

Student Academic Misconduct Procedures

1 Authority

1.1 The Articles of Government of Newman University December 2012 state:

17.6

Subject to the responsibilities of the Council, the Vice-Chancellor shall be the chief executive of the University and shall be responsible for:

(f)

The maintenance of student discipline and, within the rules and procedures provided for within these Articles of Government, for the suspension or expulsion of students on disciplinary grounds and for implementing decisions to expel students for academic reasons.

25.2

In the exercise of his or her responsibilities under Article 17.6 (f), the Vice-Chancellor may suspend or expel a student on disciplinary grounds or for other good cause, and shall be responsible for implementing a decision of Senate to expel a student for academic reasons.

25.3

The Council, after consultation with Senate and representatives of students, shall make rules with respect to the conduct of students, including procedures for suspension and expulsion.

1.2 Under these regulations, the University has the power to discipline students and to suspend or expel any student for good cause. The Vice-Chancellor delegates his/her responsibility as described by the following regulations.

2 Misconduct

2.1 Any student studying or registered at the University shall be subject to disciplinary measures if he or she is found to be guilty of misconduct as defined below.

3 Academic Misconduct

3.1 Academic misconduct is an attempt by a student to obtain an unfair advantage in the assessment of his/her academic work.

3.2 The University has a duty to maintain academic standards by ensuring the integrity of all aspects of the assessment process and is concerned to ensure that the regulations and policies governing the assessment of courses and courses at the University are fully and fairly implemented. To this end, the University will take action against any student who contravenes these regulations and policies, whether inadvertently or

through negligence or deliberate intent, and who, by so doing, could gain unfair advantage over other students. Any such contravention constitutes academic misconduct.

- 3.3 This policy applies to all students enrolled on undergraduate and taught postgraduate courses at Newman University and collaborative partners. It covers any academic misconduct in any form of assessment including written examinations, assessed coursework (in whatever form the coursework might take) and oral/practical assessments.
- 3.5 When activated, the processes within these procedures will be given reasonable and appropriate priority, and the staff member leading on the process will strive to avoid delay. Even so, the time required to complete the investigation will be influenced by a number of factors including the nature of the concerns raised, the number and availability of potential interviewees/witnesses, and the volume and nature of evidence to be gathered.
- 3.4 There is no time limit beyond which academic misconduct will not be investigated. Suspected academic misconduct, whether discovered before or after graduation, will be investigated and dealt with in accordance with this policy. Where academic misconduct is proven after work has been formally assessed, this may lead to the withdrawal of credit previously ratified by an Assessment Board or withdrawal of a conferred award.
- 3.5 Depending on the nature of the offence, students may also be subject to additional action under the Student Disciplinary Procedures.
- 3.6 The University expects that all work submitted for assessment by students is the student's own work, without falsification of any kind. Students are expected to offer their own analysis and presentation of information gleaned from research, even when group exercises are carried out. Insofar as students rely on sources, they should reference these in accordance with the appropriate convention in their discipline.
- 3.7 It is the responsibility of the student to familiarise themselves with the rules governing assessment including conduct in examinations and the correct academic conventions for referencing and acknowledging the work of others.
- 3.8 The following is a non-exhaustive list of examples of academic misconduct which will be considered under these Regulations:
 - 3.8.1 Commissioning: the requesting and/or purchase of a piece of work from a third party and the submission of this work (in whole or in part) for assessment as the work of the student. The University views this as an extremely serious offence which will attract a severe penalty.
 - 3.8.2 Plagiarism: the use of another person's work or ideas within an assignment without the use of quotation marks and/or following the conventions for acknowledging sources. This includes the unauthorised use/copying of another student's work. The offence does not require any deliberate intent by the student to be proved but the extent of deliberation involved may affect the nature of the penalty.
 - 3.8.3 Collusion: unauthorised co-operation to gain an advantage. This may occur where students have collaborated on a piece of work which is then submitted

as an individual effort or where one student has allowed another to use their work. In the latter case, both students may be found guilty of academic misconduct.

