

POLICY

Title: HE Academic Misconduct Policy

POLICY HOLDER: Assistant Principal HE and Adults

SMT OWNER:

VERSION NO: 1

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REVIEW PERIOD*: Annual

*The review period refers to our internal policy review process. The published policy is current and is the most recent approved version.

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Further information: If you have any queries about this policy or procedure, please contact the named policy holder.



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1) Preamble

- a) Academic Misconduct can be seen as any activity, whether intentional or otherwise, that is likely to undermine the academic integrity of scholarship and research at the College and where a student gains, attempts to gain or assists others in gaining, or seeking to gain, an unfair academic advantage.

2) Application of these policies

- a) This policy applies to all students studying under UEA's Partner Bachelor and Foundation Degree Awards, or the Norfolk Regulatory Framework 8th Edition V5 and any other Awarding Bodies where there is a default to the Institutions policies (for example Pearson BTEC qualifications).

3) Types of Offence

The following offences, are covered by this policy (unless otherwise stated):

- a) Plagiarism, Self-Plagiarism, Collusion, and Contract Cheating.
 - a. Plagiarism - Plagiarism occurs when, in an assessment, you use or reproduce material without any or without sufficient attribution to the original source. This may include Generative AI.
 - b. Self-Plagiarism - Self-plagiarism is when you reuse material that you have already submitted for a summative assessment here or at another institution, or you submit for a summative assessment some material that you have previously published.
 - c. Collusion - Collusion is when you and someone else work together to produce work that you or they submit for an assessment. This might involve interacting (in person, by phone, email, messaging, social media, or any other way) with another person (or company) to complete the assessment task, such as by sharing answers or parts of answers. It can also involve attempting to collude with another person (or company), even if no collusion happens in the end.
 - d. Contract Cheating - This is defined as work produced by a third-party but passed off as the students' own. This includes the use of essay mills and/or Generative AI for this purpose.
 - e. Inappropriate use of a third party or proofreader

(Please refer to the separate *PI Plagiarism and Collusion Policy* which sets out the process of reviewing allegations of Plagiarism, Collusion and/or Contract Cheating, including acts of self-plagiarism and inappropriate use of a proof-reader).

However, in cases where the application of the *PI Plagiarism and Collusion Policy* identifies a potential high-level offence, this will be reviewed through an Academic Misconduct Panel as detailed below.

- b) Examination / Live Assessment Misconduct – through a Breach of rules and / or Cheating
 - a. Cheating in an exam or course test

This offence consists of attempting to complete an examination/ live assessment

test that counts towards a module grade by unfair means, including but not limited to:

- i. deliberately acquiring advance knowledge of the detailed content of an examination;
- ii. obtaining help from others in a manner not explicitly permitted by the regulations for the examination, including the use of mobile telephones, or any other electronic device capable of sending or receiving information;
- iii. bringing into the examination any unauthorised materials, or
- iv. referring during the examination to any unauthorised material
- v. Use of ear buds/phones in live assessments

b. Breach of the Examination Rules

c) Impersonation

- a. This offence is the assumption by any person of the identity of a student, or person related to a submission (such as a tutor) with intent to deceive or gain unfair advantage. Impersonation commonly entails using a substitute to undertake, in full or part, an examination or other assessment task, or to claim that a student has completed placement work which has not been undertaken.

d) Fabrication, falsification or misrepresentation of data, results or other aspects of research

e) Ethical breaches

i.e. where research work is carried out without ethical approval, or outside the boundaries of ethical approval.

f) Allegations made by third parties

Where a third party has made an allegation – e.g. another student, a member of staff outside the academic team, an external individual and/or company.

g) Submitting fraudulent reasonable adjustment / extenuating circumstances claims or falsifying evidence in support of reasonable adjustment / extenuating circumstances claims (this may also be considered a non-academic disciplinary matter);

4) Procedures for Dealing with Suspected Cases of Academic Misconduct

- a) The Academic Misconduct Officer (AMO), who is appointed by the Head of Higher Education, is responsible for investigation into cases of suspected academic misconduct outside of Plagiarism and Collusion. Plagiarism and Collusion cases are investigated by the Plagiarism Officer.

b) Collection of Evidence:

- a. Should the investigation under the Plagiarism and Collusion Policy result in an allegation being deemed as a high level offence, this will be reviewed by the Academic Disciplinary Panel in accordance with this procedure. The Plagiarism Officer / HE Office will provide evidence for the Academic Disciplinary Panel.

