

Issue Date:	June 2019
Approved by:	Executive on 23 January 2020
Review Date:	January 2023
Version	1.2



## POLICY STATEMENT NO. HE01

**TITLE:** HE ACADEMIC MISCONDUCT POLICY AND PROCEDURE

### INTRODUCTION/OVERVIEW:

A respect for truth and honesty in academic endeavour and assessment is a core value at New College Stamford. Submitting assessments that are not honestly produced forms the foundation of academic misconduct. The College looks gravely upon all academic misconduct and is empowered to recommend the imposition of severe penalties on students who are found culpable of academic misconduct.

This policy ensures that higher education students are given adequate guidance about the importance of academic misconduct and that cases of academic misconduct are dealt with promptly in a transparent and consistent manner.

This policy has been designed to meet the requirement of the Quality Assurance Agency (QAA) *UK Quality Code for Higher Education* and particularly *Advice and Guidance on Assessment; and Concerns, Complaints and Appeals* (2018)

### STATEMENT/ GUIDELINES:

#### 1. Definitions

**Academic misconduct** is defined by the College as either an attempt by a student to gain an unfair advantage in an assessment, or to assist another student to do so. Examples include:

- **Cheating:** behaving in a dishonest way to gain an academic advantage;
- **Collusion:** an agreement between people acting together in order to deceive or cheat;
- **Fabrication:** making up data, information, or references;
- **Impersonation:** assuming a student's identity with intent to provide an advantage for the student;
- **Plagiarism :** passing off someone else's work as your own, whether intentionally or unintentionally;
- **Self-Plagiarism/duplication:** submitting work that has already been used for assessment purposes;
- **Cheating in examinations:** examples include:
  - taking notes or other unauthorised material into an examination, or temporarily leaving the examination to refer to such material;
  - the use of an unauthorised dictionary;
  - obtaining an advance copy of an 'unseen' examination paper;
  - taking away paperwork designated 'not to be removed' from an examination.
- **Contract cheating (essay mills):** when a student contracts a third party to provide an assessment and then submits it as their own work;

- **Fraudulent claims for Extenuating Circumstances:** seeking to gain the unfair advantage of additional time to complete assignments by abuse of the Extenuating Circumstances policy.

## 2. Scope and Principles

This policy applies to all students who submit assessed work. Staff must adhere to this policy when dealing with suspected cases of academic misconduct.

A student may be found guilty of academic misconduct whether or not there has been any intention to deceive; that is, a judgement that negligence has occurred is sufficient to determine guilt.

Students and staff members have a duty to inform themselves of the Academic Misconduct Policy and Procedures and of the academic conventions used in the College for correctly citing and acknowledging the work of others, including the correct use of quotation marks, and the regulations governing examinations. For advice on correct referencing see programme handbooks and the referencing handbook.

### 2.1 Student guidance

All students must be given guidance in relation to academic misconduct before submitting their first assignment.

### 2.2 The Process

All cases of academic misconduct will be dealt with initially by the Director of Curriculum for that area, to whom decisions on simple cases will be devolved. Where cases are thought to be serious, where they are of a repetitive nature, or when the Director of Curriculum feels unable to make a judgement they will be empowered to refer cases to an Academic Misconduct Panel (AMP).

### 2.3 Tariff

A tariff will be issued as guidance on the level of penalty which should to be applied to students found culpable of academic misconduct. Directors of Curriculum and Academic Misconduct Panels may take extenuating circumstances into account only when deciding on the appropriate penalty. Equity of the student experience will be ensured by strict adherence to the tariff, and will be moderated through meetings of the HE Quality Team. The seriousness of the offence is determined by cross referencing the percentage of the assessment that is confirmed as being plagiarised, by relating the amount of plagiarised work to the criteria of the AMBeR tariff – see Appendix 1

### 2.4 Academic Misconduct Panels

An Academic Misconduct Panel will comprise:

- the Head of Higher Education
- a Head of Department or a Director of Curriculum who has had no previous involvement with the cases examined and are not involved with the student's programme of study;

## 3. Procedure

When a tutor suspects that academic misconduct has taken place (according to the above definitions), this Academic Misconduct Procedure must be initiated.

