



Academic Misconduct Policy

CONTEXT

1. For the purpose of this policy, 'student' refers to all student registered on undergraduate and postgraduate programme, degree apprenticeship programmes and the NCH Diploma.

INTRODUCTION

2. 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.
3. The College's wishes its approach to be 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 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.
4. 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.
5. The College will have effective arrangements through the Academic Board to monitor, evaluate, and improve the effectiveness of its policy and procedure.
6. This policy relates to academic misconduct for assessments for programmes delivered at the College.
7. For degrees, 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 component of study as defined in each Course Descriptor.

PRINCIPLES

8. The College is committed to:
 - 8.1. The determination of academic misconduct being an academic judgment.
 - 8.2. Having fair, effective and timely procedures for handling allegations of student academic misconduct.
 - 8.3. 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.
 - 8.4. Transparency and equity in terms of penalties imposed for the varying types of misconduct.
 - 8.5. Remedies for academic misconduct being developmental as well as punitive.
 - 8.6. Effective monitoring and reporting processes.
9. In allegations of academic misconduct, the burden of proof is upon the College to prove that academic misconduct has occurred, not for the student to prove that it has not.
10. A lack of intent is not an acceptable defence against an allegation of academic misconduct.
11. In determining whether a case is proven or not, the standard of proof is on the 'balance of probabilities' rather than 'beyond reasonable doubt'.
12. In the most serious cases, the College may determine that a student should be withdrawn from their programme. In such cases, the decision must be approved by Academic Board.
13. 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.
14. 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

15. 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.
16. 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 from taking action where other forms of academic misconduct are identified.

- 16.1. 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.
- 16.2. 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.
- 16.3. Falsification – where the content of any assessed work has been invented or falsely presented by the student as their own work.
- 16.4. 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.
- 16.5. Taking unauthorised notes or devices into an examination.
- 16.6. Obtaining an unauthorised copy of an examination paper.
- 16.7. 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.
- 16.8. Providing assessments for the purpose of academic misconduct – where a student sells to, writes or provides assessments for another student.
- 16.9. Being a party to impersonation in relation to an examination.
- 16.10. Failure to obtain, or breach of ethical approval, where this is a requirement of the assessment.
- 16.11. Submission of work where the student has used a third party whose input is not allowed (‘contract cheating’; use of ‘essay mills’).
- 16.12. Submitting a fraudulent Extenuating Circumstances claim.

PREVENTION

17. 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.
18. All students are therefore expected to be fully conversant with the rules and regulations associated with academic misconduct.
19. 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

20. The College will use all appropriate mechanisms for detecting suspected academic misconduct, including but not limited to the opinions of faculty, the use of software packages, and interviews (of the student by two members of faculty).
21. The College will ensure that suitable briefings are provided for all staff involved in detecting and handling student academic misconduct.

ACADEMIC MISCONDUCT PROCEDURES

22. Where a tutor determines that there is academic misconduct in an assessment submitted by a student, or where academic misconduct is detected during an examination by an invigilator, the assessment, assessment brief or examination paper, and supporting evidence, together with a completed Academic Misconduct Form stating the nature and extent of the academic misconduct, should be submitted to the Assistant Registrar (AR).
23. The AR shall review the documentation, seeking clarification where required, and identify whether the offence is Minor or Major.
 - 23.1. 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.
 - 23.2. A **Major** offence is defined as
 - 23.2.1 any second or subsequent offence at any level
 - 23.2.2 any first offence at Levels 6 or 7 where the assessment is 100% of the course
 - 23.2.3 any multiple offence (three or more assessments) at any level where the academic misconduct is deliberate, calculated and extensive
 - 23.2.4 all allegations of obtaining an unauthorised copy of an examination paper, use of a third party whose input is not allowed, 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

PROCEDURE FOR MINOR OFFENCES

24. Where an offence has been identified as 'Minor', the Registrar shall determine the appropriate penalty from the College's penalty tariff ([Annex A](#)). 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.
25. Where the student disagrees with 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 considered by an Academic Misconduct Panel (AMP).