- b. In cases of suspected Examination Misconduct:
If a marker suspects academic misconduct in an examination, they will continue to mark the work as if no concerns are present, keeping a separate copy of the annotated work as evidence. They will gather the necessary evidence to allow the Academic Misconduct Officer to pursue the appropriate investigation. All online examination submissions may automatically be checked by text matching software that will detect any similarity between different students' submissions and to detect similarity with web-based sources.
- c. Wherever possible or appropriate, the main evidence for cheating will be the original source(s) that has/have been drawn on/copied from. The Academic Misconduct Officer may also review other work completed by the student, which will allow them to complete the investigation having knowledge of all the relevant information. If an internal marker suspects cheating but is unable to identify the original sources, they should collect what evidence is available and present it to the Academic Misconduct Officer, who will decide if there is a prima facie case for cheating which would warrant an Academic Disciplinary Panel (ADP).
- d. In cases of inappropriate use of a third party i.e. someone pretending to be you in an assessment, the Academic Misconduct Officer will collate evidence from the invigilator/assessor.
- e. In cases of fabrication, falsification or misrepresentation of data, results or other aspects of research i.e. changing or creating data to fit a hypothesis, making up responses to questionnaires. The Academic Misconduct Officer will collate evidence from the assessor and request to see original raw data.
- f. In cases of ethical breaches i.e. proceeding with data collection without ethical approval, or not following the guidance stipulated. The Academic Misconduct Officer may collect evidence from the source of the information and may require signed and dated evidence from the relevant parties (Gatekeeper etc.).
- g. In cases where a learner has breached their 'Enrolment Form & Learning Agreement' or 'Apprenticeship agreement' i.e. not checking student email account, providing false information, fabricating attendance at work setting the Academic Misconduct Officer may gather a range of evidence from the employer/ placement setting, IT usage data, assessor/ tutor statements.
- h. In cases of a failure to meet the requirements of the course of study i.e., non-attendance at required placement (only affects some courses) the Academic Misconduct Officer may gather a range of evidence from the employer/ placement setting, module tutor/ assessor, work-based supervisor/ assessor.
- i. Submitting fraudulent reasonable adjustment / extenuating circumstances claims or falsifying evidence in support of reasonable adjustment / extenuating claims (this may also be considered a non-academic disciplinary matter); the Academic Misconduct Officer may gather a range of evidence and require further evidence to substantiate the claims.

c) Initial Screening of Evidence

The AMO shall review the evidence as presented and whether there is sufficient evidence to determine the next steps or if there is no case to answer.

Concurrent cases will be reviewed under their own merits but may be dealt with collectively for the same student/ group of students/issue.

The level of offence (Low, Medium, High).

Where the AMO, utilising the grid, is reasonably confident that the case is a low level incident, then they will apply the penalties. There is no requirement that there be an investigative meeting.

Where the AMO has a reasonable suspicion that the case is medium or high level, or where the AMO has insufficient evidence to decide, they must call a virtual or in-person investigative meeting with the student.

The weight and relevance of each criterion is a matter of professional judgement.

	Classification of Misconduct		
Criterion	Low Level	Medium Level	High Level
<p>Experience of Student</p> <p><i>Considers the extent to which the student has received adequate training and/or information and could have reasonably avoided the misconduct.</i></p>	<p>Indicator</p> <p>The student is within the first six months of Higher education in the UK.</p>	<p>Indicator</p> <p>The student is not within the first six months of higher education in the UK but may genuinely not have fully understood the academic requirements.</p>	<p>Indicator</p> <p>The student fully understands the requirements and the rules governing academic misconduct and is not within the first six months.</p> <p>The student has previously received a warning about academic misconduct and/or has been found to have breached academic misconduct policy previously.</p>