### 3.1 Stage 1

3.1.1 It is the responsibility of the tutor to refer the matter to the Director of Curriculum and produce a report.

3.1.2 The referring tutor must include documentary evidence of the grounds for the

allegation. Ideally, the evidence will be an annotated copy of the work, the allegation may also be supported by a report on a *viva voce*, which should be undertaken by a subject specialist (e.g. marking tutor/programme leader) and another tutor. The report must include firm conclusions reached about the allegation.

- 3.1.3 In the case of an examination irregularity, the Director of Curriculum will need to consider any report made by the invigilator.
- 3.1.4 Where the Director of Curriculum considers that there is sufficient evidence available to support the allegation, s/he will invite the student to attend an interview and send them the evidence. The student will be given advance notice (at least 10 working days from date on letter) and will be notified of the right to bring a friend or relative for support. Legal representation is not permitted. One opportunity to reschedule will be offered. Students must notify the College within 5 days of the proposed interview date if they are unable to attend.
- 3.1.5 If the student fails to attend the interview this should not prevent the Director of Curriculum from making a decision on the evidence presented.
- 3.1.6 The Director of Curriculum must be accompanied at the interview by a course tutor. If another member of staff will be present, the student must be advised accordingly.
- 3.1.7 In some instances, such as allegations of collusion or group submissions, it may be necessary and appropriate for the Director of Curriculum to see more than one student at a time.
- 3.1.8 Notification of the interview should be via e-mail and a second means of communication (letter, text or telephone) depending on the individual situation.
- 3.1.9 Following the interview, the Director of Curriculum will:
  - Decide there is no validity to the allegation;
  - Review the AMBeR table (appendix 1) and determine the level of penalty. This table acts as a guide and each case must be considered on its own merits. The level of consideration and finding of academic misconduct is ultimately a matter of academic judgement.
  - Where the AMBeR penalty score is 330 and above, the Director of Curriculum must refer the case to Stage 2.
- 3.1.10 In determining the penalty for an academic misconduct, any previous academic misconduct will be taken into account. When more than one misconduct is considered at the same time the misconduct will normally be considered as a first misconduct if the student has not previously been found guilty of academic misconduct.
- 3.1.11 If a student is given an opportunity to resubmit work having been found to have committed academic misconduct; any further allegations made about the resubmitted work will be treated as subsequent misconduct.
- 3.1.12 In determining the validity of the allegation the Director of Curriculum in consultation with the course tutor will exercise a judgment on the balance of probability. Extenuating circumstances will not be considered in determining culpability, but may be considered in determining the penalty imposed.

3.1.13 Having made a decision within four days, the Director of Curriculum will log the outcome, communicate with the student (using an e-mail and letter) and place the paperwork (referral form and evidence) on the student's file.

3.1.14 Appeal against a Director of Curriculum decision must be made in writing to the Head of Higher Education within five working days. Grounds for appeal are:

- the decision arrived at by the Director of Curriculum is wrong in fact;
- the severity of the penalty imposed is not warranted by the offence.

3.1.15 Appeals will be heard by an Academic Misconduct Panel (AMP). In reviewing the Director of Curriculum's decision, the AMP has the authority to increase the penalty.

### 3.2 Stage 2

3.2.1 All cases referred to level 2 will be heard by an Academic Misconduct Panel, which will be constituted in accordance with the above Policy. Students must have undertaken a Stage 1 interview before the case is escalated to Stage 2.

3.2.2 In all cases the student will be invited to attend a panel hearing. The student will be given advance notice, will be provided with the documentation that the panel will consider and will be entitled to bring a friend or relative for support. Legal representation is not permitted.

