



# Academic Misconduct Policy

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## 1. Introduction

- 1.1 NMITE is committed to upholding the values of academic integrity, honesty and trust that underpin UK higher education and in doing so is required to ensure that assessments are equitable, valid and reliable
- 1.2 The Academic Misconduct Policy and the procedures set out in this document are intended to provide a clear and impartial process for dealing with allegations relating to alleged offences of academic misconduct.
- 1.3 When dealing with students suspected of academic misconduct NMITE will endeavour to ensure that our systems, panels, and communications adhere to the following guiding principles that will contribute to making our operations both transparent and clear.
- 1.4 Where actions or responsibilities are indicated for either the Academic Director or the Director of Student Life another member of staff with equal knowledge and understanding of Academic Misconduct may be identified as a 'nominee'. From here on in the term Academic Director or the Director of Student Life includes the delegation of duties to a 'nominee.'

## 2. Key Principles

- 2.1 Any inappropriate activity or behaviour by a student which may give that student, or another student, an unpermitted/unfair advantage in any form of summative assessment (i.e. it contributes to a module mark and/or progression decision) is considered to be an act of academic misconduct and is not permitted. Any such



action(s) will be considered under this Academic Misconduct Policy, and if proven will result in penalties.

- 2.2 Formative assessment is primarily designed to give feedback on progress and inform development but does not contribute to a module mark. If the affected work does not count towards an award, a transcript mark or a progression decision, the problematic work should normally be addressed by specific and extensive feedback on the issue that is the subject of concern. This is to ensure change of behaviour and act as a preventative and supportive measure for students.
- 2.3 All students will be provided with advice and guidance as to what constitutes academic misconduct both during Induction when they join NMITE, and at regular intervals thereafter, and academic staff will make them aware of the possible outcomes of action constituting academic misconduct. Students have a responsibility to ensure they attend such sessions and engage with the support provided to them in this regard.
- 2.4 The use of generative artificial intelligence (AI) in assessments is strictly prohibited unless explicitly specified within the assessment brief. Students must take responsibility for the originality and integrity of their own work, including asking for clarification of assessment requirements as necessary.
- 2.5 Students are responsible for ensuring that they inform NMITE of any extenuating circumstances that they consider are affecting their ability to undertake an assessment at the earliest opportunity, to ensure appropriate support can be provided. The existence of Extenuating Circumstances will not be accepted as a reason for a student committing academic misconduct as students can seek support via the Extenuating Circumstances Policy.
- 2.6 It is not necessary to prove intention to commit academic misconduct in order to make a finding of academic misconduct. However, proven intent to commit academic misconduct may be considered an aggravating factor when determining a penalty.

### 3. Offences of Academic Misconduct

- 3.1 The following is a non-exhaustive list of examples of academic misconduct:
  - i. **Plagiarism:** representing another person's work or ideas as one's own. For example, by failing to correctly acknowledge others' ideas and work as sources of information in an assignment and neglecting use of quotation marks. This also applies to the use of graphical material, calculations etc - in that plagiarism is not limited to text-based sources.



- ii. **False Authorship:** where a student is not the author/creator of the work they have submitted as their own for assessment. This may include a student submitting the work of another student. This may also include the submission of work that has been produced (in whole or in part) by another student or third party. (Guidance on team assessments can be found in the Student Teamworking Guidance.)
- iii. **Collusion:** cooperation in order to gain an unpermitted advantage. This may occur where students have consciously collaborated on a piece of work, in part or whole, and passed it off as their own individual efforts or where one student has authorised another to use their work, in part or whole, and to submit it as their own.
- iv. **Misconduct in scheduled/time-limited assessments:** including, for example, when a student copies work from another student; obtains or offers any other improper assistance from or to another student (or any other person unless an approved reader or scribe); has with them any unauthorised book (including mathematical tables), manuscript or loose papers of any kind, unauthorised electronic devices (e.g. mobile telephones, smart watches) or any source of unauthorised information; allows themselves to be impersonated or impersonates another student.
- v. **Fabrication or misrepresentation:** the presentation of fabricated data, results, references, evidence or other material or misrepresentation of the same. Including, for example, falsely claiming to have carried out experiments, observations; falsely claiming to have obtained results or other evidence.
- vi. **Fraudulent submission of Extenuating Circumstance** submitting a false Extenuating Circumstances claim where the claim and/or evidence has been fabricated/falsified.

