

Academic Misconduct and other forms of Unfair Practice

Procedure and Process

1. Introduction and context

NB: *For the purpose of this document 'School' refers to schools within Newcastle College and the divisions within NCG delivering NCG Undergraduate and Postgraduate programmes*

The document provides information on the procedure and processes used at School and College level to investigate cases of academic misconduct and other forms of unfair practice. Details of regulations regarding academic misconduct and other forms of unfair practice can be accessed via the NCG Academic Regulations. The regulations states:

'The College regards any attempt by a student to gain an unfair advantage in assessment as a serious academic offence that undermines the academic standards of the College.'

Section C16 NCG Academic Regulations 2017

QAA recognises universities and colleges as autonomous and independent institutions responsible for identifying, proving and penalising cases of cheating and plagiarism (academic misconduct) QAA 2016.

This document provides guidance on:

- Defining the types of academic misconduct
- Steps to take if academic misconduct is suspected
- Stages of investigation and records required to monitor and report a suspected case of academic misconduct

2. Types of academic misconduct

The institution (NCG) recognises three broad types of academic misconduct.

Academic negligence – This is regarded as the least serious offence and covers first time minor offences. It includes plagiarism that is small in scale, not related to the work of other students, and which is considered to have resulted from ignorance or carelessness.

A case of academic misconduct which relates to academic negligence is normally investigated under the 'informal stage'.

Academic malpractice – This can include a 1st offence where more wide spread plagiarism is identified such as:

A Evidence of extensive paraphrasing of material with no acknowledgement of the source

Systematic failure to reference

Submitting work which has already been submitted for another assignment

B When more than one assessment is found to be effected by plagiarism (where a number of pieces of work/assessments are handed in at the same time). When this happens the academic misconduct for all pieces of assessment should be considered and treated as **ONE** offence.

Academic cheating – This is regarding as the most serious offence and includes:

- level 6 plagiarism in dissertations/final year projects
- all taught postgraduate modules (level 7)
- collusion with other students
- theft
- commissioning/purchasing work*
- falsification of results/data
- a third offence at Stage 1
- all examination irregularities

3. Support for students

Wherever possible, students should have the opportunities to seek advice for any matters relating to academic misconduct before it becomes a concern. This should include guidance from relevant academic staff and library services explaining the importance of references and acknowledging source materials within their work. How to avoid academic misconduct and plagiarism should be a key component of the student induction programme.

Students will be entitled at any stage of the academic misconduct process to be accompanied and/or represented by one member of staff, friend, relative, or representative of the Students' Union. Students may not be accompanied or represented by a lawyer.

4. Steps to take if academic misconduct is suspected

The following information provides you with the steps to take if you suspect a case of academic misconduct or other forms of unfair practice has taken place.

Suspect Academic Misconduct offence has occurred

a) Course work submitted for assessment

If a member of staff suspects a case of academic misconduct they must take action as soon as possible by drawing the matter in writing (via email) to the attention of the HE Development Manager specifying:

- the nature of the concern
- the basis for suspecting academic misconduct

b) Examination

If a member of staff suspects an offence of academic misconduct is taking place during an examination, the exam invigilator should:

- annotate the candidate's script(s)
- if appropriate, remove any object which has become the centre of the suspicion

The exam invigilator must submit a written report to the Programme Leader which states clearly:

- whether or not the student had been found in possession of unauthorised material, and if so:
- what this unauthorised material was;
- whether or not the invigilator had seen the student using that unauthorised material;
- whether or not the invigilator had seen the student using that unauthorised material for the question which was being attempted at that point in the examination;

OR

- any other circumstance that gave rise to the suspicion of seeking an unfair advantage

On receipt of the report from exam invigilator the Programme Leader will notify the HE Development Manager.

c) Suspected during the marking of an Examination

If, during the marking process, an internal examiner suspects that cheating, or other form of seeking unfair advantage, has taken place, they will compile a concise written report, which is forwarded without delay to the HE Development Manager.

This report should state clearly:

- the specific part(s) of the candidate's script(s) which give rise to the suspicion of cheating or seeking any other form of unfair advantage, and
- the basis for this suspicion

All reports suspecting academic misconduct staff will be disclosed to the student(s) concerned.

5. Stages of the procedure

Once a report has been written outlining the suspected academic misconduct offence the HE Development Manager and Programme Leader must determine what type of offence has been committed. Page 13 of this document provides an overview (flowchart) of the procedure.

a) Informal stage (NCG Academic Misconduct Form HE75)

If the offence is deemed to be Academic Negligence the informal stage is implemented. This is the least serious offence and covers first time minor offences. It includes plagiarism that is small in scale, not related to the work of other students, and which is considered to have resulted from ignorance or carelessness.