PROCEDURE FOR MAJOR OFFENCES

26. All offences identified as Major will be investigated by an AMP.
27. The AMP will comprise:

- 27.1. A Dean or Head of Faculty, independent of any Faculty to which the student's programme of study is related (Chair)
- 27.2. One member of faculty, independent of any Faculty to which the student's programme is related
- 27.3. A member of the Quality Team, who will also act as Secretary and will advise the panel on procedural matters and record decisions of the panel
28. Where the student has a previous major offence of academic misconduct or has appealed against a minor offence, the AMP must not include anyone who sat on the previous AMPs.
29. The student may submit a written statement concerning the alleged academic misconduct and may submit witness statements. The student shall provide any such statements to the Secretary to the AMP not less than five working days prior to the date of the AMP meeting.
30. The student will be invited to attend the AMP and may be accompanied by a friend¹ or Student Union representative. They will be provided with copies of the documentation presented to the AMP.
31. A student cannot be represented by another person at an AMP meeting except in cases where a student is not capable of representing themselves (e.g. they are suffering from evidenced mental health issues).
32. If the student does not attend the AMP meeting without giving a valid reason, or if the student formally confirms to the Secretary that they will not be attending, or they accept the allegation, the Chair of the AMP shall have the discretion to proceed in the student's absence.
33. Exceptionally, the student can request the rescheduling of a meeting, providing reasonable notice is given, together with sufficient reason, or evidence supplied of why the student is unable to attend on the scheduled day, e.g. accident, serious illness.
34. The AMP will normally interview the tutor and/or the Registrar. If they are unable to attend, the AMP will be provided with written reports.
35. Where appropriate, it may be possible to convene a meeting virtually, e.g. using Zoom. The decision to conduct the meeting of the AMP in this way rests with the Chair of the AMP.
36. On completion of the representations, the AMP will conduct its deliberations in private, to decide whether the academic misconduct is proven or not proven.
37. Where the academic misconduct is **not proven**, the student shall be informed in writing within five working days that no further action will be taken. Their work will be marked as normal. The outcome letter will summarise the AMP's decision, including the grounds on which the decision was based.
38. Where the academic misconduct is **proven**, the AMP will normally impose a penalty in line with the penalty tariff guidance at [Annex A](#). The student will be informed in writing within five working days; and the outcome letter will summarise the AMP's decision, the grounds on which the decision was based, and

¹ 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.

the penalty to be applied. The student will also be informed of their right of appeal and will be referred to the Academic Services Coordinator for further help and guidance.

39. Where the findings of the AMP call into question the authorship of other assessments submitted by the student, the AMP will suspend its decision while a preliminary investigation into these other assessments is made. Where these preliminary investigations find a *prima facie* case, the AMP will reconvene to consider these assessments. Where the preliminary investigation finds no *prima facie* evidence, the AMP will make a penalty decision on the original assessment in which misconduct had been found.
40. Where the AMP considers that the student should be withdrawn from their programme, the decision must be approved by the Chair of Academic Board. The approval process should only be carried out once the student has exhausted the internal appeals procedure.
41. The relevant Award External Examiner will be informed after a student has been withdrawn; and they will be requested to confirm in their External Examiner Report that College procedures were consistently and fairly applied.
42. The student and members of staff will be sent copies of the outcome of the AMP, which will clearly state the process undertaken and the rationale for the outcome determined by the AMP.

APPEALS

APPEAL AGAINST A MINOR OFFENCE

43. 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 Registrar, this deadline may be waived where evidence is provided to show circumstances prevented an appeal being lodged.
44. The student will be invited to attend the AMP and may be accompanied by a friend² or Student Union representative. The student will be provided with copies of the documentation presented to the AMP.
45. The AMP will normally interview the student and the tutor or the Registrar. If the tutor or Registrar is unable to attend, they will provide the AMP with a written report. The AMP will then decide whether the academic misconduct is proven or not proven.
46. 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.
47. Where the allegation is proven, the AMP will either confirm the penalty recommended by the Registrar or impose a lower penalty. The AMP cannot raise the penalty from that initially imposed prior to the appeal.
48. This marks the end of the appeal stage. The student will be issued with a 'Completion of Procedures' (COP) letter confirming that they have exhausted the

² 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.

