

Provider's name: Newham College of Further Education

Provider's UKPRN: 10004607

## **Academic Misconduct Policy**

Academic Year 2022/2024

## 1. Introduction

### 1.1. Scope

2. This process applies to students studying for a College course that can be described as meeting the level descriptor, 4 and above, of the Framework for Higher Education Qualifications (FHEQ). This includes Pearson HNC/Ds and the Level 5 Diploma in Education and Training, these examples are not exhaustive.

### 1.2. External reference points

- a) Office of the Independent Adjudicator (OIA) Good Practice framework: handling students complaints and academic appeals [oia-good-practice-framework.pdf](http://oia-good-practice-framework.pdf) ([oiahe.org.uk](http://oiahe.org.uk))
  - b) [Competitions and Markets Authority \(CMA\)](#)
  - c) Quality Assurance Agency (QAA) - Advice and Guidance for Concerns, Complains and Appeals [qc-a-g-concerns-complant-appeals.pdf](http://qc-a-g-concerns-complant-appeals.pdf)
  - d) The Joint Council for Qualifications (JCQ) <https://www.jcq.org.uk/exams-office/information-for-candidates-documents/>
3. Please note that the decisions of this policy are **not eligible for review** under the Office of the Independent Adjudicator for Higher Education OIA scheme as it is a matter of academic judgement which precludes it for OIA review processes.

### 1.3. Definitions - What is Academic Misconduct?

4. Academic misconduct is a form of academic cheating and includes any attempt to gain an unfair advantage in assessment. Academic misconduct offences will be dealt with under this procedure. Below are examples of academic misconduct:
  - a. plagiarism is the presentation of another person's work as the student's own in a test or other assessed work without proper acknowledgement of the source. This can happen with or without the creator's permission, intentionally or unintentionally. It is considered to be plagiarism whether it is written, printed, delivered orally or in any other form for example a product) without proper acknowledgement;
  - b. collusion is a form of plagiarism - it is an unauthorised and unattributed collaboration of students in a piece of assessed work, unless this is explicitly permitted and described within the course and module handbook;
  - c. contract cheating or submitting assignments downloaded from the internet;
  - d. commissioning another person to produce a piece of work without acknowledgment;

- e. using work previously submitted for another assignment without full acknowledgement and explicitly described in the course and module handbook;
- f. falsification or misrepresenting is an attempt to present fictitious or distorted data, evidence, references, citations, or experimental results, and/or to knowingly make use of such material;
- g. submitting a fraudulent claim of extenuating circumstances;
- h. assisting another student to commit an academic misconduct offence;
- i. submitting written work produced collaboratively;
- j. personation is the assumption of the identity of another person with intent to deceive or gain unfair advantage;
- k. copying the work of another student or otherwise communicating with another student in a timed assessment;
- l. deceit is dishonesty in order to achieve advantage. For example, by resubmitting one's own previously assessed work;
- m. introducing any written, printed or electronically stored information into a timed assessment other than material expressly permitted in the instructions for that assessment;
- n. failure to obtain ethical approval is where work is undertaken without obtaining ethical approval when there is a clear and unambiguous requirement to do so;
- o. attempting to interfere with the assessment process.

This list is not exhaustive.

5. In submitting any piece of work, a student shall acknowledge any assistance received or any use of the work of others. A student may be found guilty of an academic misconduct offence whether or not there has been any intention to deceive, that is, a judgement that negligence has occurred is sufficient to determine guilt.

6. Students have a duty to familiarise themselves with the academic conventions used for correctly citing and acknowledging the work of others, including the correct use of quotation marks. For further advice refer to the Student Course Handbooks.

7. Individual members of academic staff are not permitted to make decisions about any case of suspected plagiarism and must refer these to the Course Leader or their nominee.

8. Where a student submits an appeal, the original decision that is being appealed against will remain in effect unless or until an appeal is upheld.

