

# HE Academic Misconduct Policy

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<b>Lead manager</b>	Vice Principal
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## 1. Introduction

The College seeks to promote a strong understanding by students of academic integrity and practice. It expects all students to apply academic conventions for citing and acknowledging the work of others.

Attempts to gain unfair advantage or to cheat are considered Academic Misconduct and are taken very seriously. Academic Misconduct is activity which can be interpreted as an attempt to gain unfair advantage, for example by passing off the work of others as the student's own. In cases of serious cheating, the most severe penalty is being required to withdraw without a degree or exit award.

All reported allegations of Academic Misconduct will be investigated, though the College will consider whether first occurrences can be categorised as Poor Academic Practice and used as a learning opportunity, taking into account the stage of study concerned.

Poor Academic Practice normally arises through a lack of following academic conventions by a student not yet familiar with the assessment practices of the College. Hence their work may include un-attributed or incorrectly referenced material that is very similar to the original source. The procedure for Poor Academic Practice will include advice for the student on good academic practice, but repeated instances will be considered Academic Misconduct.

Students on **University of Brighton** validated programmes are subject to the **General Examination and Assessment Regulations for Taught Courses** (GEAR), which also deals with Academic Misconduct. Students who are studying on programmes validated by another external body such as Higher National Diplomas and Certificates awarded by **Pearson** will also be regulated under the University of Brighton's processes for academic misconduct as defined in section 2.

**University of the Arts London** (UAL) validated programmes will be subjected to the UAL processes for academic misconduct as defined in the UAL Higher Education Course Regulations (HECR) are outlined in section 3.

## 2. Definition of Academic Misconduct

Academic Misconduct includes, but is not limited to:

- 2.1 Plagiarism. Where a student submits work originated in sum or in part by somebody else, with or without their consent but without acknowledgement;
- 2.2 Collusion. A type of plagiarism defined as collaborating with another student(s) in the completion of assessed work and submitting this as being entirely the student's own work;
- 2.3 Falsification or fabrication of results, data or references;
- 2.4 Duplication. Where a student submits work for assessment that is the same as, or broadly similar to, work submitted earlier for academic credit, without acknowledgement of the previous submission;
- 2.5 Cheating in an invigilated examination. Where a student copies from unauthorised material or from another student's script within an examination room, communicates with another person during an examination, consults information or individuals while absent from the examination room, or attempts to gain a higher grade by fraudulent means;
- 2.6 Impersonation. Where one person assumes the identity of another with the intention of gaining unfair advantage for that person;
- 2.7 Ghosting. Where a student submits as their own, work that has been done as a whole or in part by another person on their behalf, or deliberately makes available or seeks to make available material to another student with the intention that the material is to be used by the other student to commit Academic Misconduct;

- 2.8** Unethical behaviour. Conduct which deviates from accepted ethical behaviour, including failure to gain ethical approval, coercion or bribery of project participants, breach of confidentiality or improper handling of privileged or private information on individuals gathered during data collection.

## **Part 1: Students studying University of Brighton or Pearson's Validated Courses**

### **3. Procedure for dealing with Academic Misconduct in work submitted for assessment by students studying a course validated by the University of Brighton or Pearsons.**

- 3.1** Where a member of staff suspects Poor Academic Practice or Academic Misconduct in work submitted for assessment, he/she will notify the Course Leader of the suspicion and send a completed Poor Academic Practice/Academic Misconduct Report Form to the relevant Head of Learning with the available evidence.
- 3.2** Where an External Examiner suspects Academic Misconduct, he/she should notify the relevant Course Leader who will investigate the suspicion and send a completed Poor Academic Practice/Academic Misconduct Report Form to the Head of Learning with the available evidence.
- 3.3** The Head of Learning will consider the work against the criteria set out in this policy and will determine whether the student should be required to attend an Academic Practice Review or whether the matter is to be referred to an Academic Misconduct Panel.

