



# Academic Misconduct Policy 2020/21

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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.
- 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 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.



## 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 Students must take responsibility for the originality and integrity of their own work, including asking for clarification.
- 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 soonest 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 (*insert hyperlink*)
- 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

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 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.
- 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 himself/herself 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; 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 Programme Leader, providing reasons and any relevant evidence.

### 4.2 Investigation by the Programme Leader (or authorised member of staff)

4.2.1 The Programme Leader will **consider the evidence** and may question appropriately people 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 Programme Leader 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 Programme Leader 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 meeting will be attended by a **third-party**, such as a module leader, Personal Tutor or a member of Registry staff to take notes.
- 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 the evidence of suspected misconduct in advance of the meeting, so the student is clear regarding the allegations. However, in cases where the Programme Leader 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 Programme Leader will:
  - i. Ensure the student is aware of the **definition** of academic misconduct.
  - 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 the student 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 subject to 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 Programme Leader will **write** to the student, summarising the case and giving their decision for further action.

#### **4.3 Outcomes from a Programme-level Investigation**

##### **4.3.1 Decision of the Programme Leader**

- i. If the Programme Leader 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 Programme Leader 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 Committee**

- 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 Programme Leader 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 Programme Leader will forward the decision letter and supporting evidence to the **Academic Misconduct Committee** for the case to be heard by a 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 Committee, the Programme Leader will inform the relevant Assessment Board. The Assessment Board must defer consideration of the work in question until the Committee has made a decision 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 Programme Leader 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 Committee 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 Programme Leader (or nominee) 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 Programme Leader as a first instance.

or,

- ii. If the Programme Leader 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 Academic Misconduct Committee at the same time that the student is notified of the decision.
- 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, taking into account all the evidence presented and the impact of the penalty.

#### 4.4.3 The penalties available to the Programme Leader

- 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 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 Programme Leader. The amount of material deemed to be 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 Committee

Ordinarily, cases will be heard by a **panel** in the form of a formal hearing and the panel will comprise three members, including the Academic Registrar and the Provost, 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 Monitoring Academic Misconduct Committee Hearings



- 5.1.1 The student will be given a minimum of 5 working days' written notice of their Academic Misconduct Committee hearing.
- 5.1.2 The Programme representative(s) are required to attend to present their case. If the student is unable to attend for good reason, they may elect to have 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.
- 5.1.3 The hearing documentation will be circulated in advance of the hearing and will include the Programme Leader's decision letter and supporting evidence. The student will be invited to submit a written statement for inclusion in the documentation.
- 5.1.4 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).
- 5.1.5 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).
- 5.1.6 Both the Programme and the student may invite **witnesses** to attend and the student is entitled to bring a supporter to the hearing. 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 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.
- 5.1.7 The names and roles of those attending, whether as supporter or witness, must be **notified** to Academic Misconduct Committee, via the contact details provided in the Call to Hearing Letter (*insert hyperlink*) at least three working days in advance of the hearing.
- 5.1.8 The Academic Misconduct Committee 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.

5.1.9 Once the panel has made its decision both the student and Programme Leader will be notified of the outcome in writing, normally within two working days. Where this is not possible, students will be notified of an alternative timeframe in which they can expect to receive the outcome.

5.1.10 If the panel identifies any shortcomings in the Programme-level procedure, details of these will be recorded by the Secretary who will report them to the Programme Leader for remedial action to be put into place.

## 5.2 Penalties available to the Academic Misconduct Committee

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

- i. any of the penalties/actions listed as available to the Programme Leader.
- 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 Committee may exercise its discretion and decide to grant the student one further reassessment opportunity notwithstanding regulations.

## 6. Next steps

- 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 should write to the President and CEO to request a review of the outcome decision(s).
- 6.2 Students must be aware that being dissatisfied with the outcome alone does not constitute grounds for requesting a review.
- 6.3 In order for a review request to be considered the student must establish the following grounds:



- i. A procedural irregularity occurred in the handling of the Academic Misconduct Committee Hearing;
- and/or,
- ii. A compelling argument that the decision and/or penalty was unreasonable and/or disproportionate.

Such requests should be made within **one calendar month** of the student being notified of the decision of their Academic Misconduct Committee hearing.