9. Matters relating to the delivery of a module or modules, will not normally be considered a ground for appeal, but may be eligible for consideration under the Student Complaints Procedure, this is available on the HE Section of the College website.

## **2. Determination of whether a misconduct offence has occurred**

## 2.1. Reporting and Investigation

In cases of suspected **misconduct in an examination**, the invigilator will write a report and the examination script will be annotated to indicate the point at which the suspected misconduct was identified. A report of the incident should be provided to the Exams Office, who will inform the Course Leader.

- a. Where a member of staff suspects that academic misconduct has taken place, they will report the matter to the Course Leader, providing reasons, annotated student work and any relevant evidence for consideration before any allegation of academic misconduct is put to the student.
- b. This should happen as soon as possible after initial discovery, and normally no later than ten working days after the relevant submission or examination date to allow time for consideration by the Course Leader before the normal release of feedback to students.
- c. The Course Leader **together with another senior academic**, will consider the evidence provided and decide whether further investigation is required. Training and guidelines for the consideration of suspected academic misconduct will be provided to all Course Leaders.

10. Having reviewed the evidence, the following will be decided that either:

- a. no offence has been committed;
- b. there is insufficient evidence of an offence;
- c. there is poor academic practice; or
- d. there is sufficient evidence that an offence may have been committed.

11. If the Course Leader and the senior academic decides that no offence has been committed, they shall request the marker to consider the work on its academic merits and mark it in accordance with the assessment criteria. No further action will be taken with the student.

12. If there is insufficient evidence of an offence, the marker will consider the work on its academic merits and mark it in accordance with the assessment criteria. They may also recommend that the student is made aware of the concerns and offered further support and guidance to avoid any similar concerns about their academic practice in future. This advice, along with details of where to go for further support, should be given to the student with the feedback on their assessment.

13. If it is decided that there is sufficient evidence that an offence may have been committed. To proceed, the Course Leader should complete the *Allegation of Academic Misconduct form Annex 1* providing the relevant supporting evidence and submit it to the Director for Quality and Standards (Higher Education) for the formal allegation to be put to the student.

14. Upon receipt of the *Allegation of Academic Misconduct* form and supporting documentation from the Course Leader, the Director for Quality and Standards (Higher Education) shall write to the student concerned to:
  - a. put the allegation as defined by the Course Leader;
  - b. request a written statement in response to the allegation and submission of any evidence they deem appropriate;
  - c. request confirmation of whether the student also wishes to attend an investigative meeting of the Academic Misconduct panel to respond in person;
  - d. request a reply within ten working days of the date on which the letter is sent;
  - e. enclose a copy of this policy;
  - f. enclose copies of any evidence or reports.
15. Where possible, every effort should be made to resolve the matter before the meeting of the Assessment Board.
16. If the student does not reply to the allegation within ten working days of the date on which the letter is sent, this is considered to be acceptance of the allegation. The case will be referred to the Academic Misconduct panel for consideration.
17. If the student replies denying the allegation, or if they ask to also respond in person, the student will be invited to attend an investigative meeting of the Academic Misconduct panel.

## **2.2. Determining Academic Misconduct**

17. The determination of whether cheating, plagiarism, or any other form of seeking unfair advantage has occurred will be made by an Academic Misconduct panel where:
  - a. the misconduct is the first academic offence that if confirmed will result in a penalty;
  - b. the misconduct is categorised as either *Minor, Moderate or Severe misconduct Annex 2*;
  - c. the alleged misconduct does not involve any breach of the College's disciplinary regulations.
18. Each case will be considered on its own merits, and on the basis of:
  - a. the gravity of the case;
  - b. the intent;
  - c. Any mitigation;
  - d. the circumstances of the case;
  - e. the level at which the misconduct took place;
  - f. whether the misconduct was a repeat offence
  - g. the proportionality of the penalty to the offence.

