

POLICIES AND PROCEDURES



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Academic Misconduct Policy & Procedure

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Academic Misconduct Policy & Procedure

1. INTRODUCTION

WLCBMS believes strongly in the importance of academic integrity and supports the development of good academic practice. As such it takes breaches of academic conduct very seriously and all allegations of academic misconduct will be investigated according to this policy. These are applied with full regard to the principles of equity and fairness.

2. SCOPE

The policy applies to all qualifications, at all levels, offered by WLCBMS

This policy should be read in conjunction with the assessment policy and procedure

3. RESPONSIBILITIES

Deputy Principal has overall responsibility for the Academic Misconduct Policy and Procedure including the appeals process.

4. EQUAL OPPORTUNITIES

This policy has been reviewed in line with the Equality Act 2010 which recognises the following categories of an individual's Protected Characteristics: age, gender, race, religion and belief, sexual orientation and disability. We will continue to monitor this policy and to ensure that it promotes equal access and does not discriminate against anyone, especially any person's listed under any protected characteristic.

5. DIFFERENT TYPES OF ACADEMIC MISCONDUCT, PROCEDURES & PENALTIES

1. It is academic misconduct for any candidate in the course of any assessment to engage in one or more of the following activities:

- Failing to comply with the Rules for the Conduct of Written Examinations, for example by taking prohibited materials into an examination hall.
- Assisting another candidate to gain an advantage by unfair means, or receiving such assistance, for example by impersonation or the
- passing off of one individual's work as another's. This includes undeclared failure to contribute to group coursework assignments.

- Misleading the examiners by the fabrication or falsification of data.
- Plagiarism; namely submitting work as the candidate's own of which the candidate is not the author. This includes failure to acknowledge clearly and explicitly the ideas, words or work of another person whether these are published or unpublished.
- Engaging in any other activity likely to give an unfair advantage to any candidate.

2. A candidate shall certify, when submitting work for assessment, the extent to which the work is his/her own.

3. An offence of academic misconduct will be defined as Minor or Major depending on its seriousness. Minor Offences shall be considered by the tutor and Major Offences shall be considered by the Academic Misconduct Panel. Final interpretation of the nature of an offence under the definitions below shall be the responsibility of the Deputy Principal .

4. Any decision made in accordance with the regulations on academic misconduct shall not be overturned subsequently.

Minor Offences

Definition and Jurisdiction

5. An incident shall be deemed to be a Minor Offence of academic misconduct if it relates to work for assessment not undertaken in an Examination Hall, and if the nature of the incident together with the circumstances of the candidate makes appropriate a relatively limited penalty. Examples include first offences of failure to acknowledge sources in a limited amount of coursework, and limited copying of another student's work. These examples are not intended to be exhaustive.

6. A candidate suspected of committing a Minor Offence will automatically be referred for action under the Major Offence procedure if s/he has previously been found guilty of any offence of academic misconduct at any time during his/her studies.

7. The Dean of Teaching is empowered to consider charges of Minor Offences against candidates and to levy penalties.

Procedure

8. Any circumstances which appear to an examiner to suggest that a candidate has committed any act of academic misconduct shall be reported immediately to the Dean of Teaching.

9. The Dean of Teaching shall decide whether any action shall be taken and if so whether that should be under the procedures for Minor Offences. If the

Dean of Teaching considers the incident to constitute a Major Offence, s/he shall consult the Deputy Principal.

10. The Dean of Teaching shall either refer the case for action under the Major Offences or advise the Deputy Principal to consider the case under the Minor Offences procedure.

11. Candidates shall be notified in writing of alleged Minor Offences and the evidence against them by Dean of Teaching. Candidates shall be invited to admit or deny the allegation and be permitted to defend themselves in writing and in person, accompanied by an individual of their own choosing. Any written defence or request to be heard in person, including the name and status of any accompanying individual, must be received by the Dean of Teaching within 10 working days of the notification of the alleged misconduct.

