

## **Higher Education Academic Misconduct (Non-University Provision)**

### **1. Introduction**

- 1.1. This procedure will support the equitable attainment of awards and ensure that any cases of suspected plagiarism, cheating in exams or other academic misconduct are dealt with fairly, consistently and appropriately for all full-time and part-time Higher Education students.
- 1.2. Allegations of academic misconduct will be investigated and will be determined on the balance of probabilities (more likely than not). All cases will be investigated using the guiding principles of transparency and fairness.
- 1.3. This procedure applies to all non-university provision. For programmes validated by our university partners please see the Higher Education Academic Misconduct (University Validating Partners) operating procedure (OP1.110).

### **2. Responsibilities**

- 2.1. The Assistant Principal Higher Education has responsibility for the oversight and review, as necessary, of this procedure.
- 2.2. Higher Education (HE) Academic Leads will act as the Academic Misconduct Officers.
- 2.3. The Higher Education Administration Officer will act as Secretary to the Academic Misconduct Committee, administer all paperwork and issue all outcome letters.

### **3. Method – Allegation of academic misconduct**

- 3.1. Where an examiner marking a piece of summatively assessed work suspects academic misconduct, they should decide if it warrants further investigation. If they decide that it is poor academic practice, and it is not appropriate to investigate, they should complete the examining process. The feedback should indicate that poor academic practice has been identified and the student should be referred to appropriate sources of guidance. At this stage, no penalty may be imposed, and the mark may not be reduced.
- 3.2. If the marker decides that the academic misconduct is more than poor academic practice and is sufficient to warrant an allegation of plagiarism or collusion, they must, within 4 weeks of the assessment, forward the work to the HE Academic Lead with a covering statement and any relevant supporting evidence.
- 3.3. Where an invigilator suspects that a candidate may have breached examination conduct, they must:
  - Confiscate any contraband materials (mobile phones will be available for collection immediately following the examination)

- Annotate the exam booklet
  - Complete the invigilators report
- 3.4. If the exams officer is made aware of any academic misconduct in an exam, then within 1 week of the assessment will forward the work to the HE Academic Lead with a covering statement and any relevant supporting evidence.

#### **4. Method – The Caution**

- 4.1. On receipt of an allegation from the marker, the HE Academic Lead for that programme must decide there is a case to answer. This decision will be made in 10 working days.
- 4.2. For examination room breaches the HE Academic Lead will investigate the allegation of academic misconduct and a decision made on whether there is a case to answer within 10 working days.
- 4.3. If there is no case to answer the matter will be deemed closed and reported to the marker within 5 working days of the decision. For alleged exam breaches which are found no case to answer the matter will be deemed closed and communicated to the student via email within 5 working days of the decision.
- 4.4. If the HE Academic Lead determines that there is clear evidence that academic misconduct has taken place the student must be informed via email advising them of the following:
- a) A summary of the allegation;
  - b) A request for the student to respond to the allegation via email within 15 working days of the date of notification;
  - c) Where the allegation is admitted, provide an opportunity for the student to make any statement by way of explanation.
- 4.5. On receipt of a response from the student, or after 15 working days the HE Academic Lead will consider all the material presented with regards to the matter. They may request further information before making a decision on the most appropriate penalty. The following points may be considered in determining the most appropriate penalty:
- a) The assessment where an unfair advantage was attempted to be gained;
  - b) Any previous experience of academic study in a UK higher education institution;
  - c) The extent of the misconduct in relation to the assessment in question i.e. the level of work affected;
  - d) Any prior proven allegations of academic misconduct;
  - e) Whether the student has accepted responsibility and / or acknowledged awareness of the academic misconduct.
- 4.6. Where the student is proven to have committed more than one breach of these regulations, but notification of the first breach had not been received by the student at the time of committing the second breach, both shall be considered 'simultaneous' breaches. Each breach shall be treated as one breach only for the purposes of determining penalty.

- 4.7. Penalties will be applied in accordance with awarding body regulations, with all decisions presented and recorded at the college Academic Misconduct Committee.
- 4.8. In cases where a more severe penalty would be awarded the case will be presented to the Academic Misconduct Committee for a decision.

## **5. Method – Academic Misconduct Committee**

- 5.1. The HE Administration Officer is responsible for establishing the Panel consisting of a Chair, a Secretary and at least two members of academic staff.
- 5.2. No member of the Panel should have been involved in making or investigating the allegation.
- 5.3. The student will be informed in writing of the time, date and venue of the hearing of the Panel, with at least 5 working days' notice. This should include the details of any witness or other party to be called by the Panel, and a copy of any relevant statements.
- 5.4. The student has the right to be heard in person by the Panel and may be accompanied by a person of their choosing. This person may not act as a legal representative and may not speak for the student unless invited to do so.
- 5.5. If the student does not respond or chooses not to attend, then the Panel will go ahead in their absence. If the student has a legitimate reason for being unable to attend on the specified date, the panel shall be rearranged. If no legitimate reason is given (as determined by the Chair), the panel will proceed as planned.
- 5.6. The investigating HE Academic Lead will present the case to the panel.
- 5.7. The panel may call any witness to provide any relevant evidence or discipline context where required. Other than in exceptional circumstances defined by the panel the students shall be entitled to be present while such evidence is presented.
- 5.8. In cases of collusion separate panels must be conducted.
- 5.9. The Panel will then consider its decision in private both as to whether the allegation has been proven on a balance of probabilities and, if proven, the penalty or penalties to be imposed. Any penalties must be in accordance with Awarding Body guidance.
- 5.10. All proceedings of the Panel must be minuted by the secretary and subsequently be agreed by the Panel as a correct record.
- 5.11. The secretary must inform the student via email of the decision, any penalties imposed and in summary the reasons for the decision. This information should be normally be provided within five working days of the panel meeting.
- 5.12. A copy of the decision will be copied to
  - The chair of any relevant board of examiners
  - Relevant faculty staff