### **2.3. Record of Misconduct Offences**

19. A record of admitted or found misconduct offences will remain on the student's file for the duration of their study at the College. They will be so recorded within the Student Records System and the minutes of the Assessment Board.
20. The College is under a duty to report instances of assessment malpractice directly to Pearson (reporting should be to the following e-mail address: [pqsmalpractice@pearson.com](mailto:pqsmalpractice@pearson.com)). This is in line with the guidance provided by Pearson: *Centre Guidance Dealing with Malpractice: For all Pearson approved centres delivering vocational qualifications (02/2015)*, Pearson.

### **2.4. Record of Attendance**

21. A full list of members of the Academic Misconduct panel present must be recorded. The Academic Misconduct Offences panel shall normally consist of the Director of HE, Curriculum Director, Curriculum Manager and one member of academic staff. All members must be independent of the programme of study.

### **2.5. Chair**

Normally the Director of Quality and Standards (HE) or nominee.

### **2.6. Order of Proceedings**

- a. The members of the panel have a preliminary discussion without the student and the student's representative;
- b. The student, the student's representative and academic staff enter the room and the Chair introduces all those present;
- c. The Chair checks that the student has received details of the case and any supporting documentation;
- d. The Chair explains the order of proceedings to the student, together with the possible outcomes;
- e. The evidence relating to the alleged misconduct offence is then presented by a member of the academic team (usually the Course Leader) and members of the panel are invited to put questions to the academic team;
- f. The Chair then invites the student to put forward a case verbally if he or she wishes to do so including any mitigation, and members of the panel (but not the academic staff) are invited to put questions to the student;
- g. The Chair invites the student's representative to put forward any additional statement;
- h. The Chair invites the student to make any final response;
- i. The student, the student's representative and the staff members are then asked to leave the room;

- j. The panel then deliberates and comes to a decision as to whether a misconduct offence has been committed;
- k. The panel then determines the appropriate penalty from the set of penalties available to it, clarifying the reasons for the choice of penalty.

## **2.7. Responsibilities**

The Chair is required to:

- a. Inform in writing each student whose case has been referred to him or her about the nature of the alleged misconduct offence together with the date, time and venue of the panel meeting;
- b. Ensure that all material relating to the case should be made available to the student at least 5 days in advance of the panel hearing;
- c. Check the Academic Misconduct Offence Records to determine whether there has been any previous confirmed academic misconduct;
- d. Inform each student in writing of his or her decision and the student's right to appeal against the decision (a copy must be kept both in the student's file and in the central file).

22. The Course Leader or nominee will attend the panel to set out the evidence relating to the alleged misconduct. The Course Leader should not present any mitigating circumstances of which he/she is aware unless they relate to the Colleges procedures or teaching. Neither should the Course Leader propose or comment on any penalty that might be imposed.

23. The Course Leader is not a member of the panel and can only attend when the student is present (not before or after). The Course Leader is not permitted to ask questions to the student during the meeting except through the Chair.

30. The Course Leader may, if they wish, delegate their duties in relation to the Academic Misconduct panel to an appropriate member of the academic staff in the College, who has been approved by the Chair.

31. At any time during the meeting, the Chair of the Committee may decide to suspend proceedings in order to seek more evidence. The student will be advised of the action that will be taken and the date of the reconvened meeting.

## **2.8. Student Attendance and Representation**

24. If the student admits to the charge by informing the Chair of the panel or nominee in writing prior to the panel meeting, they need not attend. The panel shall be free to proceed without student attendance. In such a case a student may submit a statement in mitigation.

25. The student will be invited to be present at the hearing whenever verbal evidence is being heard by the panel. The student may bring a member of the Student Services Team to help them in presenting their case to the panel but may not speak on behalf of the student.
26. The student is entitled to see a copy of the paperwork relating to the alleged misconduct at least five days prior to the Academic Misconduct panel.

