

Academic Malpractice Policy and Procedure

This policy and procedure apply to work submitted for summative assessment by all students registered on a University of Manchester award, at both undergraduate and postgraduate levels. The policy also applies to students registered on the Spurgeon's Award. Work submitted for formative assessment is expressly excluded from its provisions.

This policy and procedure closely follows that of the University itself (<http://www.tlso.manchester.ac.uk/appeals-complaints/conductanddisciplineofstudents/>), adapted to the College's situation.

POLICY AND GENERAL PRINCIPLES

1. All cases should be dealt with in accordance with the principles of natural justice, which imposes a duty on the College to act fairly. In practice this means that the student should have full information of the case against them, adequate warning of a hearing should be given so that the student has time to prepare, both sides should hear each other's case in its entirety and clear reasons for decisions taken should be given. Those making the decision must be unbiased and decisions taken must be demonstrably reasonable and not irrational.

Definitions

2. *Academic malpractice* is any activity – intentional or otherwise - that is likely to undermine the integrity essential to scholarship and research. It includes plagiarism, collusion, fabrication or falsification of results, and anything else that could result in unearned or undeserved credit for those committing it. Academic malpractice can result from a deliberate act of cheating or may be committed unintentionally. Whether intended or not, all incidents of academic malpractice will be treated seriously.
 - *Plagiarism* is the presentation, intentionally or unwittingly, of the ideas, work or words of other people without proper, clear and unambiguous acknowledgement. It includes the copying of the work of any other person, including another student, and the submission, in whole or in part, of a student's own work - self-plagiarism - where, for example, such work may have been previously submitted for a different assessment.
 - *Collusion* is when a student or students collaborate with another student or students, as an individual or group, to gain a mark or grade to which they are not entitled. Students who allow another student to copy their work are also committing collusion and both the copier and the provider of the work are liable to be penalised.

- *Fabrication or falsification* of data or results by individual students or groups of students is the presentation or inclusion in a piece of work of figures or data which have been made up or altered and which have no basis in verifiable sources; this may or may not involve other instances of academic malpractice.
- *Cheating in exams* is another form of academic malpractice, entailing the possession of unauthorised material or the use or attempted use of unauthorised or unfair means. Specifically, it is an offence:
 - to copy from the work of another candidate, or allow copying from one's own work;
 - to obtain assistance from another candidate, or provide assistance to them, by whatever means;
 - to impersonate another candidate, or allow oneself to be impersonated.
 - to use any pre-written study aids, books or notes which are not permitted in the examination room
 - to use a mobile phone or similar electronic devices (e.g., iPhone/ iPod/ MP3/4 player/Smartwatch etc.)
 - to disrupt the examination room by causing undue noise or disturbance
 - to talk, pass written communication or make social media contact with another candidate during the examination
 - to deliberately destroy any notes or rough working which you make during the course of the examination

Institutional Responsibilities

3. The College will take reasonable steps to ensure that all students – undergraduate, postgraduate, full-time, part-time, distance, visiting, UK and international – understand the academic standards and requirements they must follow.

The College will always make clear that:

- a) acts of academic malpractice are not acceptable in any circumstances; and
- b) where such acts are shown to have occurred, an appropriate penalty will always be enforced.

4. No circumstances justify academic malpractice, and a penalty must always be applied. Although students may present evidence of mitigating circumstances (which may be taken into account when determining the penalty to be applied), it must always be borne in mind that students are encouraged to bring such circumstances to the attention of the College at the earliest possible opportunity so that the College can consider offering appropriate help. Lack of time, or too much work, do not constitute mitigating circumstances.

5. The College will, when determining a penalty to be imposed as a consequence of academic malpractice, take account of the consequences which the penalty will have for the academic progression of the student concerned.

Institutional Procedure

6. The College's malpractice procedure is conducted through Malpractice Panels, Malpractice Tribunals and Malpractice Appeals Boards:

- Malpractice Panels hear first offences
- Malpractice Tribunals hear all subsequent offences and appeals lodged against decisions made by a Malpractice Panel
- Malpractice Appeals Boards hear appeals lodged against decisions made by a Malpractice Tribunal (except where the Malpractice Tribunal was convened to consider an appeal).