12. Having taken into account the evidence and the defence, if any, the Dean of Teaching shall decide whether the candidate is guilty of the offence, and if so, the appropriate penalty. In determining the penalty, the Dean of Teaching shall also take into account the extent to which the circumstances suggest the candidate intended to obtain an unfair advantage for him/herself or another. The candidate shall be notified in writing of the Dean of Teaching decision and of the penalty, if one is to be applied, within fifteen working days of the candidate being notified of the allegation. S/he shall also be notified of the right of appeal.

Penalties

13. Where a candidate is found guilty of a Minor Offence, the Dean of Teaching shall be empowered to impose one or more of the following penalties:

- The issue of a formal reprimand.
- The reduction by any amount of any or all of the marks obtained by the candidate in the module concerned.

Appeals

14. Candidates found guilty of Minor Offences shall have the right of appeal against the decision of the Dean of Teaching. Appeals should be submitted in

writing to the Deputy Principal within 10 working days of the candidate receiving notification of the decision of the Dean of Teaching, and should set out the grounds for, and nature of the appeal together with any evidence. Possible grounds for appeal include:

- that there were serious circumstances affecting the candidate of which the Dean of Teaching was not made aware when the decision was taken

- that there were procedural irregularities in the conduct of the investigation
- that there is evidence of prejudice or bias against the candidate on the part of one or more of those involved in the case
- that the penalty imposed was disproportionate to the offence

15. The Deputy Principal shall review the case and may request further information from the candidate or from the Dean of Teaching. The Deputy Principal may confirm, set aside or amend the decision of the Dean of Teaching and may confirm, increase or decrease any penalty imposed. The Deputy Principal shall convey his/her decision in writing to the candidate within 15 working days of receipt of the complete appeal documentation from the candidate by the Academic Misconduct Appeals Panel. The decision of the Deputy Principal shall be final.

Major Offences

Definition and Jurisdiction

16. An incident shall normally be deemed to be a Major Offence of academic misconduct if it relates to an assessment undertaken in an examination hall, or to other assessed work where the nature of the incident together with the circumstances of the candidate make appropriate a substantial punishment. Examples include failure to acknowledge sources in a substantial amount of coursework, and substantial verbatim (or near verbatim) copying of another student's work. These examples are not intended to be exhaustive.

17. Major Offences shall be considered by an Academic Misconduct Panel appointed by the Deputy Principal (Chairperson) with the following constitution:

- Dean of Teaching, Academic Registrar, two members of the academic staff

No individual who has any connection with the case to be heard may serve on the Academic Misconduct Panel or act as its Secretary. (nominees from senior management to be appointed by the chair if Dean of Teaching or Academic

Registrar has a connection to the case). A quorum of at least 3 members must be present for any decision to be made.

Procedure

18. In the case of an assessment taking place in an examination hall, any incident of alleged academic misconduct shall be reported immediately, with evidence, to the Dean of Teaching. In the case of other assessed work, any circumstances which appear to an examiner to suggest that a candidate has committed any act of academic misconduct shall be reported immediately to

the Dean of Teaching and action shall be taken in accordance with paragraphs 9 and 10 above.

19. Candidates shall be notified in writing of alleged Major Offences by the Secretary of the Academic Misconduct Panel at least fifteen working days before the date of the panel meeting. The notification shall include the nature of the charge, the evidence, and the date and time of the meeting of the Panel convened to consider the case together with details of the members of the Panel. Candidates shall be invited to admit or deny the allegation.

20. Candidates have the following rights:

- To submit a written defence and any other written evidence.
- To attend the Panel meeting in person.
- To be accompanied by an individual of their own choosing.
- To call witnesses for examination at the meeting.

Any mitigating circumstances raised in defence by a candidate will normally be considered only if supporting documentary evidence is provided.

21. The written evidence, together with the name and status of any accompanying individual, and of any persons to be called as witnesses must be received at least 7 working days before the date of the meeting. The full documentation shall be circulated to all participants at least 5 working days before the meeting.