### **4. Categorisation of Poor Academic Practice/Academic Misconduct**

4.1 The Head of Learning will consider the initial evidence and determine whether the case should be dealt with by an Academic Practice Review meeting or by an Academic Misconduct Panel. Although a first occurrence will normally be dealt with by an Academic Practice Review, a number of factors will be taken into account including:

Whether there is a reasonable expectation that the student should have Learned appropriate academic practice (eg reference skills) and received sufficient guidance, (eg tutorials).

Any previous recorded instance of Poor Academic Practice or Academic Misconduct by the student; The magnitude and proportion of the assignment affected and; Whether the student is subject to a professional code of practice or requirement.

- 4.2** The student will be notified in writing of the outcome of the Head of Learning's assessment of the alleged Poor Academic Practice or Academic Misconduct, details of its nature and whether it will be dealt with by way of an Academic Practice Review meeting with the Head of Learning or by requiring the student to attend an Academic Misconduct Panel.
- 4.3** If the Head of Learning considers that there is no reasonable evidence of Poor Academic Practice or Academic Misconduct, then he/she will notify the member of staff reporting the case and the Course Leader and the process is terminated at this stage. No record will be placed on the student's file.

### **5. Academic Practice Review**

- 5.1** The student will be invited to attend an interview with the Head of Learning. The student will be notified in writing of their right to seek advice and representation from the Students' Union or to be accompanied to the meeting by another student or member of staff and will be given a copy of any work or evidence to be considered at the meeting.
- 5.2** The academic work in question will be discussed and the student will be given the opportunity to discuss other academic work they have submitted for assessment. The Head of Learning will ensure that appropriate instruction is given on how to avoid the problem in future and the work in

question will be returned to the marker and marked in accordance with the extent and merits of the valid parts of the work. Advice will be given to the student on the potential consequences of any further instances of Poor Academic Practice.

- 5.3 A report of the meeting will be generated and the Course Lecturer will be advised of the outcome.
- 5.4 If at the end of the interview the Head of Learning considers that the case should now be categorised as Academic Misconduct, the student will be informed that the case will be referred to an Academic Misconduct Panel.
- 5.5 If the Head of Learning considers that there is now no reasonable evidence of Poor Academic Practice or Academic Misconduct, the process is terminated at this stage and the student absolved of the allegation.
- 5.6 If the student fails to attend an Academic Practice Review without reasonable explanation, they may be referred to the Academic Misconduct Panel.

## 6. Academic Misconduct Panel

- 6.1 The student will be invited to attend an interview with an Academic Misconduct Panel, which will meet to investigate the case as soon as reasonably practicable following the allegation of Academic Misconduct. The student will be notified in writing of their right to be accompanied to the meeting by another student, a member of staff or a member of the Student's Union. They will be provided with details of the alleged academic misconduct, given a copy of any work or evidence to be considered by the panel and advised of their right to submit a statement in mitigation.

The Panel will be constituted as follows:

- Vice Principal (as Chair)
- Two members of staff not involved in the teaching of the student, including at least one Head of Learning

- 6.2 The member of staff who reported the suspicion of Academic Misconduct is not a member of the Panel but they and/or the Course Lecturer may be invited to the panel hearing to present the facts of the case and to answer any questions from the panel.
- 6.3 All decisions of the panel will be made by majority vote. The panel has the right to defer its decision if further investigations are required, but a decision must be made, in writing to the student, as soon as reasonable practicable.
- 6.4 The student will be notified of the date, time and place of the meeting of the Panel at least five working days before the meeting is due to take place.
- 6.5 If the Academic Misconduct in question involves more than one student, the same Panel may consider each case.
- 6.6 The Panel may proceed in the absence of the student where it is satisfied that due notice was given, and there is no satisfactory explanation for the student's absence.
- 6.7 The student will be presented with the allegation and the evidence. The Panel will interview the student (and witnesses where appropriate) and consider the student's written statement. The student will be given the opportunity to reply to all evidence and to address the Panel before it considers its decision.
- 6.8 If the Panel finds there is no reasonable evidence of Academic Misconduct, the process is terminated at this stage and the student absolved of the allegation. The work will be returned to the marker and the mark/grade given by the marker for the piece of work will stand.