7. The key officer on the College's part to ensure that the process is correctly managed is the member of staff designated by the Principal as the *Academic Malpractice Officer*.

8. Particularly serious cases involving first offences may be referred directly to the Malpractice Tribunal at the recommendation of the Academic Malpractice Officer. This will happen only in exceptional circumstances.

Assessing the Severity of Academic Malpractice

9. Each case is different and Panels/Tribunals are expected to use their judgment in deciding the seriousness of an offence and deciding whether there are aggravating circumstances that might affect the severity of the penalty. Panels/Tribunals must attempt to ensure consistency of treatment between cases, making a judgement about what is a proportionate penalty and ensuring that the penalty chosen does not have consequences for academic progression which are disproportionate in impact.

10. Factors to take into account when determining the penalty and its proportionality include the following:

- The student's level of study: the more advanced and experienced the student, the more serious the offence.
 - The proportion of the piece of work that was subject to malpractice: the higher the proportion, the more serious the offence.
 - The weighting of the piece of work towards the credit rating of the unit: the higher the weighting/credit, the more serious the offence.
- The student's previous history: a subsequent offence, occurring after a student has already received a warning or a penalty for academic malpractice, is more serious than a first offence.
 - The degree of intention to deceive in the piece of work in question (which might be assessed by, for example, efforts to change wording, poor referencing or lack of referencing of plagiarised material, evidence from earlier drafts) and also in the hearing itself by failure to tell the truth.

11. The judgment on any case shall give details of the relevant factors taken into account, stating the degree to which they contributed to the decision, and will state the Panel or Tribunal's intentions in terms of the impact of the penalty on progression/degree awarded. It will also refer to any other matters taken into account, e.g. any mitigating/aggravating circumstances, so that precedence and best practice may be established. The written record will also be important in the event that the student appeals the disciplinary process/outcome. [See paragraph 34, Communication of Outcome]

Dissertations/Long Essays/Project Reports/Theses

12. If academic malpractice is suspected in a thesis, dissertation or similar piece of work, the work should continue to be marked or assessed to gather evidence of the extent of the alleged malpractice. The formal examination process should then be suspended and the result withheld pending an investigation.

13. The examiner(s) should submit a brief written report, identifying the possible malpractice, to the Academic Malpractice Officer who will implement the procedures described in paragraphs 19-23 below.

Students who are Unable to Attend a Panel/Tribunal

14. Students who are normally resident in the UK, and who are not following distance/online learning programmes are expected to attend a Panel/Tribunal called to consider their work. .

15. Distance/online learning students, or students who are not resident in the UK and have returned home, must be offered the opportunity to have their Panel/Tribunal conducted *via* video or teleconferencing facilities (or equivalent) with an accompanist in attendance. If this is not possible, or the opportunity is declined, or no response is received within a reasonable time frame (bearing in mind the student's location), it is reasonable to hear the case 'in absentia'. The normal procedure should be followed, but instead of requiring students to attend, they should be asked (via an appropriate means of communication) to respond to the allegation. They should be supplied with full details of the case against them and informed of the possible consequences if they are deemed to be guilty of academic malpractice. They should receive the same paperwork prior to the meeting as the panel members, e.g. copies of the relevant assignments and supporting evidence, printouts of web pages from which the suspected plagiarised material comes. They should also be given a suitable time limit for a response (this may vary according to where they live), and be informed that if they do not respond a decision will be made on the basis of the evidence available to the panel. Once a decision has been made it should be communicated to the student [see paragraphs 34-37 below].

Note: in both instances above, student should be permitted to provide a written statement, and any supporting material, to the Panel/Tribunal detailing their response to the allegation. This statement should be submitted to the Academic Malpractice Officer at the College 24 hours prior to the Panel/Tribunal.

Loss of Credit

16. Students gain credit when they successfully complete a unit by attending as required and by satisfying the criteria for assessment.