3.8.4 Misconduct during Examinations:

- 3.8.4.1 Copying from the examination script of another candidate
- 3.8.4.2 Obtaining or offering inappropriate or unauthorised assistance from or to another candidate.
- 3.8.4.3 Having or using any unauthorised book, manuscript, paper, electronic device or 'crib' of any kind containing information relevant to the examination.
- 3.8.4.4 Attempting to communicate with an unauthorised third party during the period of the examination.

3.8.5 Misconduct relating to Research:

- 3.8.5.1 Fabrication, falsification or plagiarism in writing or reviewing research or in reporting research results
- 3.8.5.2 Failure to obtain ethical approval where there is a clear and unambiguous requirement to do so
- 3.8.5.3 Unauthorised disclosure of personal data or breach of confidentiality in relation to research work
- 3.8.5.4 Students studying for research degrees are subject to the postgraduate regulations in force at the degree-awarding university, with particular note to be made of the section(s) on 'academic misconduct'.

4 Investigating Cases of Academic Misconduct

- 4.1 Special considerations apply when dealing with offences of academic misconduct and therefore the process is treated separately from those relating to General Misconduct (the Student Disciplinary Procedures).
- 4.2 Any apparent irregularity occurring in an assessment or examination should be reported briefly to the University's Registry Operations as soon as possible. If the offence seems to be deliberate, full details of the incident should be prepared and submitted via Registry Operations to the relevant Head of Department (or nominee).
- 4.3 The case will be considered by the Head of Department who will consider if summary action can be taken or if the case should go to an Academic Misconduct Panel.

4.3.1 Summary Action

- 4.3.1.1 Summary Action may only be taken for offences of plagiarism, collusion and minor misconduct related to research will normally only be considered where the student is:

- a) Studying at level 4
 - b) Studying at Level 5 or Level 6, first time offence and potential academic misconduct is deemed not to be a substantial element of the work
- 4.3.1.2 The student may simply be sent a standard letter by the Head of Department advising of the offence and how to avoid a similar issue in the future.
- 4.3.1.3 Alternatively, the student may be sent details of the case and invited to send a written explanation within two weeks. The Head of Department may require the student to attend a meeting with him/her in order to clarify the issues relating to the case before determining a penalty. Notes of such meetings will be taken by an experienced administrator from within the relevant Faculty Office.
- 4.3.1.4 If the Head of Department, on considering the evidence and the student's response, finds on the balance of probability, that an academic offence has been committed, he/she may apply the following penalties:
 - a) Written warning
 - b) Resit assignment – for an uncapped mark
 - c) Resit assignment – result to be capped at 40%
 - d) Compulsory attendance on study skills courses or similar developmental activity
- 4.3.1.5 Students who do not accept the penalty imposed by the Head of Department have the right to appeal (see section 5).

4.3.2 Academic Misconduct Panel

- 4.3.2.1 Academic Misconduct Panels will be drawn from the following:
 - Deans and Associate Deans
 - Other academic members of the University Operations Team (UOT) with the exception of the Pro-Vice-Chancellors and Vice-Chancellor.
 - Heads of Department
 - Other experienced academic staff nominated by the Dean
 - Members nominated by the Students' Union
- 4.3.2.2 The Dean (or nominee) will appoint a panel of three from the above for each case, and invite a senior academic member to act as Chair. The members will normally include a representative from the Students' Union. All members of the Panel must have had no previous involvement with the case.
- 4.3.2.3 An experienced University administrator from the Faculty Office or Secretariat will act as clerk to the Panels and will arrange for a note of the proceedings to be taken. If two or more students are involved in related misconduct, the Panel may at its discretion deal with their cases together. The University will normally seek to hold an Academic Misconduct Panel within 28 days of the receipt of a formal case.