## **6. Method – Penalties**

- 6.1. In determining a penalty, the Panel is empowered to take into account the following factors:

- The assessment where an unfair advantage was attempted to be gained;
- Any previous experience of academic study in a UK higher education institution;
- The extent of the misconduct in relation to the assessment in question i.e. the level of work affected;
- Any prior proven allegations of Academic Misconduct;
- Whether the student has accepted responsibility and / or acknowledged awareness of the Academic Misconduct.

## 6.2. Categories of Academic Misconduct

### 6.2.1. Poor academic practice

This may arise from a lack of understanding of the standard methods of acknowledging the source of words, ideas or diagrams in a piece of work or the appropriate levels of collaboration or the correct behaviour within an exam. It may also be applicable where the extent does not justify further investigative proceedings or a penalty, for example, for errors made through carelessness.

### 6.2.2. Academic Misconduct

This is behaviour which, if not detected, would give a student an unfair advantage in an assessment.

The main difference between academic misconduct and severe academic misconduct is the extent of the alleged misconduct. Indicative examples of what constitute academic misconduct are:

- a) Failure to correctly reference sources and claim an idea as original work (i.e. plagiarism);
- b) Submitting for assessment an item which has been previously submitted for credit in another module with little change made to the assessment (i.e. self-plagiarism);
- c) Submitting coursework in collaboration with another student (i.e. collusion);
- d) Attempts to communicate with another candidate during an examination (i.e. cheating).
- e) Unauthorised use of artificial intelligence.

### 6.2.3. Severe Academic Misconduct

Where there is clear evidence of extensive or substantial attempts to gain an unfair advantage or where there has been a previous, proven case of academic misconduct or severe academic misconduct against a student. Any proven allegations of contract cheating, impersonation or fabrication or falsification of data will always initially be considered as a case of severe academic misconduct.

### 6.3. Penalty tariff

#### **Penalty 1: Issues a Formal Warning**

Warning letter will remain on the student record. The original mark awarded will stand

#### **Penalty 2: Mark of 0 awarded in the assessment task at first attempt with the right to reassessment**

If the Academic Misconduct was for a first attempt at the assessment; you will have the right to undertake a second attempt during the reassessment period. The result of this reassessment attempt for this element will be capped at the pass mark.

The student will be issued with a disciplinary warning

#### **Penalty 3: Mark of 0 in the Module**

If the Academic Misconduct was for a first attempt at the module, you will be required to undertake reassessments in all assessment components of the module. The result of these reassessment attempts will be capped at the pass mark.

The student will be issued with a disciplinary warning

#### **Penalty 4: Mark of 0 in the module with no right to reassessment**

This will result in a failed module which may affect your ability to progress on your programme of study.

Student will also be issued with a disciplinary warning.

#### **Penalty 5 Termination of Study**

This should only occur where there is evidence of sustained attempts at Academic Misconduct.

### **7. Method – Right to Appeal**

7.1. The student must notify the Assistant Principal Higher Education within 10 working days of the committee decision being emailed using the HE Academic Misconduct Appeals Form [CQD38].

### **8. Grounds for Appeal**

The student must be able to demonstrate one or more of the following:

8.1. Circumstances which the Academic Misconduct Committee were not aware of when they made their decision and had either of them been aware it is reasonably likely that they would have made a different decision.

- 8.2. Procedural irregularities in the investigation of the allegation, the Academic Misconduct Decision, the conduct of the hearing or of the adjudicating panel or in the penalty imposed.
- 8.3. Evidence of bias or prejudice.

**9. Appeal to the Office of the Independent Adjudicator**

- 9.1. Once a completion of procedures letter has been issued by the awarding body/university a student can request an independent review through the Office of the Independent Adjudicator. This must be within 12 months of the date of the completion of procedures letter.

**10. Monitoring**

- 10.1. HE AMG receives reports on from the academic misconduct committee in year to review any trends in the type of cases and implement additional support where there is an identified need.
- 10.2. Curriculum area annual self-evaluation reports on the number of cases from different curriculum
- 10.3. College level annual self-evaluation reports on the number and type of cases at institutional level.
- 10.4. The Curriculum and Quality Enhancement Committee receives reports on all appeals.

**11. RELATED DOCUMENTS**

- UK Quality Code for Higher Education (2018) Advice and Guidance: Assessment
- QAA Guidance document (2022) Contracting to Cheat in Higher Education
- Bishop Burton College Academic Appeals Procedure
- HE Academic Misconduct Appeals Form [CQD38]
- Higher Education Academic Misconduct (University Validating Partners) [OP1.110]

**Updated:** January 2022

**By:** Deputy Principal

**Procedure Approval**

Job Title of Approver <b>Assistant Principal</b>	Name of Approver <b>Rachael Fell-Chambers</b>
Date: 23 <sup>rd</sup> June 2023	Signature: 