



BUCKINGHAMSHIRE
NEW UNIVERSITY

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ACADEMIC INTEGRITY

Incorporating procedures for investigating
and addressing academic misconduct

QUALITY & TEACHING

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This document has been designed to be accessible for readers. However, should you require the document in an alternative format please contact the Academic Registry.

Introduction

1. The University has a duty and is committed to maintaining the academic integrity of its provision and values the contribution of learners, staff, and partners in abiding to the underpinning academic standards. The University is proud to be a signatory to the [Academic Integrity Charter for UK Higher Education](#).
2. Gaining an academic advantage by unfair means poses a threat both to the standards of the University's qualifications, and to the integrity of qualifications awarded to learners who achieve their qualification entirely by legitimate means. The University expects learners to show honesty and transparency in the completion of their work and not to act in such a way that will potentially result in them gaining an unfair advantage in any assessment.
3. The University will protect the standards of its awards by promoting the values of academic integrity and educating learners about its importance, putting in place structures and systems to support and protect academic integrity, and by acting where the academic integrity of work submitted by learners is called into doubt.

Purpose Statement

4. The purpose of this document is to set out the University's policy in respect of academic integrity and its procedures for identifying and investigating incidents of potential academic misconduct.

Applicability and Scope

5. This policy and its related procedures apply to all learners registered for a University qualification, including those studying at one of the University's partner organisations, on both taught and research degree programmes (including apprenticeship programmes).
6. It also applies to all academic staff at both the University and at its partner organisations, who have a responsibility to promote, protect and maintain academic integrity.

Responsibilities

7. Day to day management of academic misconduct is devolved to the Academic Registry. This includes monitoring and review to ensure that it is effectively managed and applied consistently across the University.
8. Academic Registry will be responsible for making minor changes to procedure following good practice and to take account of any changes in the University's structure. These will be reported annually to the Education Committee.

Definitions

9. The University has adopted the following definitions from the Office of the Independent Adjudicator for Higher Education (OIA). Academic integrity means:

“a moral code or ethical code which includes values such as avoidance of cheating and plagiarism, as well as maintenance of academic standards, honesty and rigour in research, etc.”

10. Academic misconduct is defined as:

“Any action by a student which gives or has the potential to give an unfair advantage in an examination or assessment, or might assist someone else to gain an unfair advantage, or any activity likely to undermine the integrity essential to scholarship and research.”

PART A: POLICY

Promoting and maintaining academic integrity

11. The University will promote academic integrity by:

- Ensuring that learners have a reasonable opportunity to **learn about the importance of academic integrity** and the possible consequences of committing academic misconduct on both their academic studies and for their career prospects, e.g. by scheduling induction sessions and making information accessible via programme handbooks and other teaching materials such as assessment briefs.
- Ensuring that academic and other frontline staff, whether at the University or at one of its partners, **demonstrate academic integrity** and otherwise act as a role model, e.g. by following academic referencing conventions.
- Making use of tools to detect and deter breaches of integrity, including **training in and the use of plagiarism detection software** by learners, teachers, and professional services employees.
- Embedding the **development of academically honest behaviours** into the design of new programmes.
- **Designing authentic assessment strategies** that engage learners, drawing on real-life situations and providing opportunities for them to incorporate some of their own personal experiences, ideas or reflections.
- **Reviewing, recording and reporting** on levels of academic misconduct annually for appropriate actions to be identified.

12. To maintain academic integrity, learners must ensure that in completing work for assessment:

- They produce work that is the **result of their individual effort** unless the assessment explicitly requires a group submission of an individual piece of work, e.g. a group presentation.
- Their **work acknowledges the sources used**, following the referencing system for the programme of study.
- They **do not reuse for a new assessment any work or part of any work for which credit has already been granted**. In the rare case when this may be permissible the earlier work must be appropriately referenced following the system for the programme of study.