**6.9** Where the Panel finds reasonable evidence of Academic Misconduct, or if the student admits that academic Misconduct has taken place, the case is upheld. At this stage the Chair will draw the Panel's attention to the student's record for any previous cases of Academic Misconduct before the panel makes its recommendations of the penalty. A written report of the Panel's deliberations will be written by or sent to the Head of Learning to share with the Chair of the Course Examination Board. The report will include:

- A statement of the evidence considered by the Panel and the Panel's conclusions;
- Details of any other cases of proven or admitted Academic Misconduct in the student's record;
- The outcome.

**6.10** A record of the Panel's report will be logged in the Examination Board file.

**6.11** The Chair of the Panel will report the outcome in writing to the student(s), as soon as reasonably practicable after the meeting giving full reasons.

## **7. Penalties and professional practice**

The Panel will be appraised of any Professional, Statutory and Regulatory Body requirements, and has the authority to recommend notification where this is a requirement of the Professional, Statutory and Regulatory Body. The student will be informed of any such action.

## **8. Procedures for dealing with Academic Misconduct in an invigilated examination**

**8.1** Where an invigilator in an examination suspects that academic misconduct may have taken place, if possible, the attention of another invigilator should be drawn to the student's behaviour.

**8.2** The student will be allowed to continue with the examination having been informed that a full report will be submitted following the examination. Where the student is in possession or uses unauthorised material, such material will be confiscated by the invigilator and submitted with the invigilator's report. At the end of the examination, the student will have his/her attention drawn by the invigilator to the procedures for investigating Academic Misconduct.

**8.3** The invigilator initiating the action must enter a full and detailed account of the evidence on the Invigilator Report Form, including the student's examination number and submit this to the Head of Learning within two working days of the examination, who will assess whether there is a potential case of Academic Misconduct to be answered and decide whether to refer the matter to the Academic Misconduct Panel.

## **9. Substituting the Academic Misconduct Nominee**

In the absence of the Head of Learning the procedures for dealing with any reported Academic Misconduct will be pursued by the relevant Deputy Head of Learning

## **10. Student's right of appeal**

**10.1** A student who wishes to appeal against the outcome of an Academic Misconduct Panel should write to either University Register and secretary if course is validated by the University of Brighton or the Vice Principal (if course is validated by Pearson) within 10 working days of notification of the decision. An Appeal shall only be made on one or more of the following grounds:

- That there is material evidence now available which was not previously available to the Academic Misconduct Panel and of such a nature to cause doubt as to whether the result might have been different had the material been available to the Panel;

- That the facts as set out in the findings of the Panel do not warrant the finding that there was Academic Misconduct;
  - That the penalty imposed was unreasonable having regard to all the circumstances of the case.
- 10.2** A simple rehearsal of the arguments from the original Panel hearing will not be deemed adequate grounds for appeal. In cases where new evidence is to be submitted, or where a new witness is to give evidence, the nature of this evidence must also be stated together with an explanation of why it was not available to the original Panel.
- 10.3** The Registrar and Secretary or Vice Principal will then decide whether the appeal meets any of the grounds listed above. If the decision is taken that there are no grounds for appeal, the student will be informed in writing as soon as possible after receipt of the appeal.
- 10.4** If it is identified that there are valid grounds for appeal, an Academic Misconduct Appeals Panel, whose members were not members of the original Academic Misconduct Panel, will be convened.
- 10.5** The meeting of the Appeals Panel will take the form of a re-hearing and will follow a similar process to the original panel. The decision of the Appeals Panel will be notified as soon as possible following the procedures described. There is no further right of appeal and the decision of the Appeals Panel shall be final.

