



# Undergraduate Academic Misconduct Policy

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## INTRODUCTION

1. New College of the Humanities (the College) is fully committed to helping and supporting students understand the nature of, and expectations associated with, academic writing, and providing advice, guidance, and self-help material so that students can fully understand what is not acceptable behaviour. Students are expected, with the support provided by the College, to make themselves fully conversant with what constitutes good academic conduct and consequently academic misconduct.
2. The College's approach is developmental rather than punitive, but in order to protect the standard and integrity of its awards, the College will identify any incidence that meets the definition of academic misconduct and will bring this to the attention of the student and where appropriate the College or Solent University (the University) will impose an academic penalty. It is expected that students will learn from this experience and previous offences will be taken into account when determining penalties for subsequent offences. Proven academic misconduct will remain on the student's record for the entire registration period and will include any period of suspension, repeat year or transfer of programme.
3. There are no time limits associated with the investigation of suspected academic misconduct, and where a case of suspected academic misconduct is identified, including after credit has been given, an award has been made or the student has left the College, the case will be fully investigated.
4. The College will have effective arrangements through the Academic Board to monitor, evaluate, and improve the effectiveness of its policy and procedure. Any changes made to the policy and procedures must be approved by the University.
5. The term 'programme' is used to refer to the curriculum route that leads to a named award as defined in each programme specification. The term 'course' is used to refer to each 30- or 15-credit component of study as defined in each course descriptor.

## PRINCIPLES

6. The College is committed to:
  - 6.1. The determination of academic misconduct being an academic judgment.
  - 6.2. Having fair, effective and timely procedures for handling allegations of student academic misconduct.

- 6.3. The concept of natural justice, such that students have the right to defend themselves in person against an allegation of academic misconduct and that staff involved in any panels do not have a personal relationship with the student or any involvement in the setting and marking of the work in question.
- 6.4. Transparency and equity in terms of penalties imposed for the varying types of misconduct.
- 6.5. Remedies for academic misconduct being developmental as well as punitive.
- 6.6. Effective monitoring and reporting processes.
7. In the most serious cases the University may determine that a student should be excluded. In such cases the decision must be ratified by the Progression and Award Board External Examiners, and approved by the Chair of the University's Academic Board.
8. In allegations of academic misconduct, the burden of proof is upon the College and the University to prove that academic misconduct has occurred, not for the student to prove that it has not.
9. In determining whether a case is proven or not, the standard of proof is on the 'balance of probability' rather than 'beyond all reasonable doubt'.
10. In the most serious cases, the College and the University may determine that a student should be withdrawn from their programme. In such cases, the decision must be approved by the University's Academic Board.
11. If academic misconduct in group work is found and it is clear that it was the act of specific member(s) of the group, then the appropriate penalties may be applied to those specific members. If plagiarism is confirmed but it is still unclear who in the group was the originator(s), then all students in the group will have the appropriate penalties applied.
12. Subsequent breaches of the academic misconduct regulations will normally receive a more severe penalty than earlier ones. Normally, a breach will only be deemed sequential if, at the time of committing the second offence, the student could reasonably be assumed to be aware that they were committing a second offence.

#### **DEFINITION**

13. It is an offence for any student to be party to or commit academic misconduct in an examination or in the preparation of work that is submitted for assessment.
14. The practices listed below will automatically be deemed to constitute academic misconduct. The list of practices is not an exhaustive list and does not preclude the College or the University from taking action where other forms of academic misconduct are identified.
  - 14.1. Plagiarism – where a student incorporates another person's or body's work by unacknowledged quotation, paraphrase, imitation or other device in any work submitted for assessment in a way which suggests that it is the student's original work.
  - 14.2. Collusion – where the student(s) in the same cohort knowingly or negligently allows their work to be viewed by another student, in any form,

and this work is subsequently incorporated in, or represented as, the work of another student; or, the collaboration without official approval between two or more students in the presentation of work, which is submitted as the work of a single student.