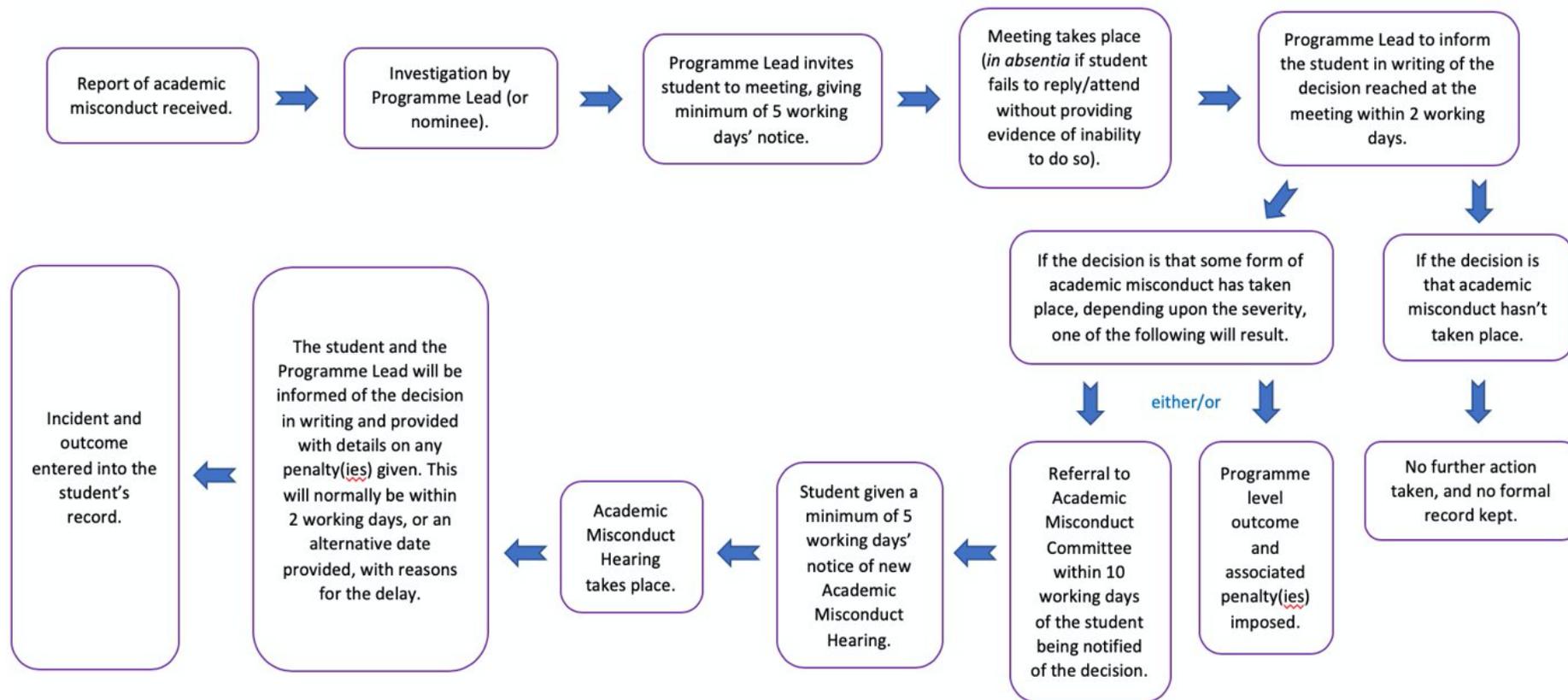
- 6.4 Where necessary, the President and CEO, or delegate acting on their behalf, may liaise with the Chair of the Academic Appeals and Misconduct Committee in conducting the review and in determining an appropriate outcome.
- 6.5 The review stage will not usually consider the issues afresh or involve 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. Completion of Procedures and the Office of the Independent Adjudicator**

- 7.1 As required by the Office of the Independent Adjudicator (OIA), if NMiTE are unable to resolve the case to the student's satisfaction, and there are no further steps available to the student, we will issue a formal "Completion of Procedures" letter within 28 days of the outcome being determined. This provides formal confirmation that the student has exhausted the internal procedure and is required for their case to be considered by the OIA.
- 7.2 Once the internal procedures of the academic misconduct policy have been completed, if the student is still not satisfied with the outcome, they may take their case to the Office of the Independent Adjudicator (OIA). The OIA operates externally to NMiTE. It will not normally look at a case unless and until all relevant internal procedures have been exhausted. Further information is available from the OIA website [www.oiahe.org.uk](http://www.oiahe.org.uk)



## Appendix 1 – Academic Misconduct Procedure



Please note: Any student who considers that NMITE has failed to discharge its duties under this procedure should refer to Sections 6 and 7 of the Academic Misconduct Procedure.



