

## Nottingham Trent University

### Academic Standards and Quality Handbook

#### Section 17B Academic Misconduct: Code of Practice

This provides guidance to staff and students on the university's procedures for investigating alleged academic misconduct and expands on the regulations described within the University Handbook.

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## 1. Introduction

1.1. The University Handbook provides the underpinning regulatory framework in relation to academic misconduct:

Academic misconduct occurs where a student gains, seeks to gain, or creates the potential to gain, advantage in examinations or assessments contrary to the established conditions under which students' knowledge, abilities or skills are assessed for progression towards or for the conferment of an award.

(University Common Assessment Regulations, section 15.)

Appendix 1 gives examples of academic misconduct.

This document expands on the university's common assessment regulations, section 13 and provides procedures for resolving suspected cases of academic misconduct in respect of all programmes operating within the university, with the exception of those understood as research degrees, currently MPhil and PhD. (The university has a separate policy in place for investigating and adjudicating on alleged research misconduct.)

The code must be adhered to if academic misconduct is suspected and staff should ensure that they have reasonable grounds to believe that an offence has occurred.

Reference is made within this code to aspects of the structure and staffing of the university. It is recognised that there may be some variation in structures and nomenclature across the university. It is therefore implicit that those of appropriate seniority and experience will operate this code at the appropriate equivalent level throughout the academic structure of the university and where different academic structures are in place. Similarly, where mention is made of action by the holders of specific posts, it is implicit that this activity may be delegated to an appropriate nominee, having sufficient experience and being sufficiently senior to act on behalf of the designated postholder.

1.2. In order to emphasise the seriousness of academic misconduct and the consequences thereof:

- 1.2.1 all students will have been asked to sign the enrolment form which indicates that they acknowledge that they are bound by the university's regulations
- 1.2.2 All students will also have been asked to sign a declaration indicating that they have received a copy of the programme handbook and Student Handbook and that they will comply with all regulations contained within those documents.
- 1.2.3 the university will include this code of practice in the Student Handbook, which is issued to new students of the university at the start of their programme of academic study.
- 1.2.4 The university requires that each School should draw attention to the relevant regulations and to this code within the programme handbook which is provided to each student, at the beginning of each academic year or other point of entry.
- 1.2.5 Schools will also be required to provide students with an awareness session about the regulations.
- 1.2.6 It is strongly recommended to Schools that they consider requiring students to sign specific declarations in this regard, appropriate to the programme of study they are following and the work they are submitting for assessment. The declarations would take into

account the established conditions under which examinations or assessments are carried out which may, for example, involve collaborative work.

Example

'This submission is the result of my own work. Primary and secondary sources of information and any contributions to the work by third parties, other than my tutors, have been fully and properly attributed. Should this statement prove to be untrue I recognise the right and duty of the Board of Examiners to take appropriate action in line with the university's regulations on assessment.'

Signed..... Date.....

- 1.2.7 Schools are recommended to identify at least one person within the School to be a source of information and guidance to academic and administrative colleagues when considering possible academic misconduct.
- 1.2.8 it is recommended that assessment schemes be designed with consideration for the reduction in opportunities for academic misconduct.

## **2. Principles**

- 2.1. The determination of whether academic misconduct has occurred is not a matter for the Board of Examiners
- 2.2. The facts must be established before consideration of the consequences of the alleged incident on a student's performance, progress or assessment.
- 2.3. An allegation of academic misconduct is not the same as proof of the incident.
- 2.4. Once the facts have been established, it is then for the Board of Examiners to judge the seriousness of the case and to exercise its reasonable discretion accordingly in determining a penalty. (In cases of minor misconduct, this authority is delegated to the module team.)
- 2.5. Confidentiality  
Where the university is satisfied at any stage within these procedures that, on the balance of probabilities, academic misconduct has not taken place, no documentation relating to the alleged misconduct and the associated investigations shall be retained on the student's file.

