



# DERBY COLLEGE GROUP POLICY

## PROCEDURE

# HE Academic Misconduct Procedure

Owning Policy:	HE Academic Misconduct Policy
Policy Number:	HED-004
Policy Version / Year:	V1/2020
Designated Owning Department:	Higher Education

Date:	September 2020
Document Name:	HE Academic Misconduct Procedure
Procedure Originator:	Director of Higher Education

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**POLICY - PROCEDURES - GUIDELINES - RELATED DOCUMENTS**

## **Procedures**

### **Introduction:**

- 1.1. Allegations of academic misconduct will be dealt with via a staged approach which recognises the learning cycle that students undertake when studying at a higher level.
  - 1.1.1. Informal (first offence)
  - 1.1.2. Formal (second or further offences)
  - 1.1.3. Review

### **Informal (first offence)**

- 1.2. The first allegation of a student's academic misconduct will be presented by the Programme Leader or Team Manager for the curriculum area at the HE Academic Quality and Standards Committee. A decision will be agreed by the committee as to the penalty applied in order to ensure that the agreed penalties or sanctions are clear, equitable and transparent across programmes for first offenses.

### **Formal (second or further offences)**

- 1.3. Allegations of further academic misconduct (a student's second or multiple occurrence of misconduct) will be dealt with through an investigatory procedure, undertaken by a member of the Quality Team or nominated person.
- 1.4. The Director of Quality will appoint an Investigating Officer to enquire into the facts of the case as soon as is reasonably practicable. The Investigating Officer will not subsequently be either wholly or partly responsible for determining the sanction.
- 1.5. The Investigating Officer will determine whether the allegations potentially constitute academic misconduct, and if so, an investigatory meeting chaired by the Director of Quality will be established. The Investigating Officer may decide that there is no need to proceed with the full investigatory procedure.

### **Remit and Composition of the Panel**

- 1.6. The remit of the panel is to consider the allegation of academic misconduct. They should consider all mitigating and aggravating factors when coming to their decision.
- 1.7. The panel for an Academic Misconduct meeting will be drawn from across the institution of those with no previous involvement with the case, or significant prior involvement with the student (such as a personal tutor), may be part of the HE Academic Quality and Standards Committee, and will include:
  - (a) Director of Quality (Chair)
  - (b) A sabbatical officer or nominee from the Students' Union
  - (c) Higher Education and Higher-Level Skills Manager
  - (c) Two further members drawn from the academic staff delivering higher education
  - (d) A secretary nominated by the Chair

### **Preparation for the Hearing**

- 1.8. The student will be written to by the secretary to invite them to the hearing and giving a minimum of ten working days' notice of the hearing. The communication will include:
  - (a) the date, time and location of the hearing;
  - (b) the purpose of the hearing;

- (c) composition of the panel and the mechanism for challenging its composition based on potential conflict or bias, and a deadline for making that challenge;
  - (d) information on submitting additional statements, evidence or testimonies;
  - (e) their right to be supported or represented (though not by legal representation);
  - (f) the Academic Misconduct policy.
- 1.9. The student will be required to submit any further statement, information, witness statements or references within ten working days of the date of invitation. They should also confirm the name and role of any accompanying person.
- 1.10. All evidence provided to support the student's case must be original unaltered copies, with all witness statements signed, dated and providing contact details should further clarification be required.
- 1.11. The student has the right to challenge the composition of the panel based on any perceived conflict of interest or a breach of the rules for composition of the panel. Any objection must be received in writing within five working days of notification of the panel composition. The decision on the reasonableness of the objection will be taken by the Chair of the panel (or another member of the panel if the Chair is the subject of the objection), and if necessary a panel member will be replaced.
- 1.12. If a student is unable to make the date set with good cause the date will be rearranged. A panel date will only be rearranged once (except in exceptional circumstances such as hospitalisation) as the student is expected to prioritise attendance at the hearing over other activities.
- 1.13. The student has the right to attend the panel hearing but if they choose not to do so this will not prevent the hearing from taking place.
- 1.14. At least five working days prior to the hearing the panel will be sent:
- (a) the case file;
  - (b) the Academic Misconduct policy;
  - (c) any further information/documentation submitted by the student.