The informal stage would normally involve the module leader as it will typically relate to one specific assessment for one module. The module leader is required to:

- Arrange a meeting with the student
- Discuss the reasons why the student has been suspected of academic misconduct
- The student will receive a written warning (Warning letter) which acknowledges poor academic practice has taken place
- Identify and provide advice and guidance on how to avoid academic misconduct in future assessments
- Refer the student to the library services to access the guidance and supporting documents available to them to help avoid plagiarism

Penalty: Work would normally be marked excluding the plagiarised sections and a lower mark is likely to be awarded to reflect the plagiarism within the work

A record of admitted or found offences will remain on the student's file for the duration of their study in the college.

b) Stage 1

This is normally deemed to be Academic Malpractice. It also includes a 1st offence where more wide spread plagiarism is identified such as:

- Evidence of extensive paraphrasing of material with no acknowledgement of the source
- Systematic failure to reference
- Submitting work which has already been submitted for another assignment
- 2nd offence following an informal stage

OR

- When more than one assessment is found to be effected by plagiarism (where a number of pieces of work/assessments are handed in at the same time). When this happens the academic misconduct for all pieces of assessment should be considered and treated as **ONE** offence.

The Stage 1 meeting should take place as soon after the receipt of the report as is possible. The Programme Leader should consider any future examinations and assessments the student may be undertaking and ensure the meeting is conduct in a timely manner to guard against any further cases of academic misconduct.

The student must receive the 'Invitation to Stage 1' letter no less than 5 working days prior to the Stage 1 Meeting:

The Stage 1 meeting will consist of:

- Chair: HE Development Manager
- Programme Leader
- Internal marker/assessor
- Student
- Student's Representative

The HE Development Manager or nominee will do the following:

- explain the purpose of the meeting and the possible outcomes
- internal marker/assessor will discuss the matter with the student and/or the student's representative if one is present
- invite the student to explain the circumstances that led to the suspicion that are engaged in seeking unfair advantage
- invite the student and/or friend or representative to make any other comments which feel to be relevant

The meeting will be recorded using the standard Stage 1 Pro forma (HE76)

Completion of Stage 1 Pro forma

- All sections of the form must be completed during the meeting.
- All attendees must be listed on the form.
- The student must complete the student response section of the form with a clear and unambiguous statement of admittance (if this is the outcome of the meeting). The student must also sign and date the form.
- If the student does not attend the panel will review the evidence provided and record the student's non-attendance within the pro forma.
- The Chair must sign the pro forma to confirm that the Stage 1 meeting has been carried out in accordance with the NCG HE Academic Regulations.
- Minutes should not be produced.
- No comments should be made regarding the quality of the student's work.
- Internal Assessor/Marker is not entitled to make any recommendation in terms of the penalty to be applied.

At the end of the meeting the student will be informed of the outcome and consequences if an offence has been admitted and/or proven.

Possible outcomes

The possible outcomes from a Stage 1 meeting are:

- Finding that no offence has occurred – no report of the investigation shall be made to the Board of Examiners or Examination Committee. All documentation relating to the allegation shall be shredded.
- Admission of the offence by the student concerned – a report of the matter will be made to the Academic Misconduct Panel for the purpose of recording the offence. The final decision on any penalty is the responsibility of the panel of Stage 1 meeting. Refer to Appendix 1 of this document for more details on the penalties.
- Non-resolution of the issue, the student has not admitted the offence - the Chair is required, without delay, to refer the matter to a Stage 2 Panel.

A record of admitted or found offences will remain on the student's personal file for the duration of their study in the college.

The student will normally be expected to attend the Stage 1 meeting. If the student does not attend, without good cause, the panel may proceed in the student's absence.

The panel will consider any representations made by or on behalf of the student (in absentia) at the appropriate point in the meeting.

c) Stage 2

This is regarded as the most serious offence and considered Academic Cheating. It includes Level 6 plagiarism of dissertations, all postgraduate modules, collusion with other students (refer to definition on page 3 for more information).