- Their work details **accurate data and information obtained appropriately and ethically**, and which represents their own endeavours, knowledge and understanding.
 - They adhere to and comply with all **applicable legal, professional, ethical and regulatory requirements**. This includes the University's regulations regarding conduct in examinations.
13. The University will signpost where resources and information on maintaining academic integrity can be accessed. However, it is always the sole responsibility of the learner to act honestly and transparently in a way that is consistent with this policy and to seek advice and guidance if they are unclear.
14. Directors of Education, appointed to each School, will have overall responsibility for championing the promotion and maintenance of academic integrity.

Breaches of academic integrity and examples of academic misconduct

15. Academic misconduct, which stands for a breach of academic integrity, is unacceptable. Allegations of academic misconduct will be investigated and, where proven, a penalty will be applied.
16. Examples of academic misconduct include, but are not limited to the following:
- **Plagiarism:** Where a learner intentionally or unintentionally presents in part or completely, someone else's work as their own. This includes taking a copy of another learner's work without permission.
 - **Self-plagiarism:** Also known as recycling and double-dipping, this is where a learner submits work or part of work which they have already submitted on an earlier occasion and for which they have gained credits.
 - **Collusion:** Where two or more learners have worked together to gain unfair advantage. For example, working together on an assignment where in fact it should be the work of an individual learner or a learner supplying their work to another learner knowing that it would be used to circumvent academic integrity. The learners do not have to be in the same academic year.
 - **Cheating:** This can be any activity undertaken by a learner intentionally or unintentionally to gain for themselves or aid others in gaining unfair advantage in an assessment or assessed task. It normally refers to incidents in exams such as having unauthorised materials, devices etc., or by getting someone else to impersonate them and sit an exam for them, but can apply to a broader range of assessed activities, e.g. the falsification of data, evidence, or results.
 - **Contract cheating or commissioning:** Where a learner gets someone else to complete their work and passes it off as their own, also referred to as **ghost writing**. This can include acquiring the services of essay mills.
17. A learner will be in breach of the Academic Integrity Policy if their actions are inconsistent with the definitions and examples as defined in this document. A learner will not be considered to have breached academic integrity or committed academic misconduct until an investigation has been completed and found that misconduct has

occurred. Where a concern has been identified the marking process will be suspended while an investigation takes place.

18. Breaches may be intentional or unintentional. Examples of unintentional breaches include accidentally bringing unauthorised materials into an exam room, or accidentally leaving a mobile phone switched on during an exam, where there is no intention to gain an advantage. That a breach is not intentional will not be accepted as a defence, but the question of intent will be taken into consideration when deciding any penalty.
19. In deciding penalties for academic misconduct, the University recognises that poor or unacceptable academic practice, e.g. inadequate referencing of source material, may occur, particularly in the case of learners at an early stage in their academic development, or who have recently returned to academic study. This will be taken into consideration.
20. The University will also take into consideration any declared disability, e.g. dyslexia, dyspraxia or other learning disability, and whether this mitigates for deficiencies in maintaining academic integrity, drawing on the existing guidelines for marking such work. Appropriate referral will be made to the University's Disability Service to ensure learners have a full understanding of the procedures that may be followed.
21. Other general issues, e.g. sickness during the assessment process, are not excuses for committing academic misconduct as learners are expected to use the relevant process if they will be unable to complete assessment requirements.
22. Academic misconduct can be identified at any stage of a learner's studies, including after an award has been conferred. Where such academic misconduct is subsequently proven and it is considered that the misconduct has given an unfair advantage, this may lead to the award being revoked.

Categories of academic misconduct

23. There are four categories of academic misconduct:
 - **Poor academic practice**
 - **Minor academic misconduct**
 - **Major academic misconduct**
 - **Gross academic misconduct**
24. Distinctions between minor, major and gross academic misconduct will be based on a points tariff which will take into account: the level at which the academic misconduct occurred; intent to gain an advantage; the severity, type and nature of the misconduct committed; and any previous proven cases committed by the learner.