## **3. Procedures**

### **3.1. Minor misconduct**

It is recognised that there is a distinction between minor and major academic misconduct. The programme/module team may consider that minor academic misconduct may have occurred, having taken account of the following:

- 3.1.1 the student is at an early stage in their academic programme eg the first term or the first or second piece of work submitted
- 3.1.2 the overall level at which the student is working is relatively low, principally level one.
- 3.1.3 No previous academic misconduct has been recorded for the student

### 3.1.4 academic misconduct is evident in a relatively small proportion of the piece of work submitted

In addition, misconduct which the programme team otherwise consider to be of limited significance may be considered minor.

Where minor academic misconduct is suspected, it is suggested that the module team should consider the circumstances, which should be discussed between the student(s) and the module leader.

Where it is considered on the balance of probabilities that there has been minor academic misconduct, the student(s) will be given a warning.

In addition, the module team will determine whether a penalty, to a maximum of a requirement to repeat the work in question with a capped mark, should be imposed, considering the academic misconduct of the student(s) and the overall standard of the work.

The programme leader and/or academic team leader will be consulted in any decision relating to alleged minor misconduct.

An appropriate note regarding academic misconduct will be made on the personal file(s) of the student(s).

All such incidences will be reported to the programme team, including the subject leader and where appropriate, the personal tutor.

Where a student does not accept the decision of the module team regarding minor academic misconduct s/he may request that the matter is considered at a meeting held as part of a School investigation. Any such request must be submitted in writing within five working days of the notification of the decision of the module team. (See 3.2 and appendix 2).

Any instances of minor academic misconduct will not be retained on the student's record following the successful completion of their programme of study and generally will not be mentioned in any personal reference provided by the university.

## **3.2 Major misconduct**

### 3.2.1. In-course assessment

When academic misconduct of a major nature is suspected the incident shall be reported to the academic team leader who will decide whether or not a misconduct investigation should take place. The procedure for carrying out an investigation at School level is detailed in appendix 2.

### 3.2.2 Examinations

Where a member of staff who is invigilating or otherwise overseeing an examination, assessment or supervised test carried out under examination conditions has reasonable grounds to suspect that academic misconduct is occurring, or is reliably informed by any other person that academic misconduct is suspected, it is the responsibility of the member of staff to:

- (a) immediately bring to the student's attention the suspicion of academic misconduct;
- (b) ensure that the student is prevented from further committing the academic misconduct of which they are suspected, including the

confiscation of any relevant evidence (for example, any unauthorised material);

- (c) permit the student to complete the examination or assessment; (However, if the candidate persists with the misconduct they shall be expelled from the room. If such action is necessary, care will be taken to ensure that the inconvenience and disruption to other candidates is minimised.)
- (d) attach to the student's completed work a statement of the circumstances relating to the incident including a note of the work completed before, and the time when, the academic irregularity was suspected;
- (e) without delay submit a written statement on the incident to the Registrar, who will arrange for it to be circulated to:
  - (i) the student (to the notified address)
  - (ii) the programme leader and module leader
  - (iii) the appropriate administrator
  - (iv) academic team leader
  - (v) School

The report shall include the name of any witnesses and any explanation given by the student at the time of the incident. Where appropriate the report shall be accompanied by the relevant evidence and countersigned, with comments, by the senior invigilator.

The academic team leader will then arrange for the conduct of a school misconduct investigation as described in appendix 2.

3.2.3. If the student(s) concerned admit(s) in writing to academic misconduct following the conclusion of the misconduct investigation, then the matter shall be reported to the Chair of the Board of Examiners concerned, within five working days, to enable the Board of Examiners to determine the appropriate action in accordance with paragraph 3.4.2 below.

