academic misconduct** (*récidive*).

In accordance with the provisions of this policy, the disciplinary authority is vested with exclusive authority to address academic misconduct as outlined in Article 42, item 10, of the Law, namely **fraud, attempted fraud, and plagiarism**.

The process of academic misconduct is summarised in **Annex 1**.

Disciplinary powers apply to users as defined by the Law as follows: any student who is currently enrolled at the University of Luxembourg (henceforward 'the University'), any user with the status of 'auditeur' or 'auditeur libre', and any student who has been enrolled at the University up to no more than six (6) months following their departure from the University.

This directive and procedure do not apply to doctoral candidates enrolled at the University.

This procedure describes the process for a disciplinary investigation in order to establish clearly the **misconduct** that has been committed and as a result, the **corresponding penalty** that may be imposed.

The principles to be respected in any disciplinary investigation are the following:

- the principle of presumed innocence,
- the adversarial principle,
- the principle of respect for the right to defend oneself against an accusation,
- the principle that a penalty must be clearly justified,
- the principle that a penalty must be in proportion to the nature of the offense committed.

2. Instances of misconduct according to the Law: fraud and plagiarism

Article 42 of the Law sets out a list of the kinds of misconduct committed by users for which disciplinary proceedings may be launched. This document refers only to item 10:

10° la fraude, la tentative de fraude et le plagiat (fraud, attempted fraud, and plagiarism).

3. Penalties set out by the Law in cases of fraud and plagiarism

Article 43 of the Law sets out a list of penalties that may be imposed on users who have been found guilty of misconduct. Items 6 and 7 specify the penalties that may be imposed in proven cases of fraud, attempted fraud and plagiarism:

6° En cas de fraude, de tentative de fraude ou de plagiat : la nullité du groupe d'épreuves du module ou de la session d'examen ou l'interdiction pour une durée maximum de cinq ans de subir tout examen conduisant à l'obtention d'un grade, diplôme ou certificat délivré par l'Université.

7° En cas de fraude ou de plagiat : le retrait à titre rétroactif du grade, diplôme ou certificat délivré par l'Université.

The penalties set out in items 6 and 7 are subject to three types of appeal: a non-contentious appeal (*recours gracieux*), an appeal before the Dispute Committee (*Commission des litiges*), and an appeal before the Luxembourg Administrative Tribunal.

Any fraud, attempted fraud or plagiarism that has been **proven** will entail the **cancelling of the grade** (a mark of 0) for the relevant assessment. The disciplinary authority decides whether a penalty among those set out in Article 43 should be imposed.

After the decision taken by the disciplinary authority, an appeal to the Dispute Committee is possible. The Dispute Committee, after considering the case and hearing the parties involved, either confirms the contested decision, or changes the contested decision, or cancels the contested decision.

Please note: Fraud and plagiarism are disciplinary offenses in terms of ethics, and they can violate intellectual property rights.

4. Disciplinary procedure

4.1 Types of academic misconduct

Fraud or attempted fraud

Fraud or attempted fraud are forms of academic misconduct that intend to falsify or misrepresent as one's own a work submitted for assessment, the result of an examination, or another form of assessment.

Fraud or attempted fraud include, but are not limited to the following:

- claiming authorship for text for which the student is not the original author, e.g., using a ghost writer or content generated or modified by a chatbot/artificial intelligence;
- the falsification of data or statistical indicators;
- sharing/exchanging notes during an examination;
- non-permitted use of a smartphone or a laptop with a live Internet connection during the examination;
- concealed checking of draft notes;
- helping someone else to cheat;
- writing assessed work for someone else;
- sharing information about an examination or a test;
- using non-permitted supporting materials (dictionaries, crib notes, calculator, online documents).

The student under suspicion of fraud will continue the written work and complete the assignment.

The report of misconduct should be completed in the examination hall by the invigilator. The student should be asked to sign the report, which includes space in which the student may state his or her own version of the incident. If the student declines to sign, the refusal should be documented in the report.

If fraud is detected or suspected during the process of correction of an exam or a take-home assignment, the person in charge of the correction must:

- Complete a report of misconduct;
- Ask the student suspected or accused of attempting or committing fraud to sign the report, and allow the student to give his or her version of the facts. If the student refuses to sign, this is noted in the report.

The correction should be completed and a preliminary mark assigned.

The suspicion or accusation of fraud is reported to the course coordinator, the Study Programme Director and the Dean's Office of the Faculty concerned, who all receive a copy of the report.