Relationship with other procedures

25. Learners on programmes accredited by a Professional Statutory Regulatory Body (PSRB), may also be subject to the *Fitness to Practise* procedures (in addition to the procedure in this document). This is because academic misconduct impacts on honesty and integrity which are values that are essential for entry to or continuation on the relevant professional register. Following the completion of these procedures, a proven allegation of misconduct may be referred to the appropriate professional body

or the University's *Fitness to Practise* procedures, which may result in a further penalty being applied.

26. Learners may be able to make a complaint using the *Student Complaints Procedure* about the extent to which the University has promoted academic integrity. This will be considered separately to any investigation into academic misconduct.

Standards of proof and the exercise of academic judgement in the decision-making process

27. The standard of proof will normally be based on the balance of probability that in light of the evidence presented it is more likely that academic misconduct did take place. The burden of proof will be on the University to demonstrate that this is the case.
28. Decision-making will be based on both establishing questions of fact, as well as making decisions based on academic judgement. Where academic judgement is a consideration, it will be based on evidence.
29. Academic judgement will be applied in particular to the analysis of reports generated by plagiarism detection software. A high similarity score will not necessarily mean that academic misconduct has occurred.

Other principles for ensuring procedural fairness

30. The following principles will also underpin the procedures set out later in this document to ensure the fairness of the process. These have been informed by the *OIA Good Practice Framework: Disciplinary Procedures*.
 - Allegations of academic misconduct will be treated in the strictest confidence.
 - Learners will receive notice of an allegation in writing, including the offence that they are suspected of committing, the reason for suspecting this and any supporting evidence. They will be given a fair opportunity to respond to the allegation.
 - If during the course of an investigation, a new offence is identified, or the allegation is changed or updated, the learner will be given a further opportunity to respond.
 - Learners will have the right to be accompanied by a representative or supporter at meetings conducted during the formal stage, with the exception of a formal viva voce examination. Learners will be encouraged to approach the Students' Union Advice Centre for advice and support.
 - Where the nature of the academic misconduct involves more than one learner, all learners will be entitled to support and to be treated fairly.
 - The University will seek to conclude its procedures as quickly as possible, and in accordance with the timescales set out in this document.
 - Decisions at the Formal and Review stages will be taken by those who have had no previous involvement. Decisions at the preliminary investigation stage may necessarily involve the member of staff who identified the concern.

- Decision-makers will receive appropriate training and support to encourage fairness and consistency in decision-making and the application of penalties. Decisions at the formal stage will involve a panel or hearing to encourage consistency and reduce the potential for bias.
- Learners will receive notification of decisions made in writing, which will include the reason for decisions reached and any penalties imposed. Learners will have the right to appeal against such decisions.

PART B: PROCEDURE FOR INVESTIGATING INSTANCES OF ACADEMIC MISCONDUCT

Making an allegation

31. An academic misconduct concern can be identified by a number of sources, including: a member of academic staff (normally the tutor); another member of staff (e.g. an exam invigilator); another learner at the University; or via an external source(e.g. employer, external examiner, or member of the public).
32. The member of University or partner staff who identified the concern will normally act as the 'identifier'. Where the concern is raised by an external source it will instead be the responsibility of the programme leader or someone delegated by them to act as the identifier.

Initial considerations and preliminary investigation

33. Where a concern is identified, the identifier should arrange to meet with the learner for an initial discussion and to offer them a reasonable opportunity to respond to the concern. To ensure consistency the identifier may wish to consult with an academic integrity lead or with the Director of Education within the School. Learners should initially be contacted in writing with full information of the concerns about potential academic misconduct in their work, including any supporting evidence that may apply. The subsequent meeting may be held face to face or virtually.
34. The identifier will then consider the concern and any response or explanation provided during the meeting to establish whether there is still a case to answer and whether it is considered poor academic practice or potential academic misconduct. Should the learner not attend this meeting, then a decision will be taken on how to progress the case in their absence.
35. In cases where the authorship of a piece of work remains in doubt but where supporting evidence may be difficult to establish (e.g. cases of suspected contract cheating or commissioning), following the initial meeting the identifier may refer the learner for an oral 'viva voce' examination. The purpose of the 'viva' will be for the learner's knowledge and understanding of the work in question, its context, and their familiarity with the sources used, to be tested under controlled conditions. A report of the viva will be provided with other evidence submitted to support an allegation. See Appendix A for further details of the viva voce process.
36. At any time during the course of the preliminary investigation or subsequent formal phase alternative or additional concerns may be identified. In such instances the

learner should be informed accordingly and offered an additional opportunity to respond or update their original response.