### **3.3 Academic Investigation Panel (AIP)**

3.3.1. Where an allegation of academic misconduct has been investigated in accordance with paragraph 3.2 above and the allegation is either denied by the student, the student fails to attend the meeting to discuss the allegation or to make a submission in writing, the matter shall be referred by the academic team leader to the Registrar who will convene an Academic Investigation Panel (AIP). The AIP will act in accordance with the procedures set out in appendix 3.

### **3.4 Action by the Board of Examiners**

3.4.1. If an AIP is satisfied that there has been no academic misconduct the Board of Examiners shall consider the candidate's academic performance in the usual way, and shall disregard the original allegations of misconduct.

3.4.2. If a student admits in writing to major academic misconduct within the procedures of a School investigation, or an AIP is satisfied that on the balance of probabilities there has been academic misconduct, the Board of Examiners shall take all the factors reported into account in its consideration of the case and take action appropriate to the gravity of the case. It will also be able to take into account any previous proven incidents of academic misconduct when reaching a

decision on the penalty (if any) to be applied. The Board shall have the power to deem the student to have failed all or part of the assessment in respect of which academic misconduct has been found to have occurred and full discretion to determine the action appropriate to the case, which may include the student:

- (a) being permitted to continue on the course without reassessment;
- (b) being permitted to continue on the course with reassessment;
- (c) not being permitted compensation from that level (see university assessment guide - glossary of terms)
- (d) not being permitted to continue on the course;
- (e) being refused the conferment of an award;
- (f) being classed as having failed and being required to repeat a whole year of study/level of assessment
- (g) having the classification of their award reduced, in the case of a final year student.

#### 3.4.3 Application of penalties

The level of penalty to be applied is decided by the Board of Examiners depending on the seriousness of the misconduct, any previous misconduct and the location of the student within their programme of study, i.e. penalties could become more severe later in a programme of study. In addition, penalties appropriate to the level of study will need to be determined for misconduct within programmes of postgraduate study. The following guidance may facilitate consistency across the university:

- (a) Major/repeat offences at level one would require a repeat of all the assessments attached to the module or of the year/level of assessment.
- (b) First offences at level two would be expected to require reassessment in either the work concerned or a complete module or remove the opportunity for compensation.
- (c) Repeat offences at level two might require a repeat of the year/level of assessment or the student not being able to continue on their programme.
- (d) First offences at level three might have a similar impact or invoke the reduction or capping of the degree classification
- (e) At level three/final year repeat offences might lead to the downgrading/capping of the award or refusal to confer an award.
- (f) The maximum mark achievable may be capped in any situation where work is required to be repeated.

#### 3.4.4 Composition of the Board of Examiners where misconduct has been established

The Chair must ensure that the programme leader and all the teaching staff directly involved in the allegation are present at the Board of Examiners which determines a penalty. It is the responsibility of the Chair to decide whether there are sufficient members present to ensure that the business of the meeting can be effected properly, thoroughly and fairly.

### **3.5 Retrospective cases**

Where alleged academic misconduct comes to light at or after a Board of Examiners has met and within one year of a student's assessment, the procedure shall comprise:

- 3.5.1 a School investigation followed if necessary by an AIP, in accordance with the arrangements in appendix 3 as appropriate. In such circumstances the panel would need to be satisfied on the balance of probabilities that academic misconduct has occurred.

3.5.2 a reconvened Board of Examiners, as soon as practicable following the receipt by the Chair of the Board of Examiners of a report from the AIP or from the school investigation as appropriate.

3.5.3 The Board of Examiners will proceed as described in paragraph 3.4.

### **3.6. Final result**

If the decision of the reconvened Board of Examiners affects the student's final result, the Chair of the Board shall inform the student in writing to the last notified home address by recorded delivery of the reasons for the varied result and of their right of appeal (see paragraph 5).