3.2.3 Extenuating circumstances will not be considered in determining culpability, but may be considered in determining the penalty imposed.

3.2.4 After hearing the case and considering all the evidence the panel will decide that:

- there is no validity to the allegation;
- An offence has taken place and a penalty will be applied in accordance with the AMBeR tariff (appendix 1). The panel may at this stage take account of any previous offences.

3.2.5 In determining the validity of the allegation the panel will exercise an academic judgment on the evidence provide. Extenuating circumstances will not be considered in determining culpability, but may be considered in determining the penalty imposed.

3.2.6 If the panel determines that course termination should be applied then it must make a suitable recommendation for consideration by the validating university if its regulations require this.

3.2.7 The Head of Higher Education will advise the student of the panel's decision via email and by post within five working days.

3.2.8 If the AMP hearing is held to consider an appeal against a Director of Curriculum's decision then there is no internal appeal against the decision of the Academic Misconduct Panel.

### 3.3. Appeal process

3.3.1 The panel's decision will be final and marks the end of the College's process in relation to Academic Misconduct in relation to Pearson validated awards (HNC/HND). The decision will be final and will be communicated to the student in a Completion of Procedures letter. This letter will advise the student of their right to submit a complaint to the Office of the Independent Adjudicator for

review, the time limit for doing so (12 months) and where and how to access advice and support.

3.3.2 Students on University Validated awards will not be issued with a Completion of Procedures letter but will be advised on how to take their complaint to the University responsible for their qualification. If the University does not resolve the complaint to the student's satisfaction, they will be advised on how to appeal to the Office of the Independent Adjudicator.

#### 3.4 Records

3.4.1 A copy of the records of all academic misconduct cases will be placed on the relevant student file by the Quality Department. Where a case is dismissed, all documentation will be removed and shredded.

3.4.2 The College will hold an electronic record of all allegations of academic misconduct; this data will inform the review processes.

3.4.3 Where a student has a penalised mark for work as a result of an academic misconduct the penalty will not be carried forward if the student repeats a year. However, the record of misconduct is kept on the student's record and any further misconduct will be classified as subsequent misconduct.

### **4. The effect of Academic Misconduct upon Examination Boards**

4.1 Except for noting the outcomes of this policy and process, Examination Board shall take no account of allegations of academic misconduct. The Board will apply any penalty determined through this procedure. The Board has no authority to vary the penalty.

4.2 Where the penalty allows resubmission or reassessment, the work required will to be determined by the Board in the usual way.

4.3 Examination Boards will be notified of every case where a decision on an academic misconduct allegation is pending, and will not confirm an outcome for the relevant assessment until the decision is known. The element of assessment will be clearly identified and a 'deferred decision' will be recorded.

4.4 Examination Boards will not be notified of any suspected academic misconduct not upheld.

4.5 Deferred Examination Board decisions will be formalised at a resit or summer retrieval Examination Board.

---

**IMPACT ASSESSMENT:**

This policy has been assessed and considered for impact upon people who share the following protected characteristics and factors: race, gender and gender identity, disability (including learning difficulty), religion and belief, sexual orientation, age, pregnancy, maternity and marital status.

**EQUALITY IMPACT ASSESSMENT SUMMARY:**

This policy has been impact assessed and has identified the following:

- Negative impacts N\*
- Appropriate actions/mitigations to address the negative impacts have been put in place (Y/N)
- Positive impacts Y

**PRIVACY IMPACT ASSESSMENT:**

NCS is committed to protecting the personal data of its students, employees and other stakeholders in accordance with the General Data Protection Regulation (GDPR). We have a variety of methods and controls to ensure we protect that data appropriately. Personal data processing activities are subject to a Data Protection Impact Assessment (DPIA) as a key component of a 'Privacy by Design' approach. The risks to the rights and freedoms of individuals resulting from the processing of personal data are examined, and appropriate measures are put in place to protect these rights throughout the processing lifecycle.