## 4. The Academic Misconduct Procedure – Programme-level

### 4.1 Reporting a suspicion of academic misconduct

Where a member of staff suspects that academic misconduct has taken place, they will report the matter in writing to the Academic Director, providing reasons and any relevant evidence.

### 4.2 Investigation by the Academic Director

- 4.2.1 The Academic Director will consider the evidence and may question people, including the Module lead, Programme lead and students themselves, appropriately to gain additional information.
- 4.2.2 They will ask the student to attend a meeting, giving the student a minimum of 5 working days' notice of the meeting, and advise them of their right to have a supporter attend the meeting with them.



- 4.2.3 The supporter must be either a fellow student or a member of NMITE staff. The supporter may take notes on the student's behalf, make representations on the student's behalf, and ask questions, but may not answer questions on the student's behalf. The supporter cannot attend the meeting in the student's absence.
- 4.2.4 The student must inform the Academic Director who will be attending as their supporter in advance of the meeting.
- 4.2.5 If the student does not respond to a written request to attend the meeting, the Academic Director may continue with the meeting without the student's involvement and (provided the student has been given adequate opportunity to make representations) make a decision. The student will be sent written notification of the outcome.
- 4.2.6 The Director of Student Life will attend the meeting.
- 4.2.7 The student will be notified in advance of the meeting of the people who will be attending the meeting.
- 4.2.8 Ordinarily, the student will be provided with evidence of the suspected misconduct in advance of the meeting, so the student is clear regarding the allegations. However, in cases where the Academic Director believes it more appropriate to inform the student of the details of the allegation in person, it will be ensured that the student is not put at a disadvantage as a result.
- 4.2.9 In the meeting the Academic Director will:
- i. Ensure the student is aware of the definition of academic misconduct generically and specific to the allegation.
  - ii. Outline the procedure and possible outcomes relating to the alleged Academic Misconduct.
  - iii. Explain the reasons for suspecting the student of academic misconduct and ask if the student understands these reasons. All material relating to the case should be made available to the student.
    - For cases of suspected plagiarism, where possible, the evidence will refer to the student's assessment and (unless unavailable for good reason) the original source(s) to demonstrate the extent of any plagiarism.
    - For cases where the authorship of the assessment is contested, the meeting will be conducted in the manner of oral questioning: the student will be asked questions regarding the assessment involved in the allegation. This will not be used as a form of assessment, only as a form of questioning as part of the investigation. Questions will be designed to give the student the opportunity to demonstrate that they are the sole author of the piece of work. Students may be requested to provide drafts of their work and explain the development



of the assessment. For these cases it is recommended a subject specialist is present at the meeting.

- iv. Ask the student about any **training/guidance** they had received relating to academic misconduct and, in the case of suspected plagiarism, determine whether or not, upon submission of the piece of work, the student had declared that the work was their own.
- v. Ask the student to **respond to the allegations**.

4.2.10 Once the meeting has taken place and the student has provided their response, the Director of Student Life will **write** to the student, summarising the case and giving the decision for further action.

### 4.3 Outcomes from a Programme-level Investigation

4.3.1 Decision of the Academic Director:

- i. If the Academic Director is satisfied that academic misconduct has **not** taken place, no further action will be taken in relation to the case and no formal record of the issue will be kept. The student will be informed of this outcome in writing.

or,

- ii. If the Academic Director is satisfied, on the balance of probabilities, that academic misconduct **has** occurred, one of the following courses of action will apply and the student will be notified of the outcome in writing.

### 4.4 Courses of action – Programme-level

#### 4.4.1 Referral to Academic Misconduct Panel

- i. Where the student has a previous case of academic misconduct recorded against them where the first instance was not the result of Poor Academic Practice (and where the second/subsequent offence has occurred after the procedures for the first offence have been completed. If multiple instances are discovered and investigated at the same time or an instance occurs before the conclusion of the first academic misconduct meeting, this should be considered as one instance).

and/or,

- ii. Where the Academic Director believes an appropriate penalty for the instance is not available to them under this Policy.