## **4. Report to Academic Board**

In all cases where a Board of Examiners has considered academic misconduct in respect of a student's assessment, the Chair of the Board of Examiners shall report the decision of the school investigation and/or the AIP together with the decision of the Board (that is, both the verdict and the sanction) to the Registrar, in writing, within 10 working days of the meeting of the Board of Examiners in question. The Registrar will provide an annual summary report to the Academic Board of all reported instances of academic misconduct within the university. (See also appendix 5L of the Academic Appeals Procedures – role of the Chair of the Academic Appeals Committee.)

## **5. Student's right of appeal**

5.1 The student shall have a right of appeal against the decision of the AIP that there has been academic misconduct and/or against the penalty imposed by the Board of Examiners, in accordance with the university's appeals procedures (as set out in the procedure relating to academic appeals - see Section 3L of the university handbook).

5.1.1 Any application to appeal against the decision of the AIP shall be to the university's Academic Appeals Committee. It shall be submitted to the Registrar using the form at appendix 4L of the academic appeals procedure within 10 working days of the date of the letter giving notification of the decision of the AIP.

5.1.2 An appeal against the penalty imposed by the Board of Examiners will take the form of a request to the reconsidering head, as defined in para. L4.4 of the academic appeals procedures (who must not have been involved in the previous process) for reconsideration of that decision. Any such request must be submitted in writing by the student to their own academic team leader within 10 working days of dispatch of the results from the Board of Examiners. The reasons for the appeal and any fresh evidence relevant to the student's case should be submitted with the written request.

5.1.3 The reconsidering head will report to the Chair of the Board of Examiners within 20 working days of receipt of the appeal against the penalty, either recommending that the Board reconsider the penalty or that there be no change. The Chair of the Board will either take Chair's action in changing the Board's decision or convene an exceptional meeting of the Board to re-consider the case.. These decisions will be reported to the student by the Chair of the Board

5.2 Any appeal made under 5.1 above may only be made on the following grounds:

5.2.1 That the student now has material new information not available previously for consideration

5.2.2 Any procedural irregularity claimed within the process.

5.2.3 Against an allegedly excessive penalty.

**5.3 Where a final year student appeals under these procedures the Registrar will withdraw the invitation to the forthcoming awards ceremony. Should the matter be resolved before the ceremony by a date determined by the Registrar, the invitation will be re-instated. (Where a student appeals the penalty the academic team leader should inform the Registrar.)**

5.4 The Reconsidering Head may consult with the programme leader and the Chair of the Board of Examiners and any other relevant persons for evidence and information.

5.5 The Reconsidering Head will report her/his decision in writing within 20 working days of receipt of the original request, to the student and the Chair of the Board of Examiners. S/he may reject the request or may ask the Board of Examiners to reconsider its decision. The Chair of the Board of Examiners will either take Chair's action in amending the Board's decision or convene an exceptional meeting of the board to reconsider the case. The outcome of these actions will be conveyed to the student by the Chair of the Board of Examiners.

**6. Collaborative provision (CP) (See also ASQH sections 10, I and J)**

6.1 School based CP is subject to the university academic misconduct code of practice. If it is considered that academic misconduct may have occurred, the programme leader should liaise with the university CP coordinator or Chair of the Board of Examiners to seek permission to conduct a misconduct investigation.

The appropriate university Dean of School or Chair of the Board of Examiners will, if necessary, authorise the setting up of an AIP to consider an academic misconduct allegation.

6.2 For Delegated Centre CP, centres are required to develop and operate their own procedures for dealing with academic misconduct, which may be subject to review by the university.



**EXAMPLES OF ACADEMIC MISCONDUCT**

Academic misconduct includes but is not limited to the following:

**1. Cheating**, which includes:

- 1.1 communicating with another candidate, or copying from any other candidate during an examination or an assessment, except insofar as the examination regulations may specifically permit this eg: group assessments;
- 1.2 communicating during an examination with any person other than a properly authorised invigilator or another authorised member of staff, including communication by oral, written or electronic means;
- 1.3 introducing any written or printed materials into the examination room unless expressly permitted by the examination board or programme regulations;
- 1.4 introducing any electronically stored information into the examination room, unless expressly permitted by the Board of Examiners or programme regulations.
- 1.5 gaining access to unauthorised material relating to an examination before or during the examination;
- 1.6 obtaining a copy of an 'unseen' written examination paper in advance of the date and time for its authorised release;
- 1.7 in any other ways, the provision, or assistance in the provision, of false evidence or knowledge or understanding in examinations.