## **Hearing Procedure**

- 1.15. The panel will initially convene in private and hold a preliminary discussion based on the documentary information provided. It will identify the key facts and the lines of questioning to be pursued
- 1.16. The panel may at its discretion vary this procedure where it considers it to be appropriate to do so.
- 1.17. The panel may at its discretion adjourn the hearing to another date, time and place where it requests further information to be provided or further inquiries to be made.
- 1.18. The student, their supporter or representative (if present) are invited to join the hearing.
- 1.19. The Chair will introduce the panel and explain the place of the hearing within the Academic Misconduct procedure.
- 1.20. The student will be given the opportunity to make a verbal statement if they wish. They will not normally be permitted to submit further documentary evidence however the Chair may use their discretion to allow further documentary evidence where there is good reason to do so. The panel and Chair will question the student.

- 1.21. The student's supporter may not address the panel without the permission of the Chair but if at any point of the student and their supporter wish to confer they may do so. If they wish to confer in private they may leave the room for a brief period of time.
- 1.22. When the Chair and panel have finished their questioning the student will be invited to make a closing statement. The Chair will then advise the student as to when and how they will be notified of the outcome of the hearing, with normal practice being in writing within 5 working days.
- 1.23. The student, their supporter or representative (if present) will be asked to leave the hearing. The panel will meet in private to make their decision on the case.

## **Decision Making**

- 1.24. Part of a fair hearing is that it gives adequately reasoned decisions. This is so that the parties may understand the decision. In coming to their decision the panel will identify any mitigating or aggravating factors when deciding on the penalty that the student will receive.
- 1.25. Mitigating factors may include:
  - (a) Showing insight into the situation
  - (b) Demonstrating remorse or having taken remedial action
  - (c) Documented serious personal or psychological factors that would have prevented the student from following the correct course of action
  - (d) Level of study (level 4)
- 1.26. Aggravating factors may include:
  - (a) Lack of cooperation
  - (b) Lack of insight
  - (c) Previous offences of academic misconduct
  - (d) Extent of proven misconduct
  - (e) Indications of an intention to deceive
  - (f) Level of study (Level 6 or 7)

## **Penalties**

- 1.27. The College has based its penalties for academic misconduct on the work undertaken by [www.plagiarismadvice.org](http://www.plagiarismadvice.org) and the AMBeR project. Penalties relate to a points-based tariff system to ensure consistency and fairness in the handling of academic misconduct.
- 1.28. Lesser penalties will be applied for proven cases of misconduct which have occurred at, for example, Foundation Year and Level 4, and a degree of flexibility will be permitted in determining penalties in cases where students are in the first semester of direct entry.
- 1.29. In determining the appropriate penalty the scale of the misconduct and the existence of intent to deceive will be taken into account. Failure to use the correct academic convention and/or deliberate cheating are taken more seriously at Level 6 and as such attract more severe penalties.
- 1.30. Penalties range from a formal warning to recommended expulsion from the College depending on, for example, the level of misconduct, previous history and the level at which the student is studying.
- 1.31. In the light of the evidence presented, and any mitigating or aggravating factors, the panel will need to make an overall decision and conclude one of the following:
  - (a) Dismiss the case and with no sanction applied;

- (b) No further action beyond formal warning and details to be kept on file;
- (c) The student should be permitted to continue on the programme, with an appropriate penalty for:
  - (i) Coursework being assessed using the AMBeR tariff
  - (ii) Examination in which the offence occurred being recorded as fail with awarded a numerical grade of 0 (Zero) with the incident reported to the Board of Examiners;
- (d) The student should not be permitted to continue on the programme with immediate effect (expulsion); with the recommendation to the Board of Examiners that the student retains all credits awarded and is given the highest exit award that they have achieved to date;
- (e) The student should not be permitted to continue on the programme with immediate effect (expulsion); with the recommendation to the Board of Examiners that the student retains all credits awarded but is not granted an award;
- (f) The student should not be permitted to continue on the programme with immediate effect (expulsion); with the recommendation to the Board of Examiners that the student has all credits withdrawn and no award is made.