37. Where the case is considered to fall into the category of poor academic practice no penalty will be applied, the work will be marked and feedback provided. Feedback should cover the concern and indicate how this should be avoided in future. The learner should be referred to the relevant learning resources support, while the identifier should complete the **Academic Misconduct Allegation and Record Form** and submit this to Academic Registry for the case to be recorded formally.
38. Where the concern is considered to be potential academic misconduct, the case should be progressed to the formal stage. **Within five working days** of the meeting the identifier must:
 - Inform the learner(s) of their decision and signpost them for advice and support (to the Students' Union Advice Centre for learners studying directly with the University). In cases involving suspected collusion all learners should normally be referred for investigation.
 - Complete the relevant Academic Misconduct Allegation and Record Form (Form 1 for Coursework and Form 2 for Exams/TCAs).
 - Submit all relevant documents¹ to Academic Registry.
39. Where necessary the relevant text in documents must be highlighted, e.g. for suspected cases of plagiarism this should include the copied text in both the learner's work and the source document. Documents should be redacted as required, e.g. in cases of collusion.

The Formal Stage

40. Academic Registry will undertake an initial review of the case documentation received to:
 - Check that the form has been completed correctly and in full;
 - Ascertain that the reason for the allegation(s) is clear;
 - Ensure that evidence has been provided in support of the allegation.
41. Where this is not the case or any other concern relating to the submitted allegation is identified, the case will be returned to the Identifier with details of what they need to do. Normally case documentation should be appropriately revised and resubmitted within two working days.
42. On receipt of full documentation, Academic Registry will send all documents to the learner (normally via email) giving them the opportunity to respond formally to the allegation(s) within five working days. On receipt of the response or after five working days have elapsed, documentation will be forwarded to the University-wide Academic Integrity Panel ('the Panel'). Sufficient time will be allowed for Panel members to scrutinise documentation (normally five working days).

¹ Where a viva voce was held the evidence should include the viva voce report.

43. Membership of the Panel will be as follows:
- A School Director of Education, to be appointed on a rotating, annual basis and to act as Chair;
 - Academic Integrity Leads (one per School);
 - Representative of Learning & Teaching Excellence
 - Students' Union Vice-President: Education & Welfare.

Secretarial support to the Panel will be provided by the Academic Registry. To achieve quorum the Chair, two Academic Integrity Leads and the Secretary must be present. The Secretary will not be a member of the Panel and will not have a role in determining whether misconduct has occurred.

44. Panels will be convened throughout the academic year at approximately 4-6 week intervals. Additional meetings will be scheduled as required.
45. The role of the Panel will be: to review all documentation provided; to consider each case individually in terms of the allegation(s) raised, the learner's response, any additional considerations such as a declared disability; and to reach a judgement accordingly.
46. The Panel will determine:
- Whether academic misconduct has been proven to have occurred and, if so;
 - The category of the academic misconduct;
 - The penalty to be applied for proven cases of Minor or Major Academic Misconduct. Cases of Gross Misconduct will instead be referred to an Academic Misconduct Penalty Hearing.
47. To assist the Panel in determining any penalty to be applied, once academic misconduct has been proven to have taken place the Secretary will inform the Panel of any previous proven cases of academic misconduct committed by the learner so that this can be taken into consideration.
48. Decisions will be communicated to the learner in writing within ten working days of the Panel and will include the deadline by which a learner can appeal the decision (below).
49. An Academic Misconduct Penalty Hearing will be held in cases where the Panel considers that Gross Academic Misconduct is deemed to have occurred. This is because the allegation is very serious and the penalties are severe, e.g. temporary or permanent exclusion. The learner will be expected to attend the Hearing in person and may bring a supporter or representative. For further details see Appendix C.