### **3. Outcome**

27. The panel shall normally recommend the standard penalties suggested for first offences. However, the panel may vary the penalty in such circumstances where the suggested penalty is deemed to be too lenient or too harsh to ensure that the outcome is not disproportionate to the offence. In all cases, the penalty should normally exceed that which would follow if the student had merely been referred in the assessment.
28. Decisions available to an Academic Misconduct panel, the following penalties may be applied:
  - a. The work submitted will be marked in accordance with the assessment / grading criteria but the component mark will be capped at the pass mark. The student will receive a formal written warning.
  - b. A component mark of 0% with reassessment opportunity where permissible under the relevant assessment regulations. On reassessment, the component mark will be capped at the pass mark. The student will receive a formal written warning.
  - c. A component mark of 0% with reassessment opportunity where permissible under the relevant assessment regulations. On reassessment, the component and module mark will be capped at the pass mark. The student will receive a formal written warning.
  - d. Fail component mark of 0% with the opportunity to retake the module where permissible under the relevant assessment regulations. On retake, the component and module mark will be capped at the pass mark. The student will receive a formal written warning.
  - e. Fail module mark of 0% for all components, with no opportunity for reassessment or retake. The student can take an alternative module where permissible under the relevant assessment regulations, but the module mark will be capped at the pass mark. If the fail results in termination of studies, any work already submitted for outstanding modules will be ratified by the Assessment Board (with no opportunity for reassessment or retake) and the student considered for an exit award only. The student will receive a formal written warning.
  - f. Fail module mark of 0% for all components and the student required to withdraw. The Assessment Board will be instructed to ratify the marks for any work already submitted for outstanding modules (with no opportunity for reassessment or retake) and to



consider the student for an exit award based on the credit achieved. The student's transcript will show that the student was required to withdraw for academic misconduct.

- g. Fail module mark of 0% for all components and the student required to withdraw immediately without being awarded a degree or exit award. Credits which have already been ratified by an Assessment Board will be recorded on a record of achievement only. The record of achievement will show that the student was required to withdraw for academic misconduct.

29. The student is informed in writing of the panel's decision within 5 working days together with of the student's right to appeal against the decision, please see Annex 3.

#### **4. Right of Appeal**

30. A student has the right to appeal a finding of an Academic Misconduct panel within 10 working days of the outcome letter. Grounds on which the appeal are described in the Appeals Policy which can be found on the Higher Education Section of the College Website. At which point the decision is final.

31. Please **note this the decisions of this policy are not eligible for review under the Office of the Independent Adjudicator for Higher Education [OIA](#)** scheme as it is a matter of academic judgement which precludes it for OIA review processes.

## 4.1. Annex 1 Academic Misconduct Report Form

### Academic Misconduct Report Form

#### STRICTLY CONFIDENTIAL

This form is intended to report incidents of suspected academic misconduct arising from one, or multiple, submissions for a single assessment on a single course.

All suspected cases of academic misconduct should be discussed with the Course Leader and the Director of Quality and Standards (HE).

Please note that if the cases are formally investigated the student(s) will be provided with a copy of the report, with other students anonymised as appropriate.

#### PART ONE: For completion by the member of staff reporting the incident

##### 1. STAFF DETAILS

Name of staff member reporting the suspected offence			
Role (e.g. Course Organiser / Marker)			
Course Leader (if different)		Date of submission	Date of referral to Course leader and Dir Q&S (HE)
Department			

##### 2. ASSESSMENT DETAILS

Course (Title, code and credits)	
Name of assessment item	
Proportion of course mark (%)	
Chair of Assessment Board	
Name and Date (if know) of Assessment Board	

*Supporting documents:* Please provide one copy of any specific instructions / advice given to students about Academic Misconduct or good scholarly practice that are relevant to this assessment. Please also provide course-level material that should be excluded from originality considerations, if applicable. Unless stated otherwise, it will be assumed that students were expected to work individually on the assessment.

You may provide supporting documents as attachments or as accessible web links.