<p>Nature of Academic Misconduct</p> <p><i>The type of breach of academic misconduct</i></p>	<p>Indicator Poor academic Practice.</p> <p>Example Approaching gatekeep without ethical approval.</p>	<p>Indicator Unacceptable academic practice.</p> <p>Example Approaching research participants without research approval.</p>	<p>Indicator Clear breach of acceptable academic practice.</p> <p>Example Collecting primary data without ethical approval.</p>
<p>Intent of the student</p> <p><i>Intentionality of the act of academic misconduct</i></p>	<p>Indicator</p> <p>On the balance of probability, the act of academic misconduct was unintentional.</p>	<p>Indicator</p> <p>On the balance of probability, the act of academic misconduct was not intentional but the result of negligence or carelessness rather than an attempt to deliberately deceive.</p>	<p>Indicator</p> <p>On the balance of probability, the act of academic misconduct was intentional and knowingly meant to deceive, or the student did not care whether it was likely to deceive.</p>
<p>Extent</p>	<p>Indicator</p> <p>For text content Suspect text constitutes less than 5% by volume of the whole.</p> <p>For non-text content: One (minor) graphic; A few elements of computer source code;</p> <p>Simple mathematical or scientific proof/algorithm/ formulae</p>	<p>Indicator</p> <p>For text content Suspect text constitutes more than 5% but less than 20% by volume of the whole.</p> <p>For non-text content: More than one graphic Several lines or segments of computer source code;</p> <p>Several or major/more complex mathematical or scientific proof/algorithm/ formulae</p>	<p>Indicator</p> <p>For text content Suspect text constitutes more than 20% by volume of the whole.</p> <p>For non-text content: There is significant appropriation of ideas, artistic work or elements of the argument/conclusion Multiple graphics copied. Little or no own work can be identified with certainty. Complex, advanced proofs or algorithms have been copied.</p>

5) Academic Misconduct Investigation Meeting guidance

The AMO will chair the meeting.

If the AMO is the person who has raised the concern, then the Deputy Academic Misconduct Officer, or equivalent, will act as AMO for the case.

The staff member will set out the allegations and they and the AMO will ask the student a series of questions to examine the alleged academic misconduct. The student will be asked if they accept or deny the allegation.

The student will have the opportunity to respond to the allegations and to raise any mitigating circumstances. If they deny the allegation, it will be referred to an Academic Disciplinary Panel for a formal hearing and decision. If the student admits the allegation, the Chair will ask what led to breach the policy, and about certain things that will help them decide what penalty to apply, such as the student's experience of the UK higher education system and any extenuating circumstances.

When they have finished hearing from you and the staff member, the Chair will ask you both to leave. The AMO will then decide on the balance of probabilities whether or not you have breached this policy. Another way of saying this is 'is it more likely than not that you have breached this policy?'

6) After the meeting

The AMO will decide whether you have breached this policy.

If they decide that you have not breached the policy, no academic misconduct penalty will be applied.

If they decide that you have, they will consider whether the breach should be classified as low, medium or high.

If they classify the breach as low or medium level, they will apply an appropriate penalty. The HE Office will write to you and tell you the penalty and confirm your rights to appeal the decision in accordance with the Academic Appeals / Academic Complaints Procedure. If it is deemed as a High-level offence, this will then be escalated to the Head of School (or designated other) for a possible Academic Disciplinary Panel.

7) What if you admit to breaching the Policy?

It is almost always better to admit it if you are, indeed, in breach of the policy. This is for several reasons. First, some breaches of this policy are inadvertent/accidental and that is less serious than deliberate cheating. In this situation, denial adds an element of dishonesty that makes it more serious. In some professions honesty/dishonesty is a factor considered in deciding if an individual may join the profession. Second, an early admission of guilt and an expression of remorse are relevant to the level of penalty to be applied. Third, if the student denies the allegation the case will be referred to a disciplinary panel who will hold a panel hearing about the case and has more serious penalties available, and may, if they find the

student(s) have breached the policy, view denial as evidence that they are not remorseful and may do the same thing again. We strongly recommend that the student seeks advice from the Student's Union if they want to discuss their options.

If the student has denied academic misconduct and changes their mind about that after the meeting, they can inform the HE Office within 5 working days of the meeting who will inform the Academic Misconduct Officer. If the student does this, the Academic Misconduct Officer will treat this as though the student has admitted the breach during the meeting and when deciding the appropriate penalty may give credit for an early admission of guilt.

8) Consideration of mitigations

If the AMO decides that you have breached this policy, they may consider the following circumstances when determining the outcome:

- a) If you are suffering from an illness or other medical condition affecting your judgement (note that the effect is on your ability to exercise sound judgment about your academic conduct, not merely that you have an illness or medical condition)
- b) You are suffering from an illness or other medical condition which would exacerbate the effect of any penalty imposed so that it may not be proportionate to the breach.
- c) At the time you were experiencing family or relationship problems affecting your judgment (note that the effect is on your ability to exercise sound judgment about cheating, not merely that they have family or relationship problems).
- d) You have felt under duress.
- e) You accepted guilt early and have shown remorse.

In some circumstances evidence may be requested to substantiate these claims.