- 14.3. Falsification – where the content of any assessed work has been invented or falsely presented by the student as their own work.
- 14.4. Replication – where a student submits the same or similar piece of work, or substantial sections of the same work, which has already been submitted for any other assessment within the College or elsewhere. Students repeating an assessment, course or level are expected to produce new coursework for all assessments except where the referral brief allows students to re-work a failed assessment.
- 14.5. Taking unauthorised notes or devices into an examination.
- 14.6. Obtaining an unauthorised copy of an examination paper.
- 14.7. Communicating, or trying to communicate, with another student or individual during an examination, or attempting to observe or copy another student's written and/or electronic examination script.
- 14.8. Providing assessments for the purpose of academic misconduct – where a student sells to, writes or provides assessments for another student.
- 14.9. Being a party to impersonation in relation to an examination.
- 14.10. Failure to obtain, or breach of ethical approval, where this is a requirement of the assessment.
- 14.11. Purchasing of essays from a third party.
- 14.12. Submitting a fraudulent Extenuating Circumstances claim.

### PREVENTION

15. In order to prevent academic misconduct, all students are provided with appropriate guidance on referencing, and a full explanation and definition of academic misconduct. The associated rules and regulations are covered as part of student induction and a summary included in guides which are available on the student website.
16. All students are therefore expected to be fully conversant with the rules and regulations associated with academic misconduct.
17. In addition, students are required to confirm that the work submitted for assessment is their own work and has not been previously submitted for credit for another course assessment.

### DETECTION

18. The College will use all appropriate mechanisms for detecting suspected academic misconduct, including but not limited to the opinions of faculty and the use of software packages.
19. The College will ensure that suitable briefings are provided for all staff involved in detecting and handling student academic misconduct.

### ACADEMIC MISCONDUCT PROCESS

20. Where a tutor determines that academic misconduct in a piece of assessment submitted by a student, or where academic misconduct is detected during an examination, the piece of assessment, assignment brief and supporting evidence, together with a completed Academic Misconduct pro-forma stating the nature and extent of the academic misconduct, should be submitted to the Registrar.
21. The Registrar shall review the evidence, undertaking any further investigation where required, and determine whether the offence is minor or major.
  - 21.1. A **Minor** offence is defined as any first offence at all levels except for where the academic misconduct allegation meets the criteria for a Major Offence.
  - 21.2. A **Major** offence is defined as
    - any second or subsequent offence at any level
    - any first offence at Levels 6 or 7 where the assessment is 100% of the course or a final major project or dissertation
    - any multiple offence (three or more assessments) at any level where the academic misconduct is deliberate, calculated and extensive
    - all allegations of obtaining an unauthorised copy of an examination paper, being a party to impersonation in relation to an examination and providing assessments for the purpose of academic misconduct shall automatically be treated as a major offence

### MINOR OFFENCES

22. Where an offence has been identified as 'Minor', the Registrar shall determine the appropriate penalty from the University's penalty tariff ([Annex 1](#)). The Registrar shall write to the student, outlining the allegation, the penalty to be imposed, and referring the student to the Academic Services Coordinator for further help and guidance.
23. Where the details of a minor offence cannot be determined without further investigation, the case will be referred to the University for investigation. The penalty will still be deemed as a minor penalty.
24. Where the student refutes the decision or believes that the penalty tariff was incorrectly applied, they shall have the opportunity to appeal. In such instances the case will be referred to the University.

### APPEAL AGAINST A MINOR OFFENCE

25. An appeal must be lodged with the Registrar within 10 working days of the student receiving the formal notification of the outcome, or the student will be deemed to have accepted the conclusion. Exceptionally, at the discretion of the University, this deadline may be waived where evidence is provided to show circumstances prevented an appeal being lodged.
26. The inquiry panel will be held by the University and will comprise a Dean of School or Head of Subject, and one member of academic staff independent from the

- programme. The Administrative Officer (Academic Conduct, Complaints and Appeals) will act as clerk and advise the panel on procedural matters.
27. The student will be invited to attend the panel and may be accompanied by a friend<sup>1</sup> or Student Union representative who may address the panel. They will be provided with copies of the documentation presented to the panel.
  28. The panel will normally interview the student and the tutor or the Registrar. If the tutor or Registrar is unable to attend, they will be provide the panel with a written report. The panel will then decide whether the academic misconduct is proven or not proven.
  29. Where the allegation is not proven, the student shall be informed that no further action will be taken. Their work will be marked as normal.
  30. Where the allegation is proven, the panel will either confirm the penalty recommended by the Registrar or impose a lower penalty. The panel cannot raise the penalty from that initially imposed prior to the appeal.
  31. This marks the end of the appeal stage. The student will be issued with a 'Completion of Procedures' letter confirming that they have exhausted the University's internal appeals procedure relating to academic misconduct and advising that any further request for redress will need to be made to the Office of the Independent Adjudicator (OIA).