17. The assumption which underlies penalties for academic malpractice is that a mark of zero for a whole unit involves **loss** of the associated credit for the unit. The student may attempt to regain the lost credit by resubmitting the unit assignment(s) should the Malpractice Panel/Tribunal permit them to do so. Similarly a mark of zero for one assessed piece of work may result in the unit as a whole being failed. The student may attempt to regain the lost credit by resubmitting the one assessed piece of work should the Malpractice Panel/Tribunal permit them to do so.

18. Panels/Tribunals may direct the Examination Board that a penalty of mark of zero can be imposed 'without loss of credit'. This enables panels to act proportionately in circumstances where otherwise the penalty would have a disproportionate effect on the outcome for the student. Panels are responsible for determining the proportionality of the impact of any penalties imposed.

Previous assessed work

19. Unless there are very good reasons, there is no expectation that, on the finding of academic malpractice in a piece of assessed work, previous work will be routinely checked, although the option remains to review all the student's assessed work if the Academic Malpractice Officer determines that it is appropriate to do so.

PROCEDURES

Assessing whether there is evidence that academic malpractice has taken place

20. All suspected cases of academic malpractice in written assessments should be marked up by the tutor who discovers them to show the location and extent of relevant passages, and their possible original sources, or other indicators of academic malpractice. The evidence and a short written report should be referred to the Academic Malpractice Officer. Invigilators who suspect cheating in examinations shall likewise report the case in writing to the Academic Malpractice Officer.

21. The Academic Malpractice Officer will assess whether or not the evidence suggests that academic malpractice, as defined in paragraph 2, may have been committed.

22. If the Academic Malpractice Officer judges that the case is one of 'poor academic practice' rather than 'academic malpractice', the matter will be referred back to the tutor responsible for the work in question. The tutor will then mark the work according to the normal criteria, which include standard of presentation. In such instances, it is essential that the student is given appropriate feedback and guidance, not only in the tutor's written comments, but also through personal contact and additional learning support.

23. When a suspected case of malpractice is referred to the Academic Malpractice Officer, and it is decided that there is a *prima facie* case to answer, anonymity will be lifted in order to ascertain the identity of the candidate. If the matter is being referred back to the tutor as under paragraph 22, the tutor will be informed of the identity of the candidate so that appropriate personal feedback and guidance can be given.

Conduct of Panels/Tribunals

24. Minutes shall be taken of the proceedings and decisions of all Panel/Tribunal meetings, using the University's templates. Normally the Senior Registrar or their deputy shall attend as secretary to make this record. In the event that no member of the Academic Administration Team is available to attend, a member of the

Panel/Tribunal shall make the record, which must always be lodged with the Academic Registry.

25. The Malpractice Panel shall consist of the Academic Malpractice Officer (or their deputy) plus another member of the teaching staff. The member of staff who initially made the allegation shall not sit on the Panel.

26. The Malpractice Tribunal shall consist of a Chair appointed by the Principal and another member of the teaching staff. The member of staff who initially made the allegation shall not sit on the Panel. If the Tribunal is hearing an appeal from the Panel, the members of the Tribunal must not have been members of the original Panel.

27. The Senior Registrar or their deputy shall provide for the meeting a record of the student's academic progress to date, so that the panel can take into account the consequences of any proposed penalty.

28. Students must be given adequate notice of a requirement to attend the meeting, together with full information about the allegation being made against them and informed of the possible consequences if they are deemed to be guilty of academic malpractice. They must be advised of their right to be accompanied by a person of their choice (who may speak on their behalf), normally a fellow student, member of staff or Student Representative. They should receive the same paperwork prior to the meeting as the members of the Panel/Tribunal.

The case must not be discussed by the Panel/Tribunal before the student is present, other than to agree or clarify procedure and to decide the issues that need to be explored with the student. The student must be given the opportunity to hear all the evidence and to present an explanation, but should not be present whilst the Panel/Tribunal comes to a decision.

29. If the offence is admitted or proven, the Panel/Tribunal will apply the most appropriate penalty from the list set out below. In the event that the Panel/Tribunal needs to make further enquiries before reaching a decision, the hearing may be suspended pending completion of those enquiries.