College'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).

APPEAL AGAINST A MAJOR OFFENCE

49. The student may appeal against the conclusion (i.e. proven or not proven) or penalty of an AMP where any of the following apply:
 - 49.1. There is new evidence that was not available to the AMP at the time of their deliberations.
 - 49.2. There is evidence that procedures and/or guidance have not been implemented correctly.
 - 49.3. The penalty tariff was incorrectly applied.
50. 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 Registrar, this deadline may be waived where evidence is provided to show circumstances prevented an appeal being lodged.
51. The Registrar 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.
52. Where no evidence or insufficient evidence is submitted, the Registrar 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 letter confirming that they have exhausted the College's internal appeals procedure relating to academic misconduct and advising that any further request for redress will need to be made to the OIA.
53. Where the Registrar determines that sufficient new evidence has been submitted, the case shall be referred to an Academic Misconduct Appeal Board (AMAB).
54. The AMAB will comprise:
 - 54.1. The Master (Chair)
 - 54.2. A Dean or Head of Faculty, independent of any Faculty to which the student's programme of study is related, and independent of the AMP
 - 54.3. One member drawn from Academic Board or the Teaching, Learning and Enhancement Committee, independent of any Faculty to which the student's programme of study is related, and independent of the AMP
 - 54.4. A member of the Quality Team will serve as Secretary and will advise the panel on procedural matters and record decisions of the panel.

PROCEEDINGS OF AN ACADEMIC MISCONDUCT APPEAL BOARD

55. An AMAB will normally meet to consider an appeal within 20 working days from receipt of the appeal.
56. The AMAB will review the original evidence, the AMP's report and the evidence on which the appeal is based.
57. The AMAB will interview the tutor and/or the Registrar, the student and any other person(s) whom the AMAB believes may be able to provide relevant information.

If the tutor or Registrar is unable to attend, they will provide the AMAB with a written report.

58. The student does not have to attend the AMAB, but it is in their interest to do so.
59. The student can be accompanied by a friend or Student Union Officer.³ They will be provided with copies of the documentation presented to the panel.
60. A student cannot be represented at AMAB except in cases where a student is not capable of representing themselves (e.g. they are suffering from evidenced mental health issues).
61. 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.
62. Where the academic misconduct **is proven**, the AMAB will either confirm the penalty recommendation of the AMP or impose an alternative penalty based on the published penalty guidelines at [Annex A](#). The student will also be referred to the Academic Services Coordinator for further help and guidance.
63. Where the AMAB considers that the student should be withdrawn from their programme, this must be approved by the Chair of Academic Board.
64. The relevant Award External Examiner will be informed after a student has been withdrawn; and they will be requested to confirm in their External Examiner Report that College procedures were consistently and fairly applied.
65. This marks the end of the appeal stage. The student will be issued with a COP letter confirming that they have exhausted the College'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

66. Where an AMP 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 Academic Board.
67. The student must first be given the opportunity to appeal the decision.
68. Where no appeal is received, the Registrar shall refer the decision to the Chair of Academic Board for approval.
69. Where the Chair of Academic Board is dissatisfied with the process, they will give their reasons and refer the case back to the Registrar for review.
70. Where the Chair of 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.
71. The student will be notified in writing of the decision of the Chair of Academic Board by the Registrar.
72. The relevant Award External Examiner will be informed after a student has been withdrawn or had an award or credit withdrawn; and they will be requested to

³ 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.

confirm in their External Examiner Report that procedures were consistently and fairly applied.

MONITORING AND REPORTING

73. Student and Academic Services will maintain a record of academic misconduct outcomes and appeals and ensure that appropriate action has been taken.
74. The Registrar will provide an annual report on academic misconduct and appeals to the College's Course Assessment Board.
75. No report will identify an individual student.