Any candidate suspected or accused of fraud who has submitted examination papers is entitled to a fair and equitable evaluation of his/her examination.

The disciplinary authority deliberates on the results under the same conditions as those applied to other candidates. Students suspected or accused of plagiarism or fraud have the right to access their transcripts and to be informed of their grades in courses not affected by the alleged fraud. This is independent of any future sanctions.

Plagiarism

Plagiarism may be defined as the act, voluntary or involuntary, of copying or otherwise using another person's work and passing it off as one's own.

Examples of plagiarism include the following, but are not limited to: presenting under one's own name the work or ideas of someone else, including unpublished text by another author; the reproduction of passages from grey documents (documents distributed outside of commercial publishing channels, including files compiled as part of exam preparation), the reproduction of images, graphics and data without citing the source.

Self-plagiarism involves re-using for publication or assessment one's own work that has previously been published or submitted for assessment. Students who wish to re-submit a work or parts of a work they have previously submitted for assessment in another course should indicate this and ask for permission from the concerned course instructor. Failure to disclose this may be investigated under the present procedure.

In proven cases of plagiarism, the penalty according to article 43, items 6 and 7, of the Law shall be combined with the requirement to follow a training for plagiarism awareness. Participation in this training is required after the first case of proven plagiarism (and not in cases of repeated offenses).

4.2 Stages of the disciplinary process

The stages of the disciplinary procedure of all reported cases of misconduct are in the order as follows:

1. Report of misconduct
2. Hearing
3. Decision

Report of misconduct

The starting point of the disciplinary process is a **reported misconduct**. The report is written by the invigilator(s) or the marker(s) who has/have noticed the suspected misconduct. The student concerned is also asked to sign the report. If the student refuses to sign, this refusal must be noted in the report. This report is countersigned by the Study Programme Director.

The report (see **Annex 2**) must be established immediately (in the case of an in-person examination, at the place of the offence committed).

Please note that an accusation will have a negative impact on the student's studies. Normally the grades for the semester in which the misconduct occurred are withheld, and the lack of availability of all grades for that semester may prevent a student's re-enrolment. This can have serious consequences. For example, a Luxembourg resident may not be able to claim their « bourse d'études ». A third-country national may lose his or her right to live in Luxembourg, and may be unable to obtain a visa for his or her mobility semester. It follows that an accusation must always be made responsibly and resolved quickly.

All accusations of academic misconduct must adhere to the principle that the accused is presumed innocent until proven guilty.

Any malicious accusation on the part of an invigilator, a teacher or a Study Programme Director may be open to a disciplinary penalty in accordance with applicable regulations.

In cases where a student has already left the University, a disciplinary procedure can be held up to six (6) months after his or her departure. Beyond that time, no disciplinary procedure is possible except for the case provided for in article 43 (1) 7° of the Law – i.e., the retroactive withdrawal of the degree, diploma, or certificate issued by the University of Luxembourg.

Hearing

The hearing of the cases is to be scheduled and conducted by the relevant disciplinary authority as mentioned in Section 1 of this procedure.

Upon receipt of the report of misconduct, the disciplinary authority prepares a file relative to the alleged misconduct based on the transmitted report. The case will be examined, and opinions exchanged during the formal hearing, in the presence of all participants.

Participants in the hearing are:

- The Chair of the Board of Examiners (first occurrence of misconduct).¹
- The Vice-Rector for Academic and Student Affairs (repeated misconduct).
- The student accused of the offense who may be accompanied by a person (advocate) of his or her choice.
- The person who discovered/reported the infraction.
- A member of the University staff, who acts as minute-taker.
- Any other person that may be familiar with the reported case of misconduct (optional, as applicable).

The period of time between the reported misconduct and the date of the hearing should be as short as possible, but it must not exceed (6) weeks from the date of the accusation.

The hearing can be conducted in person or via an audio or video link.

The case file will be sent to the student at least five (5) working days before the hearing.

The student is allowed to invite someone to support him/her. In this case, the name of that person and his or her connection with the student must be provided to the disciplinary authority conducting the hearing at least three (3) working days before the hearing.

In the hearing, the facts are set out and the point of view of each participant is presented.

Every participant in the process is expected to maintain confidentiality.

After the hearing, the minutes of the meeting are presented to the participants for review and approval. The student is invited to read and sign the minutes. The student has the right to refuse signing the minutes, in which case this will be mentioned in the hearing report. The student keeps a copy and a second copy is kept in the administrative file of the student.