30. In determining whether an instance constitutes a repeat (subsequent) offence, any offences committed during a student's current career as *either* an undergraduate or a postgraduate student, on an award validated by The University of Manchester, shall be taken into account.

For example, if a student, who is initially registered on a HE Certificate and then transfers to a HE Diploma and then a BA Degree, commits an offence while at BA Degree level having already committed an offence while registered for the HE Certificate or HE Diploma, this shall count as a repeat offence. The same principle applies when the transfer is only between HE Certificate to HE Diploma, or HE Diploma to BA Degree.

Similarly, if a student, who is initially registered on a PG Certificate and then transfers to a PG Diploma and then a Masters, commits an offence while a registered at Masters' level having already committed an offence while registered for the PG Certificate or PG Diploma, this shall count as a repeat offence. The same principle applies when the transfer is only between PG Certificate to PG Diploma, or PG Diploma to Masters.

However, an offence committed during the course of an undergraduate programme does **not** constitute a previous offence in the case of the same student who is currently studying for a postgraduate programme.

31. In applying penalties the Panel/Tribunal should ensure that it is fully aware of the impact of the penalty on the student's ability to progress/final degree result and intended career if appropriate, and that the likely impact is proportionate to the offence committed.

Note: Decisions of Academic Malpractice Panels/Tribunals override all other decisions on assessment. Thus, Panels/Tribunals can impose a mark of zero but specifically allow a student a reassessment opportunity even if the degree regulations would not normally permit a reassessment.

Range of Penalties

32. Malpractice Panel:

- (a) a reprimand and warning about future behaviour;
- (b) requirement to undertake a piece of work, not connected to the student's academic programme but related to the offence committed;
- (c) the relevant tutor to be informed that the piece of work be marked, if not already marked, according to the criteria; such a mark will normally be low, to reflect inappropriate use of sources
- (d) a mark already awarded for the piece of work or for the course unit to be reduced by a specified amount;
- (e) a recorded mark of zero for the examination paper or other assessed work in which malpractice occurred;
- (f) a recorded mark of zero for the units(s) in which malpractice occurred.

In the case of (e) and (f), the Board of Examiners will normally instruct the student to re-sit the exam or resubmit the assessed work, for a capped mark. However, the penalty of a zero mark may be imposed 'without loss of credit' in circumstances in which it is judged that the penalty would otherwise have a disproportionate consequence, for example if the candidate is in their final semester and has no opportunity for a resubmission.

Malpractice Panels may request a candidate to re-sit or resubmit without waiting for a meeting of the Board of Examiners.

33. Malpractice Tribunal:

All the penalties in 32. above as well as the following, which will only be used in exceptional circumstances:

- (g) recorded mark of zero for the piece of work or unit(s) in which the malpractice occurred and the student being not allowed a re-assessment;

(h) recorded mark of zero for the piece of work or unit(s) in which the malpractice occurred and the student not being allowed a re-assessment or to substitute any other assessed work;

(i) recorded mark of zero for all examination papers and other assessed work taken during the particular examination period (i.e. end of first semester (January); end of second semester (May/June); resit (August/September)) in which malpractice occurred;

(j) recorded mark of zero for all examination papers and other assessed work taken during the academic year;

(k) the examining authority to be required to reduce the class of degree by one or more classes from that which would have been awarded on the basis of the student's academic progress, or to award a lesser qualification;

(l) suspension from the College for a fixed period, up to a maximum of twelve months. A student who is so suspended will be prohibited from entering College premises and from participating in College activities, although the suspension may be subject to qualification;

(m) cessation of the student's registration for their accredited course;

(n) expulsion from the College;

(o) any other penalties available to the University of Manchester's Malpractice Officer's Panel.

In the case of (g) and (h), the penalty may be imposed 'without loss of credit' in circumstances in which it is judged that the penalty would otherwise have a disproportionate consequence.
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Communication of Outcome

34. Following the hearing, the decision of the Panel/Tribunal must be communicated to the student in writing within five working days. The communication will summarise the decision and the factors that were taken into account (see paragraphs 7-8 above), alongside an explanation of the potential consequences for the student's academic progress/achievement. The letter should also inform the student of the appeals procedure (see below), and of their right to appeal.