## **Part 2: Students studying University of Arts London Validated Courses**

### **11. Procedure for dealing with Academic Misconduct in work submitted for assessment by students studying a course validated by the University of the Arts London.**

- 11.1** The tutor reports the suspicion to the Deputy Head of Learning for HE using the standard template provided, including any evidence gathered in support of the allegation.
- 11.2** The Deputy Head of Learning or equivalent will consider the allegation:
- a) Where the Deputy Head of Learning considers that misconduct has taken place they will determine a course of action based upon the severity of the alleged misconduct.
  - b) Where the Deputy Head of Learning concludes that misconduct has not taken place, no further action will be taken. The report form will be forwarded to the Academic Misconduct Panel Clerk for filing.
  - c) If the student's behaviour could be considered a serious breach of the Disciplinary Code for Students, the case should be referred to the Head of Learning who will consider whether the Disciplinary Procedures should be invoked in conjunction with the Academic Misconduct Procedures below.

#### **Minor Misconduct**

- 11.3** Where the Deputy Head of Learning considers that a minor breach of the regulations has taken place, they may exercise the discretion to address the matter through tutorial advice and support for the student.
- 11.4** The Deputy Head of Learning will write to the student using the standard template provided, informing them of the allegation and the decision to address the matter through learning and teaching support. The letter will include details of additional tuition arrangements and sources of advice, where appropriate. The Academic Misconduct Report Form, supporting evidence and any related correspondence should be forwarded to the Academic Misconduct Panel Clerk.

## **Moderate & Serious Misconduct**

- 11.5** Where the Deputy Head of Learning considers that a moderate or serious breach of the regulations has taken place, they will send an initial warning letter to the student, using the standard template provided. The letter will explain that an allegation of academic misconduct has been made, and is under investigation, and will include a copy of the Academic Misconduct Procedures.
- 11.6** The Deputy Head of Learning will lead an investigation into the allegation, following the prompts on the report template provided.
- 11.7** The investigation should include a discussion with the student. The student should be given at least 7 days' notice of the meeting and should be given the opportunity to attend on a mutually convenient date. If, once arrangements have been agreed, the student fails to attend on the agreed time and date, the College will provide one further opportunity for the student to attend. If the student fails to attend a second time, or if the student fails to respond to all reasonable attempts to make arrangements, the investigation will continue without the initial meeting.
- 11.8** The Deputy Head of Learning will complete the written report on the standard template provided and submit it to the Chair of the Academic Misconduct Panel, together with any evidence.
- 11.9** The Chair will consider the report and evidence and determine an appropriate course of action, based upon the severity of the allegation:
- a) If the Chair considers that there is insufficient evidence for the case to go forward to the Academic Misconduct Panel, the student will be informed, in writing, that the case has been closed. The report, evidence and any correspondence in relation to the case will be kept as a record.
  - b) If the student admits to a moderate or serious breach of the regulations during the investigation phase, the Chair of the Academic Misconduct Panel will use their discretion to either:
    - i. Make a recommendation to the Exam Board on the severity of the misconduct and an appropriate penalty, without the need to convene a full panel. The Chair will inform the student using the standard template provided. The letter will include the Course Lecturer's written report and any supporting evidence
    - Or
    - ii. Convene an Academic Misconduct Panel Hearing. The Chair will inform the student using the standard template provided, giving details of the arrangements for the Hearing. The letter will include full details of the allegation, including the Course Lecturer's written report and evidence, and a copy of the Academic Misconduct Procedures.
  - c) If the student contests an allegation of moderate or serious misconduct during the investigation phase, and there is sufficient evidence for the Academic Misconduct Panel to consider the case, the Chair will convene an Academic Misconduct Panel Hearing. The Chair will inform the student using the standard template provided, giving details of the arrangements for the Hearing. The letter will include full details of the allegation, including the Deputy Head of Learning's written report and evidence, and a copy of the Academic Misconduct Procedures.

## **Academic Misconduct Panel Hearing**

- 11.10** For contested moderate or serious cases of misconduct, or for more complex cases of admitted serious misconduct, the Chair will convene an Academic Misconduct Panel Hearing.
- 11.11** The student will be given at least 14 days' notice of the Hearing and should be given the opportunity to attend on a mutually convenient date. If, once arrangements have been agreed,

the student fails to attend on the agreed time and date, the College will provide one further opportunity for the student to attend. If the student fails to attend a second time, or if the student fails to respond to all reasonable attempts to make arrangements, the Hearing will take place in the absence of the student concerned.