In the context of 1. above the term 'examination' is deemed to include 'phase tests' or other tests carried out under examination conditions.

**2. Plagiarism**, which includes:

The incorporation of material derived from the work (published or unpublished) of another by unacknowledged quotation, paraphrase, imitation or other device in any work submitted for progression towards or for the completion of an award in a way which suggests that it is the student's original work. Such work may include printed material in textbooks and journals and material accessible electronically for example on web pages.

Examples of plagiarism are:

- 2.1 the inclusion in a candidate's work of more than a single phrase from another person's work without the use of quotation marks and acknowledgement of the sources;
- 2.2 the summarising of another person's work by simply changing words or altering the order of presentation, without acknowledgements;
- 2.3 copying the work of another candidate, with or without that candidate's knowledge or agreement. If copied with the agreement of the other candidate both parties are guilty of misconduct.

**3. Collusion**, which includes a situation where a student:

- 3.1 Intentionally submits as entirely his or her own, work done in collaboration with, or commissioned from, another person or persons, whether for reward or not;
- 3.2 Knowingly collaborates with another candidate or candidates in the completion of work which is submitted as that/those other candidate's/candidates' own unaided work;
- 3.3 permits another candidate to copy all or part of their own work, knowing it is to be submitted as that other candidate's own unaided work.

(The university encourages all students to share ideas and exchange reference material prior to each student writing up their own personal presentation of an assessed piece of work. Some programme teams may stipulate an assessment as "assessed group work". Where this is undertaken, programme teams will indicate the criteria and manner in which the work is assessed and the way in which individual marks are ascribed to members of the group. )

**4. Falsifying data**

The presentation of data in laboratory reports and projects, based on experimental work passed off as having been carried out by the candidate when it has not been, or obtained by unfair means.

**5. Personation**

Personation, or impersonation is the assumption by one person of the identity of another person with intent to deceive, or to gain unfair advantage. It may exist where:

- 5.1 one person assumes the identity of a candidate, with the intention of gaining unfair advantage for that candidate;
- 5.2 the candidate is knowingly and willingly impersonated by another with the intention of gaining unfair advantage for the person personated.

**6. Dishonest Practice**

The use of any form of dishonest academic practice not identified within the above definitions.

**PROCEDURE FOR SCHOOL INVESTIGATIONS**

- 1 Where it is considered that major academic misconduct may have occurred, members of staff must obtain all the available facts about the incident.
- 2 A factual statement should be prepared in the first instance either by the examiner(s) or module leader, if an in-course assessment, or invigilator, if an examination, indicating clearly the alleged academic misconduct involved and supported by appropriate evidence.
- 3 The statement should be presented to the academic team leader who will decide after consultation with the examiner(s) or module leader and the programme leader whether there is sufficient *prima facie* evidence for the matter to be pursued. A record of this decision will be made.
- 4 Where it is decided to take the matter further the allegation should be put in writing to the student indicating under which section(s) of the regulations and code the allegation is made and how the student is alleged to have committed academic misconduct..
- 5 The student should be invited in writing to their notified address, to attend a meeting to comment on the allegation, informed of the format of the meeting and who will be present. Alternatively they may make a written submission, having taken appropriate advice.
- 6 The invitation should be posted by first class post, using recorded delivery, at least seven clear days before the date of the meeting. This shall constitute adequate service for the purpose of these regulations
- 7 If the student attends the meeting they should be allowed to be accompanied by a friend or adviser. The school should be represented by no more than three members of staff, comprising, the examiner and programme leader with one other person (normally the academic team leader) acting as Chair. A member of the support staff should minute the meeting.
- 8 The purpose of the meeting is to discuss the allegation of academic misconduct and establish the facts concerning, or otherwise relevant, to the allegation, to inform the student of the detail of the allegation and to ascertain any response which the student wishes to make. It is not designed to take the place of the Academic Investigation Panel. (see appendix 3)
- 9 The student or their friend/adviser will be entitled to present an explanation of the incident and the departmental representatives may question the student on that explanation. At the end of the meeting the student and their friend will be asked to withdraw whilst the school consider whether the matter should proceed or otherwise.
- 10 Any meeting relating to an investigation of alleged misconduct in an examination may take place after the set of examinations has been completed but should take place as soon as possible thereafter.
- 11 If the student either denies the allegation or does not respond in writing to the invitation to the hearing, an Academic Investigation Panel will be arranged.