Title: Academic Misconduct Policy					
Approved by: Academic Board					
Version number	Date approved	Date published	Author	Location	Proposed next review date
4.0	January 2021	January 2021	Registrar	Academic Handbook/ policies and procedures/ academic policies and procedures	April 2021
3.3	October 2020	October 2020	Registrar	Academic Handbook/ policies and procedures/ academic policies and procedures	April 2021
3.2	February 2020	February 2020	Registrar	Academic Handbook/ policies and procedures/ undergraduate degree	April 2021
3.1	February 2019	April 2018	Student Academic Services	Academic Handbook	August 2019
Referenced documents	Academic Misconduct Form				
External Reference Point(s)	UK Quality Code Theme: Assessment; Office of the Independent Adjudicator				

ANNEX A: 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 Panel. This is for all students named in the allegation regardless of whether it is another student's 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.

PENALTIES:

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

Undergraduate, Postgraduate and Degree Apprenticeship programmes

TYPE OF OFFENCE	DESCRIPTION	PENALTY
Minor	<ul style="list-style-type: none"> • Where for good reason the student was not aware of the regulations. • Exceptionally where there are circumstances that would suggest that natural justice means the lightest penalty should be imposed. 	(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 will be marked as normal.
Minor	<ul style="list-style-type: none"> • Any minor first offence at Level 4, excluding those which are automatically a Major offence 	(ii) The student should fail the particular assessment to which the allegation relates, with the right to resit and with the assessment mark capped at the pass mark.
Minor	<ul style="list-style-type: none"> • Any minor first offence at Levels 5-7 	(iii) 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.

TYPE OF OFFENCE	DESCRIPTION	PENALTY
Major	<ul style="list-style-type: none"> • Second offences at any level * • First offence at any level of obtaining an unauthorised copy of an examination paper. 	<p>(iv) 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 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>(v) 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>(vi) The student should fail the whole course to which the allegation relates 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"> • Any third offence at any level • Multiple offences at any level where academic misconduct is deliberate, calculated and extensive * • Any second or subsequent offences of obtaining an unauthorised copy of an examination paper. • Any first offence of being a party to impersonation in relation to an examination. 	<p>The following penalties may be considered:</p> <p>(vii) 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>(viii) 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</p>

TYPE OF OFFENCE	DESCRIPTION	PENALTY
	<ul style="list-style-type: none"> Any first offence of providing assessments for the purpose of academic misconduct. 	<p>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 programme.</p> <p>(ix) 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 College or for admission onto any other College programme. In the case of a student who has received an award and has left the College, the College award should be withdrawn.</p>

NCH Diploma

TYPE OF OFFENCE	DESCRIPTION	PENALTY
Minor	<ul style="list-style-type: none"> Where for good reason the student was not aware of the regulations. Exceptionally where there are circumstances that would suggest that natural justice means the lightest penalty should be imposed. 	<p>(x) 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 will be marked as normal.</p>
Minor	<ul style="list-style-type: none"> Any minor first offence, excluding those which are automatically a Major offence 	<p>(xi) The student should fail the particular assessment to which the allegation relates, with the right to resit and with the assessment mark capped at the pass mark.</p>

TYPE OF OFFENCE	DESCRIPTION	PENALTY
Major	<ul style="list-style-type: none"> • Second offence • First offence - obtaining an unauthorised copy of an examination paper. 	<p>(xii) 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 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>
Major	<ul style="list-style-type: none"> • Any third offence at any level • Multiple offences where academic misconduct is deliberate, calculated and extensive * • Any second or subsequent offences of obtaining an unauthorised copy of an examination paper. • Any first offence of being a party to impersonation in relation to an examination. • Any first offence of providing assessments for the purpose of academic misconduct. 	<p>The following penalties may be considered:</p> <p>(xiii) The student should be withdrawn from the Diploma.</p>