- 4.3.2.4 A copy of the case and evidence will be sent to the student at least one week before the Hearing of the Academic Misconduct Panel. If the student is unable to attend the Hearing for good reason, an alternative date will be arranged. However the Academic Misconduct Panel has the right to hear the case in absentia if the student agrees in writing or if it is reasonably felt that a student is attempting to avoid judgment.
- 4.3.2.5 The student may be accompanied by a supporter (see section 4.3.4).
- 4.3.2.6 The Panel will rely only on evidence presented at the Hearing, all of which must be revealed to the student. The evidence presented at the Hearing may be written evidence or given by witnesses appearing in person.
- 4.3.2.7 The Panel may ask for additional enquiries to be undertaken, and may call for additional witnesses to attend. The Panel shall have power to adjourn a Hearing to another date, as it thinks fit.
- 4.3.2.8 The Panel must ensure that the student's case is heard fully and fairly but may impose limits on oral addresses and submissions if it is necessary to ensure good order at the Hearing. The Panel may refuse to admit evidence that is, in its opinion, irrelevant to the issues raised.
- 4.3.2.9 At the conclusion of the hearing, all persons other than the Panel and its Secretary shall withdraw and be released.
- 4.3.2.10 The Panel shall reach its decision in private and shall communicate its decision in writing to the student normally within 5 working days of the Panel.
- 4.3.2.11 The Panel will normally find a student guilty of misconduct on the balance of the probability of the evidence. If the members of the Panel cannot agree, the verdict of the Panel will be that of the majority of its members.
- 4.3.2.12 After the termination of the proceedings, notes of the proceedings will be prepared giving a brief summary of the case, the student's defence and other evidence received, the grounds for the finding of guilt or innocence, the penalty imposed (if any), and the factors taken into account in deciding the penalty. A copy of the report will normally be sent to the student within 14 days of the initial notification of the decision of the Panel (see 4.3.2.10).

4.3.3 Fitness for Professional Practice

- 4.3.3.1 As part of the function of the University, graduation from certain courses entitles a graduate to practise in a profession or to obtain professional status. Within such courses, special procedures exist for the certification of fitness to practise, and students found to have committed an academic misconduct offence put their future career at risk. The Dean of the Faculty or his/her nominee shall, in addition to applying the standard procedures, be required to refer academic

misconduct cases involving such students to the relevant Fitness to Practise Procedures.

- 4.3.3.2 Furthermore, the Dean or his/her nominee may, in addition to applying the standard procedures, be entitled to refer an academic misconduct case to the Pro-Vice-Chancellor, Formative Education (or nominee), to consider whether a student's future professional position has been compromised and, if so, what action if any should be taken to inform the professional body.

4.3.4 The Role of the Supporter

- 4.3.4.1 The student or any witness may bring with them a supporter who may accompany them in front of the Panel. The supporter may only speak with the permission of the Chair. A 'supporter' is defined as a registered student of the University, a representative of the Students' Union, a workplace companion or a family member. A 'supporter' cannot be a member of staff because this may put them into a position of conflict of interest and their relationship with the student may be compromised. The role of the friend is not to be an expert witness. The role of the friend is to act as an observer, give moral support and to assist the student to make their case (although he/she may speak with the permission of the Chair). In addition, where reasonable adjustments are required, a student may be accompanied by a supporter e.g. a sign language communicator or a note taker, and a student with difficulty in understanding English may be accompanied by an interpreter.

4.3.5 Penalties

- 4.3.5.1 If a student is found guilty of an allegation of academic misconduct, one or more of the penalties set out below may be imposed by the Academic Misconduct Panel. The student or his or her supporter shall be entitled to make representations in mitigation before the penalty is decided.
- 4.3.5.2 When determining penalties, consideration will be given to the seriousness of the misconduct, the deliberateness of the action, the circumstances of the misconduct, and the experience of the student. Penalties must be appropriate and proportionate to the offence and consistent with penalties imposed for similar offences. It is important that Faculties keep a log of penalties (see section 6).
- 4.3.5.3 The Academic Misconduct Panel can impose one or more of the following penalties:
- Absolutely discharged, which means that although the student may be technically guilty of the misconduct alleged, no blame should be attached to his or her actions. In the case of cheating or plagiarism, the Panel shall report to the Programme Assessment Board any advantage which the student may have innocently gained from the situation
 - Admonished
 - Formal caution that if the student is found guilty of academic misconduct on a subsequent occasion in the following twelve

months, or some other specified period, he or she will then be dealt with for both offences