- 12 Where a student does not attend the hearing the meeting will still be held if there is a written submission from the student to consider
- 13 At the conclusion of the investigation a copy of a report based on the investigation including the notes of the meeting shall be provided to:
  - 13.1 the student (to the notified address)
  - 13.2 the appropriate administrator
  - 13.3 the Dean of School
  - 13.4 the Registrar
- 14 An allegation may be made after the work has been assessed and returned to the student. In such circumstances the allegation will be investigated using the procedures contained within this Appendix

**ACADEMIC INVESTIGATION PANEL (AIP)**

1. The purpose of the AIP is to determine whether, on the balance of probabilities, academic misconduct has occurred and report accordingly to the Board of Examiners.
2. The independent panel will consist of:
  - 2.1 the Dean of School, or nominee (who must not be the student's academic team leader or the Chair of the Board of Examiners concerned) - as Chair;
  - 2.2 a programme leader (who must not be a member of the Board of Examiners for the course concerned) from the student's school;
  - 2.3 a member of the Union of Students Executive.

**Guidance Note** – *where the size or structure of a School and its associated teaching delivery mechanisms raise issues regarding the independence of Panel members, Deans should consider arranging for the Panel's academic membership to be drawn from a different School.*

3. The Registrar will act as secretary and provide advice and guidance.
4. The AIP shall be convened by the secretary who shall notify the members of the panel and the student(s) concerned of the date, time and place of the meeting of the panel, in writing, within 20 working days of the receipt of the school report.
5. In all cases the student shall be provided with full written details of the alleged misconduct and copies of any witness statements not less than 10 working days prior to the hearing. They will be informed of their right to appear before the AIP, accompanied by a friend or representative of their choice. They may submit a written statement concerning the alleged misconduct and they may submit witness statements. The student shall provide any such statements not less than five working days prior to the date of the hearing. The department may be represented by up to two staff.
6. Failure by the student, for no good reason, to appear before the AIP or to submit a statement shall not prevent the investigation proceeding. The AIP hearing will normally be held within 30 working days of receipt of the school report.
7. The school may call witnesses, as appropriate, to substantiate the allegations. The student concerned may also call witnesses as appropriate.
8. The panel may question the student, staff and witnesses as appropriate, consider the student's written statement, and shall come to a decision on the basis of the student's statement and all the evidence. All other parties shall withdraw while the panel, supported by the secretary, deliberates.
9. The order of proceedings shall be as follows:
  - Chair's introduction
  - Presentation of the case and the alleged misconduct by the school representatives, including presentation of witness evidence
  - Questions from the panel to the school representatives.

- Questions from the student to the school representatives
  - Presentation by the student including presentation of witness evidence
  - Questions from the panel to the student
  - Questions from the school representatives to the student
  - Concluding remarks from the school representatives
  - Concluding remarks from the student
- Following this, the Chair will request school representatives and the student and their representative to withdraw.
- The panel will deliberate in private and their decision be communicated to the student and the school in writing within three working days of the date of the hearing.