## MAJOR OFFENCES

32. All offences determined as 'Major' will be referred to the University and will be investigated by an academic misconduct inquiry panel.
33. The panel will comprise a Dean of School or Head of Subject, and one member of academic staff independent from the programme. Where the student has a previous major offence of academic misconduct or has appealed against a minor offence, the inquiry panel must not include anyone who sat on the previous panel. In such cases an independent Dean of School or Head of Subject shall hear the case. The Administrative Officer (Academic Conduct, Complaints and Appeals) will act as clerk and advise the panel on procedural matters.
34. The student will be invited to attend the panel and may be accompanied by a friend<sup>2</sup> or Student Union representative who may address the panel. They will be provided with copies of the documentation presented to the panel.
35. A student cannot be represented at an inquiry panel meeting except in cases where a student is not capable of representing themselves (e.g. they are suffering from evidenced mental health issues).
36. The student is not required to attend the panel meeting, but it is in their interest to do so. If the student does not attend, the meeting will proceed in their absence.
37. Exceptionally, the student can request the rescheduling of a meeting, providing reasonable notice is given, together with sufficient reason, or evidence supplied of

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<sup>1</sup> The definition of friend excludes professional representation, unless the case is made that this would not be natural justice, and cannot be another student who is involved in the academic misconduct case.

<sup>2</sup> The definition of friend excludes professional representation, unless the case is made that this would not be natural justice, and cannot be another student who is involved in the academic misconduct case.

why the student is unable to attend on the scheduled day, e.g. accident, serious illness.

38. The panel will normally interview the student and the tutor or the Registrar. If the tutor is unable to attend, the panel will be provided with a written report from the tutor. The panel will then decide whether the academic misconduct is proven or not proven.
39. Where the academic misconduct is not proven, the student shall be informed that no further action will be taken. Their work will be marked as normal.
40. Where the academic misconduct is proven, the panel will normally impose a penalty in line with the penalty tariff guidance at Annex 1 and refer the student to the College for further help and guidance.
41. Where the findings of the panel call into question the authorship of other assessments submitted by the student, the panel will suspend its decision while a preliminary investigation into these other assessments is made. Where these preliminary investigations find a *prima facie* case, the panel will reconvene to consider these assessments. Where the preliminary investigation finds no *prima facie* evidence, the panel will make a penalty decision on the original assessment in which misconduct had been found.
42. Where the panel considers that the student should be withdrawn from their programme, the decision must be approved by the Chair of the University's Academic Board. The approval process should only be carried out once the student has exhausted the internal appeals procedure. Relevant Award External Examiners will be informed after a student has been withdrawn: they will be requested to confirm in their external examiner report that University procedures were consistently and fairly applied.
43. The student and members of staff will be sent copies of the outcome of the panel, which will clearly state the process undertaken and the rationale for the outcome determined by the panel.

#### **APPEAL AGAINST A MAJOR OFFENCE**

44. The student may appeal against the conclusion (i.e. proven or not proven) or penalty of an inquiry panel where either:
  - 44.1. there is new evidence that was not available to the academic misconduct panel at the time of their deliberations; or
  - 44.2. there is evidence that University procedures and/or guidance have not been implemented correctly; or
  - 44.3. The penalty tariff was incorrectly applied.
45. An appeal must be lodged with the Registrar within 10 working days of the student receiving the formal notification of the outcome, or the student will be deemed to have accepted the conclusion. Exceptionally, at the discretion of the University, this deadline may be waived where evidence is provided to show circumstances prevented an appeal being lodged.
46. The Student Conduct, Complaints and Appeals Manager (or nominee) will review the evidence on which the appeal is based and will determine whether there is sufficient evidence to warrant referral to an appeal panel.