Annex 3 includes a template for the hearing minutes, which shall be used to document the hearing and its content.

The hearing minutes will be followed by a decision letter issued by the disciplinary authority, which outlines the outcome of the hearing and, if applicable, includes any imposed sanction.

Decision

The disciplinary authority shall reach a reasoned decision in fact and in law no more than ten (10) working days after the hearing.

The decision of the disciplinary authority can result in one of the following outcomes:

Case dismissed. After the hearing, the disciplinary authority establishes in the minutes that the accusation is unfounded. In this case, the disciplinary authority requests that the student should be declared innocent, and that the assignment and the grade the student received for the assessment are to be declared valid. No comment shall be entered into the administrative file of the student after the disciplinary authority's decision.

Light penalty. After the hearing, it is established that academic misconduct took place, which automatically implies the annulment of the corresponding assessment. A comment will be entered into the administrative file of the student after the disciplinary authority's decision.

Severe penalty. After the hearing, the offence is proven with aggravating circumstances and the disciplinary authority establishes that the student should be subject to a penalty, as detailed in Section 3 of this procedure, in addition to the annulment of the corresponding assessment. A comment shall be entered into the administrative file of the student after the disciplinary authority's decision.

The disciplinary authority shall send notification of the outcome to the student via both a registered letter and the student's university email.

The following persons will be additionally informed (by email) of the decision (not of the content of the hearing):

¹ It is not necessary to include other members of the Board of Examiners in the hearing for a reported misconduct.

- The persons who attended the hearing.
- The Study Programme Director.
- The Dean / Director of an Interdisciplinary Centre.
- The teacher(s) involved in the case (including invigilators/markers or others, but in all cases having an interest in the case being heard).
- The administrative direction of the Faculty or Interdisciplinary Centre.
- The Office of the Vice-Rector for Academic and Student Affairs (vraa@uni.lu).

The penalty applies from the day after the student received notification of the decision. A copy of the decision along with a comment will be added to the student's administrative file.

It is possible to submit an appeal against a disciplinary decision in cases of fraud, attempted fraud and plagiarism before the Dispute Committee within seven (7) days of the notification of the decision in question.

The Study Programme Director and/or the teacher involved in the case should make themselves available during the two (2) weeks after the penalty is notified, in order to discuss the matter with the student and to support him or her in planning the remainder of their studies.

4.3 Repeated Misconduct

A repeated instance of academic misconduct (*récidive*) is defined as occurring when a student who has previously been found guilty of fraud, attempted fraud, or plagiarism commits another act of academic misconduct at any point in their subsequent academic trajectory at the University of Luxembourg.

A case is considered a repeated instance of academic misconduct only when there is a documented evidence of a prior offense, as demonstrated by an official decision letter issued by a disciplinary authority. Non-documented instances of academic misconduct cannot serve as a legal basis for classifying a case as repeated academic misconduct.

The Vice-Rector for Academic and Student Affairs assumes the disciplinary authority for all cases of repeated misconduct.

The person reporting the misconduct will consult with the Study Programme Director regarding the student's disciplinary history. If the student has documented evidence of a prior offence, the case and all supporting files will be forwarded to the Vice-Rector.

All stages of the disciplinary procedure outlined in Section 4.2—ranging from the initial report of misconduct, the hearing, and the decision—apply equally to instances of repeated misconduct. During these stages, the Vice-Rector will take into account the entirety of the student's disciplinary history, including previous infractions, the nature and severity of those infractions, and any previously imposed sanctions.

In determining penalties for repeated misconduct, as defined by Article 43 of the Law, the Vice-Rector may consider applying more stringent measures than those imposed in the initial case, reflecting the aggravating nature of a repeated offense.

All procedural safeguards, such as the presumption of innocence, the right to a fair hearing, the opportunity to present a defense, and the right to appeal, remain fully in force.

The Vice-Rector's decision, once issued, shall be communicated to the student via both a registered letter and the student's university email.