##### 3. INCIDENT DETAILS

*Important note:* The information provided in this section, read in conjunction with supporting documents, should allow both the nature and extent of areas of concern to be located quickly and unambiguously. In some cases, the description on the form may suffice; in other cases, it may be necessary to highlight the relevant sections of the submissions and/or source material.

Record the student(s) suspected of misconduct below. Where multiple students are involved, please use an anonymising reference code (e.g A, B etc). In this context 'multiple' refers to where there are pieces of work submitted for the same assessment that match each other i.e. suspected collusion/plagiarism among students taking the same course.

The Face Value mark is the mark that is appropriate for the work as submitted assuming no misconduct has occurred.

Student name	Course	Freq	Year	Face Value Mark (%)

*Add extra rows as required*

Have the Marks been released to students?	<input type="checkbox"/>	<input type="checkbox"/>
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State below the reasons for suspecting academic misconduct and details of evidence gathered to date. Please include only factual, impartial statements: do not speculate on potential motivations for the suspected misconduct. Make an academic judgement and describe both the nature and extent of areas of concern. Please remember that that if the cases are formally investigated the student(s) will see the report.

The '*nature*' of issues might include for example, presence of verbatim or closely paraphrased text, use of unattributed sources, exam misconduct, self-plagiarism, secondary citation, etc.

The '*extent*' of issues should indicate of the proportion of the work affected by potential academic misconduct; for example, the proportion of pages of work affected. Raw similarity scores from Turnitin should not be relied on for this as they constitute evidence only if contextualised.

The summary of evidence should be brief but specific. Examples: section a is identical in all three submissions, this constituted 65% of the work.
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*Supporting documents:* Attach one copy of each piece of affected work submitted by each student, and of each piece of source material that may have been additionally plagiarised.

#### 4. PANEL DECISION

Please record your decision with respect to each student using the same identifying reference (e.g. A, B, ...) as above

Ref	PANEL DECISION	Penalty
A	AMC found	Retake new assessment
B	AMC not found	none
C	Minor AMC found	Warning letter
D		
E		

e.g. poor scholarship,
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#### GUIDANCE NOTES

1

The Course Leader should endorse any Academic Misconduct report, even if they are not the marker of the affected work.

2

It is helpful for investigators to have a copy of the instructions given to students so that they can interpret the comments in Section 3. This should include material (e.g., briefing sheets, case studies) that were provided to the students, that are present in the work referred and must therefore be discounted from consideration.

3

This section can be duplicated if there are multiple groups of students submitting similar work for the same assignment.

Please ensure that the student's name appears only in the table at the top of the page, and use an identifying code (A, B, C or similar) to refer to them in the rest of the report. The report can then be anonymised efficiently by blanking rows of the table.

4

Under *Year* enter the normal year of study on the relevant degree programme. E.g., students who entered directly into Year 2 should be entered as "2"; visiting students following the third year of a degree programme should be entered as "3" etc.