47. Where no evidence or insufficient evidence is submitted, the Student Conduct, Complaints and Appeals Manager (or nominee) shall write to the student and inform them that their appeal has been rejected. This marks the end of the appeal stage. The student will be issued with a 'Completion of Procedures' letter confirming that they have exhausted the University's internal appeals procedure relating to academic misconduct and advising that any further request for redress will need to be made to the OIA.
48. Where the Student Conduct, Complaints and Appeals Manager (or nominee) determines that sufficient new evidence has been submitted, the case shall be referred to an appeal panel.
49. The University's Appeal Panel will comprise:
  - 49.1. A Dean of School independent of the School to which the programme is affiliated.
  - 49.2. One staff member of Academic Board or Learning, Teaching and Student Achievement Committee.
  - 49.3. One member of the College's faculty, independent of the faculty in which the programme is based.
  - 49.4. An elected officer of the College's Students' Union.

#### **PROCEEDINGS OF AN APPEAL PANEL**

50. An appeal panel will normally meet to consider an appeal within 25 working days from receipt of the appeal.
51. The appeal panel will look at the original evidence, inquiry report and the evidence on which the appeal is based.
52. The appeal panel will interview the tutor or Registrar, the student and any other person(s) whom the panel believes may be able to provide relevant information. If the tutor or Registrar is unable to attend, they will provide the panel with a written report.
53. The student does not have to attend the appeal panel, but it is in their interest to do so.
54. As with the inquiry panel stage, the can be accompanied by a friend<sup>3</sup> or Student Union Officer who will have the right to address the panel. They will be provided with copies of the documentation presented to the panel.
55. A student cannot be represented at an inquiry panel except in cases where a student is not capable of representing themselves (e.g. they are suffering from evidenced mental health issues).
56. Where the academic misconduct is not proven, the penalty shall be withdrawn and the student shall be informed that no further action will be taken.
57. Where the academic misconduct is proven, the appeal panel will either confirm the penalty recommendation of the academic misconduct inquiry panel or impose an alternative penalty based on the published penalty guidelines at [Annex 1](#). The student will also be referred to the College for further help and guidance.

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<sup>3</sup> The definition of friend excludes professional representation, unless the case is made that this would not be natural justice, and cannot be another student who is involved in the academic misconduct case.

58. Where the appeal panel considers that the student should be withdrawn from their programme, this must be approved by the Chair of the University's Academic Board. The approval process should only be carried out once the student has exhausted the internal appeals procedure. Relevant Award External Examiners will be informed after a student has been withdrawn: they will be requested to confirm in their external examiner report that University procedures were consistently and fairly applied.
59. This marks the end of the appeal stage. The student will be issued with a 'Completion of Procedures' letter confirming that they have exhausted the University's internal appeals procedure relating to the case of academic misconduct and advising that any further request for redress will need to be made to the OIA.

### **WITHDRAWAL OF STUDENT AND/OR WITHDRAWAL OF CREDIT/AWARD**

61. Where an academic misconduct panel recommends that the student be withdrawn from their programme, or the withdrawal of credit or an award, this must be approved by the Chair of the University's Academic Board.
62. The student must first be given the opportunity to appeal the decision (see paragraphs 44-49).
63. Where no appeal is received, the Student Conduct, Complaints and Appeals Manager (or nominee) shall refer the decision to the Chair of the University's Academic Board for approval.
64. Where the Chair of the University's Academic Board is dissatisfied with the process they will give their reasons and refer the case back to the Student Conduct, Complaints and Appeals Manager (or nominee) for review.
65. Where the Chair of the University's Academic Board is satisfied that the correct procedures have been followed, they will authorise the withdrawal of the student or withdrawal of credit or an award.
66. The student will be notified in writing of the decision of the Chair of the University's Academic Board.
67. Award External Examiners will be informed after a student has been withdrawn or had an award or credit withdrawn. They will be requested to confirm in their external examiner report that procedures were consistently and fairly applied.