**LINKED POLICIES:**

Code of Conduct for HE students  
HE Student Attendance Policy

**RESPONSIBILITY:**

Head of HE

---

## Appendix 1

# 1

## Assign points based on the following criteria

### HISTORY

1st Time	<b>100 points</b>
2nd Time	<b>150 points</b>
3rd/+ Time	<b>200 points</b>

### AMOUNT / EXTENT

Below 5% <b>AND</b> less than two sentences	<b>80 points</b>
As above but with <b>critical aspects*</b> plagiarised	<b>105 points</b>
Between 5% and 20% <b>OR</b> more than two sentences but not more than two paragraphs	<b>105 points</b>
As above but with <b>critical aspects*</b> plagiarised	<b>130 points</b>
Between 20% and 50% <b>OR</b> more than two paragraphs but not more than five paragraphs	<b>130 points</b>
As above but with <b>critical aspects*</b> plagiarised	<b>160 points</b>
Above 50% <b>OR</b> more than five paragraphs	<b>160 points</b>
Submission purchased from essay mill or ghostwriting service †	<b>225 points</b>

\* Critical aspects are key ideas central to the assignment

† Some institutions may consider this to be a separate form of academic malpractice

### LEVEL / STAGE

Level 1	<b>70 points</b>
Level 2	<b>115 points</b>
Level 3/Postgraduate	<b>140 points</b>

### VALUE OF ASSIGNMENT

Standard weighting	<b>30 points</b>
Large project (e.g. final year dissertation)	<b>60 points</b>

### ADDITIONAL CHARACTERISTICS

Evidence of deliberate attempt to disguise plagiarism by changing words, sentences or references to avoid detection **40 points**

Plagiarism Reference Tariff Copyright © 2009-2010 nlearning LTD

[plagiarismadvice.org](http://plagiarismadvice.org)

# 2

## Award penalties based on the points

### PENALTIES (Summative Work)

In all cases a formal warning is given and a record made contributing to the student's previous history

Points	Available Penalties (select one)
280 - 329	<ul style="list-style-type: none"> <li>No further action beyond formal warning</li> <li>Assignment awarded 0% - resubmission required, with no penalty on mark</li> </ul>
330 - 379	<ul style="list-style-type: none"> <li>No further action beyond formal warning</li> <li>Assignment awarded 0% - resubmission required, with no penalty on mark</li> <li>Assignment awarded 0% - resubmission required but mark capped or reduced</li> </ul>
380 - 479	<ul style="list-style-type: none"> <li>Assignment awarded 0% - resubmission required but mark capped or reduced</li> <li>Assignment awarded 0% - no opportunity to resubmit</li> </ul>
480 - 524	<ul style="list-style-type: none"> <li>Assignment awarded 0% - no opportunity to resubmit</li> <li>Module awarded 0% - re-sit required, but mark capped or reduced</li> <li>Module awarded 0% - no opportunity to re-sit, but credit still awarded</li> </ul>
525 - 559	<ul style="list-style-type: none"> <li>Module awarded 0% - re-sit required, but mark capped or reduced</li> <li>Module awarded 0% - no opportunity to re-sit, but credit still awarded</li> <li>Module awarded 0% - no opportunity to re-sit, and credit lost</li> <li>Award classification reduced</li> <li>Qualification reduced (e.g. Honours -&gt; no Honours)</li> <li>Expelled from institution but credits retained</li> <li>Expelled from institution with credits withdrawn</li> </ul>
560+	<ul style="list-style-type: none"> <li>Module awarded 0% - no opportunity to resit, and credit lost</li> <li>Award classification reduced</li> <li>Qualification reduced (e.g. Honours -&gt; no Honours)</li> <li>Expelled from institution but credits retained</li> <li>Expelled from institution with credits withdrawn</li> </ul>

### PENALTIES (Formative Work)

280 - 379	Informal warning
380+	Formal warning, with record made contributing to the student's previous history