- 11.12** The Panel will agree an agenda in advance. All members of the panel and the student concerned will be sent copies of the Deputy Head of Learning's report, any supporting evidence available and a copy of the Academic Misconduct Procedures.
- 11.13** The student will be invited to present his/her case before the Panel in writing or in person. In presenting the case to the Panel the student may be supported by a 'friend'. The role of the friend should be advisory with no direct right of representation or submission.
- 11.14** After consideration of all the evidence available, the Panel may make one of the following decisions:
- a) Where the Panel is not satisfied that misconduct has taken place, the student will be informed in writing and a copy of the letter kept as a record.
  - b) Where the Panel is satisfied that misconduct has taken place, it will make a recommendation to the Exam Board on the severity of the misconduct and an appropriate penalty. The student will be informed in writing and a copy of the letter will be kept as a record.
- 11.15** Where the student's behaviour comes under the definition of Gross Misconduct, the Panel should also refer the case to the University Secretary and Registrar, who will consider whether University Disciplinary Procedures should be invoked in conjunction with the Academic Misconduct Procedures.
- 11.16** The Academic Misconduct Panel proceedings, including the Panel's decision and detailed reasons for the decision, will be fully minuted by the Clerk of the Academic Misconduct Panel.

#### **Exam Board Decisions on Academic Misconduct**

- 11.17** The Exam Board (or equivalent body) will agree an appropriate penalty, based on the recommendation of the Academic Misconduct Panel. The normal course regulations regarding decisions on failure, retrieval and reassessment will apply. The Exam Board will also take into consideration any validated Extenuating Circumstances that may be relevant to their decision.
- 11.18** For an assignment submitted for the first time:
- a) For moderate misconduct, the Exam Board will normally Fail the student for that unit, giving a grade of F- with the requirement to resubmit the affected assignment(s). All resubmissions will be capped at D-.
  - b) For serious misconduct, the Exam Board will normally Fail the student for that unit, giving a grade of F- with the opportunity to retake the unit. All retaken units will be charged full fees.
  - c) For the most serious misconduct, the Exam Board may decide to Fail the student for that stage, giving a grade of F- with the opportunity to retake the year. All retaken units will be charged full fees.
  - d) Exceptionally, the Exam Board may, at its discretion and for reasonable cause, decide that a candidate may not be reassessed.
  - e) For Disciplinary Offences, the Disciplinary Hearing Panel may require the Exam Board to make a decision relating to the student's award.
- 11.19** The Exam Board will inform the student of the decision, in writing, within 1 week of the Board, using the appropriate template letter.
- 11.20** Where it is not possible for the above process to be completed before the Exam Board meets, the Board may, with reasonable justification, defer the decision on the student in question to the



next meeting of the Exam Board or a Sub-Group of itself.

### **Appeals against Academic Misconduct Decisions**

**11.21** Requests for review of an Exam Board decision may be made on the grounds that:

- a) There was a material administrative error or other material irregularity in the conduct of the assessment (including Accommodated Assessment/reasonable adjustment for disabled students) or the application of the University's academic regulations;
- b) Extenuating Circumstances, which for valid reasons, had not been made known to the Exam Board which had they been referred might have led the Exam Board to reach a different decision;
- c) Any other matter which in all the circumstances ought properly to be considered by a University Appeals Body in the interests of fairness.

**11.22** The UAL University Appeals Procedures will then be followed details of this policy can be found at: <https://www.arts.ac.uk/study-at-ual/academic-regulations/complaints-and-appeals/appealing-an-exam-board-decision>

## **12. Office of the Independent Adjudicator for Higher Education**

A student may complain about the Appeal Panel's decision (or any decision short of the Appeals Panel that effectively brings the internal process to an end) to the Office of the Independent Adjudicator. Details of how to complain can be found at: <http://oiahe.org.uk/making-a-complaint-to-the-oia/how-to-make-a-complaint.aspx>