A student must receive the 'Invitation to Stage 2' letter no less than 5 working days prior to the Stage 2 Meeting:

The membership of the Stage 2 meeting will consist of:

- Chair: Senior Manager or HE Manager (the chair **must not** be the HE Manager if they have conducted the Stage 1 investigation) nominated by the Director of School
- An experienced member of academic staff of the subject area who has not taught the student in the module(s) being investigated
- An experienced member of academic staff of another subject area within the School
- Secretary (in attendance)
- Witnesses and/or student's friend (or representative) (if applicable) (in attendance)
- Student accused of the offence
- Academic member of staff who has assessed/graded the module

Witnesses

In considering the allegations, the Panel may call witnesses and will not unreasonably refuse permission for staff or students to call such witnesses as they deem appropriate. The names of such witnesses should be given to the designated chair of the panel as soon as possible in order to facilitate their attendance.

The Invitation to Stage 2 letter informs the student of:

- the reason for their attendance being required
- a copy of any relevant report or other evidence
- the right to seek advice from Student Services and/or the Students' Union
- the right to accompaniment/representation
- the right to submit a written statement to the Panel concerning the alleged offence in advance of the meeting, if they wishes to do so.

The remit of a Stage 2 meeting is to:

- consider allegations of academic cheating, plagiarism or other form of unfair practice;
- determine the matter or accept and act upon a student's admission of an offence.

The student will normally be expected to attend the Stage 2 meeting. If the student does not attend, without good cause, the panel may proceed in the student's absence. The panel will consider any representations made by or on behalf of the student (in absentia) at the appropriate point in the meeting.

The procedure at this stage is more formal than Stage 1 and will be conducted following the steps outlined below. The meeting is recorded through the completion of Stage 2 Pro-forma (HE77). All questions should be asked through the Chair.

- (i) The chair of the Stage 2 will ask the academic member of staff (internal assessor/marker) to present the case against the student. The student and/or any friend or representative, and panel members will then be able to question the presenter.
- (ii) The academic member of staff may call a witness/es. These will be questioned in turn, first by the academic member of staff, and then by the student and/or friend or representative, and panel members. At the conclusion of their evidence, witnesses should leave the meeting.
- (iii) The student and/or friend or representative will then present their case. The chair, and panel members, will then be able to question the student.
- (iv) The student may then call a witness/es, who will be questioned in turn, first by the student and/or friend or representative, and then by the academic member of staff and panel members. At the conclusion of their evidence, witnesses should leave the meeting.
- (v) Unless the offence has been admitted during the proceedings, both academic member of staff (who marked the work) and the student (with friend and/or representative) will withdraw and the Stage 2 panel members will consider its decision.

Possible outcomes

The possible outcomes from a Stage 2 meeting are:

- Admission of the offence by the student concerned - a report of the matter will be made to the Academic Misconduct Panel for the purpose of determining a penalty. The final decision on any penalty is the responsibility of the Academic Misconduct Panel. Refer to Appendix 1 of this document for more details on the penalties.
- The case will be submitted to the next scheduled Academic Misconduct Panel where the decision regarding the penalty will be agreed.
- The Academic Misconduct Panel will write to the student and notify them of the outcome.
- Outcome of the panel will be reported to the Board of Examiners.
- A finding that no offence has occurred - no report of the investigation shall be made to the Board of Examiners or Examination Committee. All documentation relating to the allegation shall be shredded
- Non-resolution of the issue, the student has not admitted the offence – the Stage 2 panel will consider its decision. This will be reached on the basis of the written and oral evidence, and the standard of proof required is the balance of probabilities. The decisions open to the Panel are:
 - finding that no offence has occurred
 - finding that the alleged offence has occurred and submit to the Academic Misconduct Panel for a decision on the penalty to be agreed

Following the Stage 2 meeting the Chair must write to the student notifying them within 2 working days of:

- the decision taken
- the basis on which the decision was taken
- the right of the student to appeal
- the requirements and timescale for lodging an appeal and the designated officer to whom any notice of intention to appeal should be sent
- the procedures which will be followed if finding an offence occurred, the next step in the process to refer the case to Academic Misconduct Panel for penalty to be agreed

A record of admitted or found offences will remain on the student's personal file for the duration of their study in the college.

There is a requirement to provide the student with the opportunity to appeal should they wish to do so.

Any further recurrences of academic misconduct will be dealt with under Stage 3 of the Student Disciplinary policy which may lead to withdrawal from the programme of

study. The student is advised that there are no further re-assessment opportunities and a mark of zero for the module/work will be recorded.