1.32. The student will be informed in writing of the decision of the Academic Misconduct Panel within five working days.

## **Appeals**

1.33. Right to Appeal:

- (i) Students have the right to appeal against the outcome of an Academic Offence Misconduct Panel
- (ii) An appeal will only be allowed if new evidence is available and/or it can be shown that the correct procedures were not followed.
- (iii) Appeals must be submitted to the Director of Higher Education, in writing, within 10 working days of written notification of the outcome following the meeting explaining the reasons for the appeal.
- (iv) The Director of Higher Education (or nominee) will consider whether there are grounds for appeal. Where an appeal has been accepted a Misconduct Appeal Panel will be convened to consider the case.

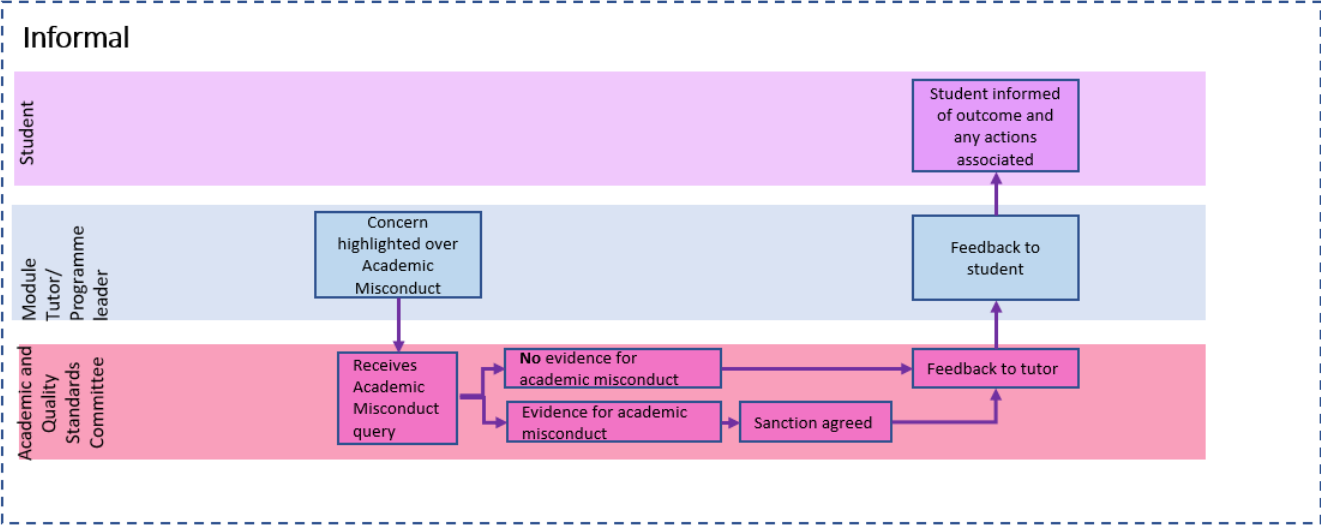
1.34. The Misconduct Appeal Panel will be constituted and operate in the same way as the Academic Misconduct Panel but will consist of different members of the College.

1.35. The outcome of an appeal can be to confirm or amend the original decision and may confirm or reduce the original consequence(s). The appeal decision is final.

1.36. In the event that the student rejects the outcome of the appeal, they may request an independent review of the process by the Awarding Organisation or be directed to the Office of the Independent Adjudicator (OIA). In order to do so the student must obtain a Completion of Procedures letter from the College. This confirms that the institution has completed consideration of the case through local procedures and they will be directed towards the next available option(s). In such circumstances that the student approaches the OIA, the student should forward a completed Scheme Application Form to the OIA, who will review the appeal independently in due course. Scheme Application Forms are available from the OIA at: Office of the Independent Adjudicator, 5th Floor, Thames Tower, Station Road, Reading, RG1 1LX You can contact the OIA by telephone: 01189 599813 or by Email: [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk) The OIA Website is: [www.oiahe.org.uk](http://www.oiahe.org.uk)

# Academic Misconduct Procedure (1 of 2)

This process should be read in conjunction with the Derby College Higher Education Academic Misconduct Procedure



# Academic Misconduct Procedure (2 of 2)

This process should be read in conjunction with the Derby College Higher Education **Academic Misconduct Procedure**