4.4.1.1 In either or both of (i) and (ii) above, the Director of Student Life will forward the decision letter and supporting evidence to the Academic Misconduct Panel. This



referral must be made within 10 working days of the student being notified of the final decision.

4.1.1.2 Where a case is referred to the Academic Misconduct Panel, the Director of Student Life will inform the relevant Assessment Board. The Assessment Board must defer consideration of the work in question until the Panel has decided on the case. The results for modules unaffected by the suspected misconduct should be considered by the Assessment Board and released to the student in the usual manner.

#### 4.4.2 Programme-level outcomes

- i. If the Academic Director is satisfied that the academic misconduct came about because of a lack of understanding of good academic practice or convention (subject to the following paragraph), the student will receive a written caution.
  - This will be recorded on the student's record as a case of Poor Academic Practice and reported to the Academic Misconduct Panel at the same time that the student is notified of the decision.
  - A penalty will not be imposed although the lower standard of the piece of work is likely to be reflected in the mark awarded. The Academic Director or delegate will provide the student with relevant guidance to enable the student to develop their understanding of good practice. Should a further allegation of academic misconduct occur subsequent to a finding of Poor Academic Practice, this will be investigated by the Academic Director or delegate as a first instance.or,
- ii. If the Academic Director or delegate is satisfied that the student had been provided with the appropriate information and guidance on how to develop skills about such practice and, in all the circumstances, could reasonably be expected to avoid the academic misconduct, a penalty will be imposed.
  - The matter will be recorded on the student's record as a case of Academic Misconduct and reported to the Assessment Board at the sitting considering the relevant module.
  - If appropriate, the student will also be provided with relevant guidance to enable them to develop his or her understanding of good practice. All penalties should be appropriate and proportionate, considering all the evidence presented and the impact of the penalty.

#### 4.4.3 The penalties available to the Academic Director

- i. **A written warning.** (Where relevant, the lower standard of the piece of work is likely to be reflected in the mark awarded but no further penalty will be imposed).



- ii. **A mark of zero for the specific material** which is the subject of the academic misconduct or where the material does not constitute a specific paragraph or section. The amount of material deemed to be subject to academic misconduct is a matter of academic judgment.
- iii. **An overall percentage reduction** to the piece of work reflecting the percentage of the work which is the subject of the academic misconduct as determined by the Academic Director or delegate. The amount of material deemed to be subject to academic misconduct is a matter of academic judgment.
- iv. **A mark of zero for the entire piece of assessment** in which the academic misconduct has occurred.
- v. **A mark of zero for the entire module** in which the academic misconduct has occurred.

## 5. The Academic Misconduct Panel

Ordinarily, cases will be heard by a panel in a formal hearing; the panel will comprise three members, including the Academic Director and Director of Student Life, with one appointed as Chair. The third member will be a trained student representative or, where no student representative is available, an academic staff member. The student whose case is being heard may insist that the panel does or does not include a student representative.

### 5.1 Academic Misconduct Panel Hearings

- 5.1.1 The student will be given at least five working days' notice of the Academic Misconduct Panel hearing.
- 5.1.2 The student has the right to be accompanied by a supporter which may be one of the following:
  - i. a fellow student or friend.
  - ii. member of staff (as long as they are not involved in the case).
  - iii. or family member
- 5.1.3 The supporter may take notes on the student's behalf, make representations on the student's behalf, and ask questions, but may not answer questions on the student's behalf. The student may be asked to choose a different supporter if, for example, it is perceived that the chosen supporter may cause a conflict of interest or if their presence may prejudice the meeting. The supporter cannot attend the meeting in the student's absence.
- 5.1.4 The documentation for the hearing along with a copy of these procedures will be circulated in advance of the meeting and will include the Academic Directors



Programme level decision letter and supporting evidence. The student will be invited to submit a written statement for inclusion in the documentation.