**ANNEX 1: PENALTY TARIFF AND GUIDELINES**

**GUIDELINES**

1. Plagiarism in group work. If plagiarism is confirmed, and it is clear that it was the act of specific member(s) of the group, then the appropriate penalties may be applied to those specific members. If plagiarism is confirmed but it is still unclear who in the group was the originator(s), then all students in the group will have the appropriate penalties applied.
2. In a case of alleged collusion, where for one or more of the students it is a second or subsequent case of academic misconduct, it will be automatically referred to an academic misconduct inquiry panel. This is for all students named in the allegation regardless of whether it is another students' first offence and has been deemed a Minor offence. However, the penalty imposed on each individual will still be in line with the penalty tariff below.
3. An offence will be deemed sequential if, at the time of committing the second offence, the student could reasonably be assumed to be aware that they were committing a second offence.

**The following penalties may be imposed:**

\*please note there are different penalties listed in the tariff for unauthorised copy of examination paper, impersonation in relation to an examination and providing assessments for the purpose of academic misconduct.

Type of offence	Description	Penalty
Minor	<ul style="list-style-type: none"> <li>• Where for good reason the student was not aware of the regulations.</li> <li>• Exceptionally where there are circumstances that would suggest that natural justice means the lightest penalty should be imposed.</li> </ul>	(i) The student should receive a letter of caution that will remain on their file for the duration of the student's programme and will be taken into account in the result of any further allegations of academic misconduct. Those sections of the work not subject to academic misconduct would be marked as normal.
Minor/Major	<ul style="list-style-type: none"> <li>• Any minor first offence at all levels</li> </ul>	(ii) The student should fail the particular assessment to which the allegation relates, with the right to resit and with the course mark capped at the pass mark. The right to resit would be subject to the relevant assessment regulations.
Major	<ul style="list-style-type: none"> <li>• Second offences at any level *</li> <li>• First offence at any level of obtaining an unauthorised copy of an examination paper.</li> </ul>	(iii) The student should fail the assessment to which the allegation relates. The student shall be given one final reassessment attempt for that element, subject to the relevant assessment regulations. Students will be required to produce new

Type of offence	Description	Penalty
		<p>assessments for the failed element and will not be permitted to re-work assessments. The course mark will be capped at the pass mark.</p> <p>(iv) The student should fail the whole course, all marks for any assessment on the course to be set at zero. The student shall be given one final assessment attempt in all elements, subject to the relevant assessment regulations. Students will be required to produce new assessments for the course and will not be permitted to re-work assessments or resubmit elements which have been previously passed. The course mark will be capped at the pass mark.</p> <p>(v) The student should fail the whole course to which the allegation with no right to resit, all marks for any assessments on the course to be set at zero.</p>
Major	<ul style="list-style-type: none"> <li>• Any third offence at any level</li> <li>• Multiple offences at any level where academic misconduct is deliberate, calculated and extensive *</li> <li>• Any second or subsequent offences of obtaining an unauthorised copy of an examination paper.</li> <li>• Any first offence of being a party to impersonation in relation to an examination.</li> <li>• Any first offence of providing assessments for the purpose of academic misconduct.</li> </ul>	<p>The following penalties may be considered:</p> <p>(vi) The student should be withdrawn from the programme. The student may be eligible for award of credit or an exit award, where they have sufficient credit and meet the learning outcomes for that award. In such cases, the student is not eligible for admission onto any other College or University programme.</p> <p>(vii) The student should fail the entire level/stage of the programme to which the allegation relates with no right to re-sit. All credit and marks for that level to be withdrawn. The student may be eligible for an exit award, where they have sufficient credit and meet the learning outcomes for that award. In such cases the student is not eligible for admission onto any other College or University programme.</p>

Type of offence	Description	Penalty
		(viii) The student should be withdrawn from the programme and all credit and marks would be withdrawn. In such cases the student would not be eligible for any award of the University or for admission onto any other College or University programme. In the case of a student who has received an award and has left the College, the University award should be withdrawn.

Title	Student Academic Misconduct Policy	Author	Student Academic Services
Location	NCH Academic Handbook	Approved by	Academic Board
Version	3.0	Last updated	
Publication date	December 2018	Review date	August 2019
Related policies			
Related documents	Academic Misconduct pro-forma		
External Reference Points(s)	UK Quality Code: Assessment; Office of the Independent Adjudicator		