Following Stage 3 of the Student Disciplinary process the student may:

- be allowed to re-study, or take an alternative module if permitted. This is at the next assessment opportunity (normally the next academic year)
- result in their withdrawal from the programme study

6. Appeal process

Students may appeal against the outcome of the formal stage of this procedure by writing to the HE Registry within 20 working days of written notification of the Academic Misconduct panel decision, stating the ground(s) of appeal. Record of the appeal hearing will be recorded on HE78 Appeal Pro-forma.

Grounds of appeal

Students may appeal against the outcome of academic misconduct panel decisions on the following grounds:

- that the decision reached was irrational and/or disproportionate and/or unsupported by evidence; and/or
- that there was a material and/or procedural irregularity by the academic misconduct panel which has prejudiced the student's case; and/or
- additional material evidence has come to light, since the decision of the academic misconduct panel, which could not have been expected to have been produced at the time of the consideration of the case.

Once the appeal has been reviewed the outcome of the appeal will be communicated to the student via a 'Letter of Completion'. A student who remains dissatisfied following the conclusion of the appeal process may apply to the OIA for reconsideration of the case under the rules of its scheme within three months of the issue of the 'Letter of Completion'. Information on the process may be obtained directly from the OIA at <http://www.oiahe.org.uk>

Appendix 1

Type	Example	Recommended Penalty
Informal 1 st Offence	This is regarded as the least serious offence and covers first time minor offences. It includes plagiarism that is small in scale, not related to the work of other students, and which is considered to have resulted from ignorance or carelessness.	<p>All students must be offered advice and guidance on how to avoid academic misconduct. Refer student to the library services and module tutor for support. Student will receive a written warning identifying poor academic practice.</p> <p><i>Work is marked and a lower mark is likely to be awarded to reflect the plagiarised sections within the work.</i></p>
Stage 1	<p>1st Offence where more wide spread plagiarism is identified such as:</p> <ul style="list-style-type: none"> • Evidence extensive paraphrasing of material with no acknowledgement of the source • systematic failure to reference • submitting work which has already been submitted for another assignment <p>OR</p> <ul style="list-style-type: none"> • when more than one assessment is found to be effected by plagiarism (a number of pieces of work are handed in at the same time) it should be treated as one offence 	<p>1st Offence</p> <p>All students must be offered advice and guidance on how to avoid academic misconduct. Refer student to the library services and module tutor for support.</p> <p>Penalty A written warning identifying academic misconduct should be placed on the student personal file.</p> <p><i>Appropriate code is recorded in MRS.</i></p> <p>Penalty The student is required to re-submit all pieces of assessment in question, having rectified the academic misconduct issues.</p> <p><i>Work is awarded up to maximum mark of 40% for undergraduate (FdA's/BA(Hons) and 50% for post graduate (PGCE and Masters).</i></p>

	<ul style="list-style-type: none"> • 2nd offence following informal stage 	<p>2nd Offence (following an informal offence) <i>Work is recorded with the appropriate code in MRS.</i></p> <p>Penalty The student is required to re-submit the entire piece of assessment in question, having rectified the academic misconduct issues.</p> <p><i>Work is awarded up to maximum mark of 40% for undergraduate (FdA's/BA(Hons) and 50% for post graduate (PGCE and Masters).</i></p>
Stage 2	<p>This is regarded as the most serious offence and includes:</p> <ul style="list-style-type: none"> • Level 6 plagiarism in dissertations/final year projects • taught postgraduate modules • collusion with other students • theft • commissioning/purchasing work • falsification of results/data • a third offence at Stage 1 • all examination irregularities 	<p>Penalty Student is advised that they are allowed one re-assessment opportunity (first sit only) resubmitting a brand new piece of work. Compensation is not allowed.</p> <p><i>Work is awarded up to maximum mark of 40% for undergraduate (FdA's/BA(Hons) and 50% for post graduate (PGCE and Masters).</i></p> <p>Failure to comply will result in failure of the assessment with no further opportunity other than restudy. At the next assessment opportunity (normally the next academic year).</p> <p><i>Work is recorded as a Fail with the appropriate code in MRS.</i></p>
	<p>Any further recurrences will be dealt with under Stage 3 of the Student Disciplinary policy which may lead to withdrawal from the programme of study.</p>	<p>Penalty Student is advised that there is no re-assessment opportunity and a mark of zero for the module will be recorded.</p>

		Following Stage 3 of the Student Disciplinary process the student may be allowed to re-study, or take an alternative module if permitted. At the next assessment opportunity (normally the next academic year). Alternatively the outcome may result in their withdrawal from the programme of study.
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