9) Outcomes

After classification of the offence, any number of the following outcomes may apply: -

Low Level Academic Misconduct / Poor Academic Practice	Penalty 1	<p>Formal Warning</p> <p>A formally recorded warning kept on the student's record. The offence is recorded on the student's file, and where appropriate they will be given the opportunity to attend further training / made aware of how to avoid similar recurrences.</p>
Medium Level Academic Misconduct	Penalty 2	A mark which is based on the work excluding that which has been identified as plagiarism or collusion (or which treats a particular learning outcome as not having been satisfied).
	Penalty 3	<p>Capping of the assessment component.</p> <p>Failure (0%) in the assessment component, with an opportunity to refer where permissible. The assessment component mark for the refer will be capped at the pass mark.</p>

	Penalty 4	(Collusion) Where two or more students have worked together, the pieces of work will be marked as they stand and the highest mark of those awarded will be divided equally among the number of students deemed to have colluded. If one student has lent their completed or almost-completed work to the others, the starting point remains equal division of the marks, to reflect the medium level of culpability. However, the record of marks may take account of the effort put in by the student who produced the work, and the lack of effort from the other students who colluded, if they feel that this is merited.
	Penalty 6	The student is unable to conduct primary research for that assessment or module.
High Level Academic Misconduct (dealt with through an ADP)	Penalty 7	Capping of the module mark. Failure of the module, with an opportunity to refer where permissible. The mark for the module will be capped at the pass mark.
	Penalty 8	Failed Module Failure of the module, with no opportunity to refer.
	Penalty 9	Capping of the assessment component and other assessments for the same level of study for work submitted up until that point. Future assessments at that level will not be capped. Failure (0%) in the assessment component, with an opportunity to refer where permissible. The mark for the refer will be capped at a pass. Additionally, capped marks will be imposed on other assessments completed during the same assessment period in which the Academic Misconduct took place.
	Penalty 10	Temporary suspension from the course
	Penalty 11	Expulsion from the College
	Penalty 12	Other grade penalties or combination of Fail, Referral or Retake requirements that is deemed both proportionate and appropriate by the panel.

10) Referrals to an Academic Disciplinary Panel

- a) The AMO will refer the case to a disciplinary panel if:

- a. The student denies the allegation at the investigate meeting; or
 - b. The AMO(s) decide that the case is a high level case; or
 - c. The case is so complex that the AMO cannot decide whether the student has breached the policy or not or are worried about the proportionality of the outcome in the particular circumstances. This reflects the greater opportunity for a disciplinary panel to summon witnesses and cross-examine participants and the wider range of potential penalties. If the disciplinary panel subsequently finds the student to be in breach of the relevant regulation(s), the Panel shall take into account, when determining the appropriate penalty, of the fact that the referral was made against a background of complexity and not solely or necessarily because of the seriousness of the allegations.
- b) In accordance with the Plagiarism and Collusion Policy, the Plagiarism Officer will refer the case to an Academic Disciplinary Panel / The Head of HE for review if:
- a. The student denies the allegation; or
 - b. The Plagiarism Officer(s) decide that the case is a high level case; or
 - c. The case is so complex that the Plagiarism Officer cannot decide whether you have breached the policy or not or are worried about the proportionality of the outcome in the particular circumstances. This reflects the greater opportunity for a disciplinary panel to summons witnesses and cross examine participants and the wider range of potential penalties. If the disciplinary panel subsequently finds you to be in breach of the relevant regulation(s), the Panel shall take into account, when determining the appropriate penalty, of the fact that the referral was made against a background of complexity and not solely or necessarily because of the seriousness of the allegations.

11) Preparing for the Investigative Meeting

- a) No fewer than 5 working days before the meeting, you will be notified of the meeting and, where appropriate, some or all of the evidence which will be needed for the meeting. This evidence might include:
 - a. Your work/notes
 - b. Copies of any sources you've used (which may include similar work by other students, published articles, internet sources etc.)
 - c. A report using text-matching software, showing the similarities to sources
 - d. An explanation of how to understand the report (which must be sent if the report is sent)
 - e. A report about the potential use of artificial intelligence software
 - f. A note/statement by the member of staff or student explaining their concerns
 - g. The assessment brief/exam paper
 - h. Any evidence of mitigation/ extenuating circumstances
- b) An investigative meeting should be held as soon as possible after it has been determined that one is required.
- c) You must attend an Investigative Meeting if one is called. In the event of a clash with your timetable or other obligations, then unless the timetable shows an examination or course test, you are expected to attend this meeting. Exceptionally, a meeting can be rearranged for other good reasons, such as a hospital appointment.
- d) You must bring with you any evidence you want to use to challenge the allegation. If you have any mitigating circumstances, you must bring evidence of those. A mitigating

circumstance is one that makes the breach less serious than it would otherwise be and is related to your personal circumstances.