- Compulsory attendance on study skills courses or similar developmental activity
- That the mark recorded for a specified unit of assessment be set at 'zero' and the student be required to resit the assignment for an uncapped mark
- That the mark recorded for a specified unit of assessment be set at 'zero' and the student be required to resit the assignment for a capped mark of 40% for levels 4, 5 and 6 and 50% for level 7.
- That the mark recorded for the specified unit of assessment be set at 'zero', the student be required to retake the module for a capped mark of 40% for levels 4, 5 and 6 and 50% for level 7.
- That the mark recorded for the specified unit of assessment be set at 'zero' and the student be required to resit the assignment for a capped mark of 40% for levels 4, 5 and 6 and 50% for level 7. The unit must be included in the calculation of the final degree classification
- That the mark recorded for the specified unit of assessment be set at 'zero' and the student be required to retake the assignment for a capped mark of 40% for levels 4, 5 and 6 and 50% for level 7. The unit must be included in the calculation of the final degree classification
- That the mark recorded for the specified unit of assessment be set at 'zero' and the student not be permitted to resit or retake the assignment
- Recommendation to the Vice-Chancellor that the student be required to leave the University without any further opportunity to retrieve any outstanding resit or obtain any further academic credit. The student will be entitled to a transcript of credit achieved and any academic award for which this credit qualifies them

4.3.5.4 The Panel may also ask that a student's previous work be re-examined for plagiarism. If multiple plagiarisms are identified for which credit has already been obtained, then credit may be withdrawn and any of the above penalties applied.

5. Appeals

5.1 A student has the right to appeal against a finding of guilt or a specific penalty imposed by Summary Action or by an Academic Misconduct Panel. Intention to appeal must be notified to the University Secretary/Registrar within 28 days of the conclusion of the proceedings and the student must set out in writing the grounds on which the appeal is based.

5.2 Allowable grounds for appeal are:

- a) Availability of new evidence which could not reasonably have been revealed during Summary Action or to the Academic Misconduct Panel
- b) Procedural error in the previous process
- e) That the penalty imposed was not appropriate or proportionate to the offence

- 5.3 The University Secretary and Registrar will decide whether there are grounds for appeal and if so, arrange for the appeal to be heard by an Appeals Panel.
- 5.4 An Appeals Panel will consist of three staff not previously involved in the case. The Appeals Panel must be chaired by an academic member of the University Leadership Team, or a Dean of Faculty so far unconnected with the case.
- 5.5 Membership will be drawn from the following:
- The University Leadership Team
 - Other academic members of Senate
 - Representatives of the Students' Union
- 5.6 An Appeals Panel will normally meet within 21 days of the receipt of the request for an appeal.
- 5.7 The student has the right to present the appeal in person or in writing as he or she chooses, and be accompanied by a supporter (see section 5). The Dean or Chair of the Academic Misconduct Panel may make a statement (responding to the student's appeal) to the Appeals Panel in writing or in person as appropriate.
- 5.8 The Appeals Panel may uphold or repeal the finding of guilt and/or may uphold, increase, reduce or remove the penalty.

6. Record Keeping, Monitoring and Evaluation

Newman University will monitor and evaluate the cases that go through these Procedures and reflect upon the outcomes for enhancement purposes. Faculties will keep a log of all cases accordingly.

7. Office of the Independent Adjudicator for Higher Education

Following the completion of any internal disciplinary procedures, a letter confirming completion will be issued to the student who will be notified of their right to appeal to the Office of the Independent Adjudicator for Higher Education (www.oiahe.org.uk).