35. The communication should also suggest sources of study skills advice (where appropriate), and a warning about the consequences of a repeat offence.

36. A copy of the letter should be placed on the student's file. The official transcript for the student concerned, may record the marks only, and not indicate that malpractice has taken place.

37. The Senior Registrar shall maintain a record of the number and nature of cases dealt with including the level of penalty imposed and shall report periodically on such cases as requested.

Appeals

38. A student who is found guilty of malpractice shall have the right of appeal against both the finding of guilt and any penalty imposed on one or more of the following grounds:

- (a) procedural irregularity;
- (b) availability of new evidence which could not reasonably have been expected to be presented to the original hearing;
- (c) the disproportionate nature of the penalty.

39. Appeals shall be submitted to the Senior Registrar and directed as follows:

- (a) to the Malpractice Tribunal when a penalty has been imposed by a Malpractice Panel
- (b) to the Malpractice Appeal Board when a penalty has been imposed by a Malpractice Tribunal (except where the Malpractice Tribunal was convened to consider an appeal).

40. An appeal, including a statement of the grounds on which the appeal is being made, shall be submitted by the student concerned in writing within fifteen working days of the date on which written notification of the decision is sent to the student. A request for an appeal received after this time with good cause shown for its late submission shall only be granted at the discretion of those designated to hear the appeal. Any student who has failed to participate in the original disciplinary hearing when invited or required to do so shall be entitled to appeal only by special permission of those hearing the appeal.

41. Those considering an appeal shall have the authority to confirm, set aside, reduce or increase the penalty previously imposed. The decision of those hearing the appeal shall be final and there shall be no further opportunity for appeal against that decision.

42. Those hearing an appeal shall not re-hear the case afresh, but shall consider whether the initial hearing and outcome were fair by:

- (a) reviewing the procedures followed;
- (b) establishing whether the appellant has presented any new evidence that could not reasonably have been expected to be presented to the original hearing and that this evidence is material and substantial to the findings;
- (c) reviewing the penalty imposed.

Those hearing an appeal shall seek to deal with the case on the basis of documentary evidence and may, at their discretion, call a meeting to which the appellant is invited to present their appeal in person. In such an event, the appellant may be accompanied by a fellow student or Spurgeon's staff member of their own choosing, who may speak on their behalf.

43. The Malpractice Appeal Board shall comprise:
The Principal (or their representative) who will act as convenor/chair, a member of the teaching staff not previously involved in hearing the case, a governor and a student representative.

44. The Malpractice Appeal Board shall conduct its business in accordance with the rules of natural justice. Findings shall normally be made on the balance of probabilities and decisions may be by a majority. The Chair may vote and shall have in addition a casting vote.

45. Once a student has finished the internal complaints or appeals procedures there are two options if they wish to take further action:

- (i) Students registered with the University of Manchester can appeal to the University's Director of Teaching and learning Support (see paragraph 47 below)
- (ii) Students who are not registered with the University of Manchester can make a complaint to the OIA. Once such a student has finished the internal appeals or complaint procedures the College will promptly send a Completion of Procedures letter to the student. This will set out clearly what issues have been considered and the College's final decision, The OIA review will focus on this final decision. The OIA must receive a student's Complaint Form **within 12 months** of the date of the Completion of Procedures Letter. For further details see: <http://www.oiahe.org.uk/rules-and-the-complaints-process.aspx>

Liaison with the University of Manchester

46. The College reserves the right to discuss cases or suspected cases of malpractice with the University of Manchester as the Awarding Body.

47. For University of Manchester awards, a student has a right of review against the outcome of an academic malpractice appeal, by writing to the University's Director of Teaching and Learning Support within 10 working days from the notification of the appeal outcome. Students considering this course of action should consult the University's Academic Appeals, Complaints and matters of Misconduct: Partner Institution Procedures available on the University's website:
<http://www.tlso.manchester.ac.uk/appeals-complaints/>

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