Penalties for proven academic misconduct

50. The University has based its penalties on a points-based tariff system to ensure consistency and fairness in the handling of academic misconduct cases. See Appendix D.

51. Penalties fall into four categories, and range from referral to learning support services for instances of poor academic practice to recommended expulsion for the most serious instances.
52. Penalties will vary depending on the level of misconduct, the extent of any intent to deceive, previous proven instances of academic misconduct, and the level at which the learner is studying.
 - Lesser penalties will be applied for proven cases of misconduct which have occurred at, for example, Foundation Year and Level 4.
 - Failure to use the correct academic convention and / or deliberate cheating will be taken more seriously at Level 6, Masters and in the final year of a professional course as learners at this stage will be expected to recognise the importance of maintaining academic integrity and the consequences for committing misconduct.
 - A degree of flexibility will be permitted to the Panel in determining penalties (e.g. in cases where students are in the first semester of direct entry to a programme), or where the recommended penalty is impractical (e.g. for pass/fail elements where a marks reduction cannot be imposed)
53. The Panel will not take into consideration the learner's current academic position, which is the remit of a properly convened Board of Examiners. Where the penalty includes a requirement for the learner to be reassessed, this penalty will be subject to the decision of the Board of Examiners when considering the learner's full academic and credit profile.
54. The Board of Examiners will consider a learner's eligibility for progression, award and / or reassessment as set out in the relevant University and programme assessment regulations. The Board will then apply the penalty imposed by the Panel to any permitted reassessment. This may mean that, regardless of a Panel's decision on a reassessment penalty, the learner is not in a position to be eligible to be reassessed. The Board of Examiners is not permitted to compensate or otherwise pass any module in which academic misconduct is determined to have occurred and reassessment required, until reassessment has been attempted.

The appeal stage

55. At the conclusion of the formal stage a learner may appeal the decision that academic misconduct has occurred and/or the penalty that has been applied by submitting an **Academic Misconduct Appeal Form**. The form should be submitted to conduct@bucks.ac.uk within 10 working days of the learner receiving notification of the outcome of the formal stage. Use of the form is intended to help learners to identify whether they have appropriate grounds to appeal and provide further guidance on the process.
56. Appeals will only be accepted on the following grounds:
 - That the procedures during the formal stage were not followed properly;
 - That the decision-maker(s) reached an unreasonable decision;
 - That the learner has new material evidence that they were unable, for valid reasons, to provide earlier in the process;

- That there is bias or reasonable perception of bias during the procedure;
 - That the penalty imposed was disproportionate, or not permitted under the procedures.
57. On receipt of an appeal an initial assessment will be undertaken by Academic Registry, to confirm that the appeal has been submitted within the permitted timescale and that appropriate grounds have been cited but will not otherwise make any decision. Otherwise the appeal will be rejected.
58. Following the initial assessment the appeal will be allocated to an appropriate member of senior staff to review. The reviewer should not have been involved with the case at any previous stage. The outcome of the appeal review will be communicated to the learner in writing (e.g. by email), normally within 10 working days.
59. Where an issue is identified which is considered by the reviewer to have had a substantive impact on the original decision the appeal will be accepted. The case will be referred back to the Panel for reconsideration at the formal stage with the reasons why the appeal was accepted and a recommended outcome where this is considered appropriate.
60. Where an appeal is rejected at either the initial assessment, or following the subsequent review of the appeal, the decision will be communicated to the learner in writing by issuing a **Completion of Procedures (CoP) letter** outlining the reasons for the decision.
61. The CoP letter will also advise the learner of their right to further action through the Office of the Independent Adjudicator for Higher Education (OIA), the timescales for doing so, and where and how they can access support.