- 5.1.5 The member of Academic Staff who has reported the alleged Academic Misconduct is required to attend to present their case. If the member of Academic staff is unable to attend for good reason, they may submit a written report.
- 5.1.6 If the student is unable to attend for good reason, they may elect to make written representations and have the case heard *in absentia*, and the Chair will have a duty to ensure that the members of the panel are fully aware of all the facts including the points made in the student's statement.
- 5.1.7 All attendees will normally have access to the same documentary and verbal evidence, although an exceptional arrangement may be made at the discretion of the Chair, if a student wishes to request that additional evidence be made available to the panel only (e.g. properly certified medical evidence that the student felt unable to share with the Programme team).
- 5.1.8 If the student has a previous case of Academic Misconduct on their record, the panel will only be told of this after a verdict is reached but before a penalty is decided upon (if appropriate).
- 5.1.9 The names and roles of those attending, whether as supporter or witness, must be notified to the Academic Misconduct Panel, via the Director of Student Life at least three working days in advance of the hearing.
- 5.1.11 The Academic Misconduct Panel has the power to:
  - i. require members of NMITE staff to make written submissions, attend, give evidence, and answer questions.
  - and,
  - ii. apply a penalty if it is satisfied, on the balance of probabilities, that academic misconduct has taken place.
- 5.1.12 Once the panel has made its decision, the students will be informed of the panel's decision in writing within five working days. The students(s) will be informed of their right of appeal.
- 5.1.10 If the panel identifies any shortcomings in the Programme-level procedure, details of these will be recorded and report them to the Director of Student Life for remedial action to be put into place.

## **5.2 Penalties available to the Academic Misconduct Panel**





A panel of the Academic Misconduct Panel has the **power** to apply **one or more** of the following penalties/actions:

- i. any of the penalties/actions listed as available to the Academic Director at programme level (ref. section 4.3.3).
- ii. award a mark of zero for the FHEQ Level (even where this will lead to, for example, a reduction in degree class or the award of a lower qualification).
- iii. require the student to take reassessments/resubmit work (as a result of being awarded zero marks) in the following session before being allowed to progress or complete their course.
- iv. suspend or terminate the student's programme of study.

Note: Where the penalty would lead to the termination of the student's programme of study through the automatic application of the Academic Regulations (i.e., because the student has exhausted their reassessment opportunities), the Panel may exercise its discretion and decide to grant the student one further reassessment opportunity notwithstanding regulations.

## 6. Appeal Procedure

- 6.1 Students who consider that NMITE has failed to carry out its duty to act fairly in the application of the Academic Misconduct Policy may appeal in writing to the Chief Academic Officer (CAO) to request a review of the outcome decision(s).
- 6.2 Such requests should be made within ten working days of the student being notified of the decision of their Academic Misconduct Panel hearing.
- 6.3 Students must be aware that being dissatisfied with the outcome alone does not constitute grounds for requesting an appeal.
- 6.4 In order for an appeal to be considered the student must establish the following grounds:
  - i. Procedural irregularity and/or,
  - ii. There is new evidence to support the appeal that could not, for good reasons, be presented at the time. and/or
  - iii. A compelling argument that the decision and/or penalty was unreasonable and/ or disproportionate
- 6.5 Where necessary, the CAO or delegate acting on their behalf, may liaise with the Chair of the Academic Misconduct Panel in conducting the review and in determining an appropriate outcome.



6.6 The review stage will not usually consider the issues afresh or involve further investigation. The reviewer can:

- i. Reject the claim and issue the student with a Completion of Procedures letter.
- or,
- ii. Uphold the claim and substitute a decision on behalf of NMITE.

## **7. Office of the Independent Adjudicator**

- 7.1 If a student believes that the internal appeal process has been incorrectly conducted or feels that the outcome is unreasonable in relation to the evidence, then they have the right to raise the matter for external and independent review by the Office of the Independent Adjudicator (OIA). Information on the process may be obtained directly from the OIA at: <http://www.oiahe.org.uk> and will be included in the letter of completion. The complaint needs to be submitted to the OIA within 12 months of the date of the Completion of Procedures Letter.
- 7.2 NMITE report annually to the Office of the Independent Adjudicator on the number of Completion of Procedures issued.



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