- e) If you tell the HE Office advance that you do not intend to attend, they can cancel the meeting. If you just do not turn up, then the meeting will be ended. However, the AMO will still deal with your case. If you do not turn up without a very good reason, we will treat you as having admitted that you have breached the policy and will apply a penalty or refer you to a disciplinary panel. You will also have missed out on your chance to tell the AMO about any mitigating circumstances.
- f) If you are referred to a disciplinary panel, the fact that you did not turn up will also be considered.

12) Academic Disciplinary Panel

- a) Where an Academic Disciplinary Panel is held, the case shall be considered by the Head of Higher Education or designated deputy, HE Delivery Manager, and a member of the academic team, hereafter referred to as the Panel. The AMO / Plagiarism Officer will act as the presenter and put forward the case to the members, alongside any minutes and evidence. The student will be summoned to a meeting to discuss the alleged academic misconduct in question. The student will also be advised within the summons to bring along any supporting evidence to assist with the investigation including those relating to any extenuating circumstances. The summons shall be delivered to the student's e-mail address and home address at least ten working days (Saturdays, Sundays and institution closure days excepted) before the meeting. The student will be required to respond by a specified deadline (no fewer than 7 days) by either accepting the allegation or not accepting the allegation. Where a student accepts the allegation, they are encouraged to send through a written statement explaining why the offence occurred and detailing the steps they are putting in place to ensure an offence does not occur again.
- b) Where the student does not accept the allegation, they must provide a written statement and any evidence to support their case. Alternative arrangements will be made for correspondence with students who are on a permitted absence.
- c) If a student wishes to appear and can prove that they are unable to appear at the Academic Disciplinary Panel for good reason by notifying the HE Office at the earliest convenience (minimum of 48 hours in advance), the meeting may be rescheduled or alternative arrangements made, e.g., virtually or by correspondence. If a student fails to appear at the meeting without providing good reason, the meeting shall proceed in the student's absence.
- d) The meeting shall be chaired by the Head of Higher Education, or their nominated deputy. The Academic Disciplinary Panel should establish the relevant facts. The AMO / Plagiarism Officer who has investigated the academic misconduct shall also be in attendance to present the case. The student may, if they wish, bring an accompanying person, who shall not take an active part in the proceedings.
- e) In all cases, the student themselves shall answer any questions raised in the meeting. The accompanying person shall not be a member of academic staff.
- f) If, in the opinion of the Panel, the accompanying person is, or appears to be, interfering

with the proper conduct of the business of the meeting, the Panel has the right to

- a. adjourn the meeting and reconvene it at a later date, and
- b. exclude that person from attending the reconvened meeting.
- c. A record of the meeting shall be taken by the HE Office staff member acting as Secretary to the Academic Disciplinary Panel. One member of academic staff not associated with any of the cases under consideration may be added as an observer. Where necessary, a professionally registered staff member may be co-opted to the panel, e.g., when the offence is linked to practice-based assessment.

- g) The meeting shall proceed in the following order
 - a. The Chair shall set out the purpose of the ADP.
 - b. ASO/PO will outline the minutes of the investigative meeting
 - c. the Panel shall then provide the student with an opportunity to respond to the concerns and present any new information;
 - d. the Panel may ask further questions;
 - e. the Panel shall ask the student if there are any extenuating circumstances that they would like to raise in the meeting.
 - f. In cases where the Panel is aware of extenuating circumstances these should be taken into consideration when determining an outcome.
 - g. the staff member, student and accompanying person shall then leave the meeting;
 - h. the Panel shall decide on the suitable outcome if possible. If further evidence of Extenuating Circumstances is required, the panel will be reconvened
 - i. the student shall be advised of the outcome of the meeting in writing within five working days;

13) Academic Disciplinary Panel Decisions and Penalties

- a) In considering its decision, the Panel shall sit in private and will consider:
 - a. Whether the case has been proven;
 - b. If it has the reasons for the decision and
 - c. the penalty to be applied and
 - d. any other recommendations to make to the Assessment Board
- b) Where the Academic Disciplinary Panel does not find evidence of academic misconduct it may / will dismiss the case.

In proven cases of academic misconduct and depending on the severity (where severity shall be a matter for the Panel to judge) the Panel will decide the appropriate penalty/penalties to be applied, as set out in Section 9) above.

14) Appeals

Students have the right to raise an academic appeal / academic complaint against decisions made under this Academic Misconduct Policy. Details of the grounds for appeal, timelines to raise an appeal, and the wider appeals process are available within the separate Academic Appeals / Academic Complaints Policy.