22. The Dean of Teaching may make a written submission to the panel and recommendations as to the outcome. The External Examiner may be consulted in the preparation of this submission. Any submission of this kind must be received by the Dean of Teaching at least 7 working days before the date of the meeting. The Panel shall consider, but will not be bound by, any such submission.

23. The Panel may require the Dean of Teaching or his/her nominee and the internal examiner to attend the meeting in person.

24. The proceedings of the meeting shall normally take the following form:

- The evidence against the candidate shall be presented. Where the allegation relates to an assessment undertaken in an Examination Hall, the invigilator who detected the incident may be required to present the evidence. In the case of other assessed work, the evidence will normally be presented by the Dean of Teaching or his/her nominee
- The candidate shall be allowed to respond to the allegations
- The Panel shall ask questions of the candidate, and any witnesses
- The candidate shall ask questions of any witnesses, and make his/her final statement

- Within this framework the Panel has discretion over the conduct of the proceedings
- With the agreement of the candidate, the procedure may be simplified in cases where the candidate has admitted the allegation

25. Having taken into account all the evidence, and the defence, if any, the Panel alone, advised by its Chairperson, shall decide whether the candidate is guilty of the offence, and if so, the appropriate penalty. In determining the penalty, the Panel shall also take into account the extent to which the circumstances suggest the candidate intended to obtain an unfair advantage for him/herself or another. The candidate shall be informed of the decision and the reasons for it in writing within 3 working days of the meeting. The Panel may notify the candidate orally in advance of the written communication at its discretion. If the Panel decides against the candidate, he/she shall be notified of the right of appeal.

Penalties

26. Where a candidate is found guilty of academic misconduct, the Academic Misconduct Panel shall be empowered to impose one or more of the following penalties:

- The issue of a formal reprimand.
- The reduction by any amount of any or all the marks obtained by the candidate in any module in the current part of the candidate's programme.
- The withdrawal of reassessment rights in any module in the current part of the candidate's programme.
- To set a cap on any mark achieved by the candidate on reassessment in any module in the current part of the candidate's programme.
- The immediate termination of the candidate's studies.

Appeals

27. Candidates found guilty of Major Offences shall have the right of appeal to the Examination and Assessment Board (EAB) against the decisions of, and / or penalties imposed by the Academic Misconduct Panel. Appeals should be submitted in writing to the EAB Chairperson within 10 working days of the candidate receiving notification of the decision of the Academic Misconduct Panel, and should set out the grounds for, and nature of the appeal together with any evidence (Ref: Section 7.a)

28. Having reviewed the case, the EAB shall reach a decision on the appeal. The EAB may confirm, set aside or amend the decision of the Academic Misconduct Panel and may confirm, increase or decrease any penalty imposed. The appellant shall be informed of the decision and the reasons for it in writing within 3 working days of the meeting. The EAB may notify the

candidate orally in advance of the written communication at its discretion. The decision of the EAB shall be final.

29. If a student has fully exhausted the College's Academic Misconduct Procedure and remains dissatisfied with the outcome, the student can appeal to external agencies e.g. Qualification awarding organisation and Office of the Independent Adjudicator.

6. MONITORING AND REVIEW

The Dean of Teaching shall inform the Academic Registrar immediately of any alleged Minor Offences of academic misconduct under investigation and the Academic Registrar shall be responsible for identifying concurrent allegations relating to one candidate. A record of all incidents of academic misconduct that are upheld and any penalties shall be kept on the candidate's record.

7. RELATED DOCUMENTS

- a. Academic Appeals Policy & Procedure
- b. Academic Misconduct Panel – Terms of Reference

8. APPENDICIES

TERMS OF REFERENCE - ACADEMIC MISCONDUCT PANEL

- to provide an opportunity to any individual to appeal against a final decision of the Academic Appeals Panel with making decisions on student progression, assessment and awards.
- to hear the case of any individual where the College/Department is satisfied that academic misconduct has taken place.
- to monitor the outcomes of individual cases.
- to report on trends and issues, including any need for policy change arising from an individual case or cases.
- to keep under review the above procedures, and from time to time to make recommendations on improvements.