#### 4.2. Annex 2 Guidelines for penalties for misconduct

	<i>Misconduct Offence</i>	<i>Penalties graded by severity</i>
<i>Band A</i>	<p><i>Minor Misconduct – e.g.</i></p> <ol style="list-style-type: none"> <li>1. <i>Inadequately referencing sources, including incomplete or incorrectly cited bibliographies or quotations.</i></li> <li>2. <i>Plagiarising a few lines.</i></li> </ol>	<ol style="list-style-type: none"> <li>1. <i>A formal written warning and unit of assessment to be referenced correctly/rewritten.</i></li> </ol>
<i>Band B</i>	<p><i>Moderate Misconduct – e.g.</i></p> <ol style="list-style-type: none"> <li>1. <i>Plagiarism is somewhat more extensive (but less than 25%).</i></li> <li>2. <i>The sources plagiarised are not listed but there is still a substantial proportion of the student's own work; or the plagiarism is more extensive but the work submitted is an early piece of assessment for a unit, and the evidence indicates that there has been a failure to understand the academic conventions.</i></li> </ol>	<ol style="list-style-type: none"> <li>3. <i>Unit of assessment reassessed. Work may be an alternative assessment.</i></li> <li>4. <i>Assign a "Fail" grade.</i></li> <li>5. <i>Resubmission will be a maximum of a "Pass" grade. Reassessed work may be an alternative assessment.</i></li> </ol>
<i>Band C</i>	<p><i>Severe Misconduct – e.g.</i></p> <ol style="list-style-type: none"> <li>1. <i>Plagiarism extending to a substantial proportion of the work (25% or more).</i></li> <li>2. <i>Submitting an assignment purchased or downloaded from the internet.</i></li> <li>3. <i>Obtaining work from someone else.</i></li> <li>4. <i>Copying the work of another student almost in its entirety; attempts to avoid detection by plagiarism software.</i></li> <li>5. <i>Repeated Minor and/or Moderate Misconduct, particularly if the student has been previously reprimanded.</i></li> </ol>	<ol style="list-style-type: none"> <li>1. <i>Assign a "Fail" grade.</i></li> <li>2. <i>Resubmission will be a maximum of a "Pass" grade.</i></li> <li>3. <i>Reassessed work may be an alternative assessment.</i></li> <li>4. <i>Affirmation meetings</i></li> <li>5. <i>Assign a "Fail" grade with no resubmission or second attempt. Determine that the student has failed the programme and is required to withdraw from the programme of study.</i></li> </ol>

### 4.3. Annex 3 TEMPLATE REPORT STUDENT ACADEMIC MISCONDUCT

Dear Student,

I am writing to you to inform you of the decision of the academic misconduct panel which reached its final decision on xx date.

The following matters, were reported **please see student academic misconduct reporting form and were therefore investigated.** We informed you of this in our letter dated xx.

#### **PART A – OUTLINE OF PROCESSES UNDERTAKEN**

The investigation was undertaken by whom **name and designation** and included for example,

X number of discussions with X staff members, <b>this did/did not provide evidence that you ...</b>
Investigation of your sources, <b>this did/did not provide evidence that you ...</b>
witness testimony xx confirmed that they had never been interviewed by you <b>this did/did not provide evidence that you ...</b>
you could not provide evidence that you carried out xx interviews/observations <b>the consistency of findings indicates that ...</b>

#### **PART B – OUTLINE OF EVIDENCE CONSIDERED AND THE EVIDENCE IT PROVIDED**

The evidence we considered included; for example
a previous student's report submitted two years ago demonstrated a xx similarity <b>this did/did not provide evidence that you ...</b>
<b>this did/did not provide evidence that you ...</b>
<b>this did/did not provide evidence that you ...</b>
etc. <b>this did/did not provide evidence that you ...</b>
<b>NOTE: PLEASE ENSURE THAT ALL EVIDENCE IS LISTED IN THE REPORT</b>

#### **PART C – OUTCOME DECISION**

I therefore find that;
there is/not clear evidence, or; on the balance of probabilities that the following College academic regulations were/not breached and therefore do/not uphold the some/ all of/the following aspects of this investigation
In relation to item 1 this does/not is/is not upheld.
In relation to item 2
In relation to item 3
In relation to item 4, Etc.

#### **PART D – CONSEQUENT ACTIONS**

We have taken into consideration the following mitigating factors ...
In-keeping with the Academic Misconduct Policy we are imposing the following sanctions ...
We considered the lesser sanction of ... however, because of  the gravity of the breach; the frequency with which these breaches have occurred; the impact of the breach on the institution and other students;

etc.,

As such the panel could not impose a lesser sanction.

You have the right to appeal this decision if you wish to do so you can seek support for the student services team at email. All appeals have to be received by email within 10 days of the date of this letter. This decision will be final as because it is a matter of academic judgement as such the decisions made under this policy **are not eligible for review** under the Office of the Independent Adjudicator for Higher Education OIA scheme.

Date

Signature