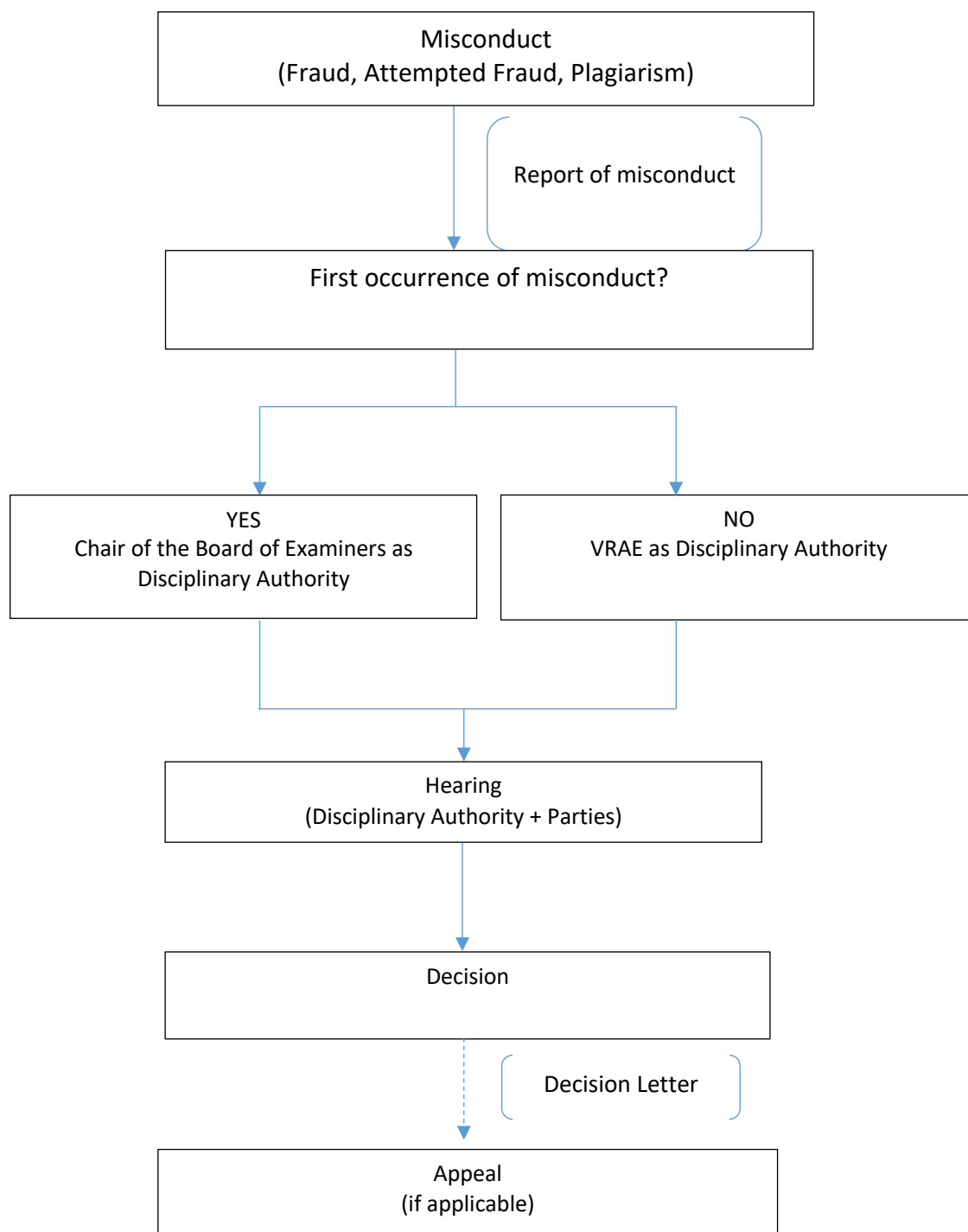
In addition, the following persons will be informed via email of the decision issued in relation to a repeated instance of misconduct:

- The persons who attended the hearing.
- The Study Programme Director.

- The Dean / Director of an Interdisciplinary Centre.
- The teacher(s) involved in the case (including invigilators/markers or others, but in all cases having an interest in the case being heard).
- The administrative direction of the Faculty or Interdisciplinary Centre.
- The Chair of the Examination Board.

Attached to this procedure are the different forms referred to in this procedure.

Annex 1. The process of academic misconduct



Annex 2. Report of misconduct

The template for reporting a fraud or plagiarism case can be downloaded from:

<https://uniluxembourg.sharepoint.com/sites/tr/SitePages/VRA-Documents.aspx>, folder 'Fraud and plagiarism'. This template should be used to report all cases of fraud, attempted fraud or plagiarism.

Annex 3. Minutes of the hearing

The template for preparing minutes of the hearing can be downloaded from:

<https://uniluxembourg.sharepoint.com/sites/tr/SitePages/VRA-Documents.aspx>, folder 'Fraud and plagiarism'. This template should be used for all hearings concerning cases of fraud, attempted fraud and plagiarism.