Independent external review (OIA)

62. After the University's internal procedures have been completed a learner is entitled to ask the OIA, the independent ombuds service, to review their complaint about the outcome of the University's academic misconduct process. The complaint needs to be submitted to the OIA within 12 months of the date of the Completion of Procedures letter.

Appendices

Appendix A: The use of 'viva voce' oral examinations

1. A 'viva voce' oral examination (or 'viva') will be held in instances where, following the initial discussion meeting, there is strong suspicion that academic misconduct may have occurred but where no / limited documentary evidence could be presented.
2. A viva is a continuation of the assessment. It is designed to give the learner the opportunity to talk about the content of the work, to help to determine whether they have authored the work they have submitted under their name. It will normally include consideration not only of the piece of work itself but any reading, research and other preparatory work undertaken, and how the work fits within the wider subject field.
3. As such, the learner may not normally be accompanied by a supporter or representative and will be expected to answer all questions themselves unless by prior agreement. This will only be given if it is required to accommodate the learner's disability or other reasonable adjustments. Where necessary, advice should be sought from the University's Disability Service.
4. During a viva the allegation of a breach of the Academic Integrity Policy will not be formally raised with learner. A report of the findings from the viva must be appended when making any subsequent formal allegation that misconduct has occurred and will form part of the evidence that is submitted.
5. The procedure for scheduling and conducting a viva will be as follows:
 - The learner will be advised in writing of the reason for the viva being held, the date, time and location (normally face to face). The viva should last no longer than 45 minutes and ten working days' notice will be given.
 - Two members of academic staff must be present, one of whom will be the Identifier as the specialist in the area under discussion.
 - The learner will be invited to demonstrate knowledge of the work in question, its context and their familiarity with any sources used and the methodology employed. The learner may be asked related questions by the academics within the discussion.
 - A record must be made of the discussion held: this will form the evidence if a formal allegation of academic misconduct is to be made, and will be made available to the learner
 - If the learner declines, or does not attend the viva, one further date will be arranged.
 - If the learner declines, or does not attend the second date, without providing exceptional reasons with supporting evidence, the Identifier will determine whether to proceed with the allegation in their absence.
6. Following a viva the Identifier will conclude from the discussion the appropriate action to take for either poor academic practice or for an allegation of academic misconduct. This will involve academic judgement and be taken on the balance of probabilities.

Appendix B: Guidelines for reporting learners to Professional Statutory Regulatory Bodies (PSRBs) and / or employers

1. These guidelines have been drawn up to provide expanded guidance to those who have a responsibility to report learners who either already hold or are studying for a professional qualification and for whom an allegation of academic misconduct has been proven to the relevant Professional, Statutory and Regulatory Body (PSRB) and/or employer.
2. They establish the circumstances under which the University may decide whether a student should be referred to a formally constituted Fitness to Practise Panel, the relevant PSRB, and/or the learner's employer.

Guiding principles

3. The University has a responsibility to ensure learners who have been proven to have committed academic misconduct are appropriately reported:
 - Learners on a programme that leads to professional registration will be referred under the University's Fitness to Practise procedure;
 - Learners who are already subject to professional registration and/or who are in employment will be reported to the relevant PSRB;
 - Learners who are in employment as part of their academic studies (e.g. apprenticeship learners) will be reported to their employer.
4. Notification is in keeping with the data protection requirements and is only undertaken once the University's internal procedures have been completed. The learner must be notified before a PSRB or their employer is informed.
5. Academic integrity champions will ensure that learners are aware of the impact of academic misconduct and of the University's obligation to inform the PSRB(s) or employers when cases of academic misconduct have been proven to have occurred during the course of their studies.
6. The University's responsibility to inform employers ceases to apply upon the learner's completion of the programme. The University's responsibility to inform the relevant PSRB may continue indefinitely.
7. In all cases Academic Registry will notify the relevant Head of School once the outcome of an academic misconduct investigation has been determined.

Guidelines for penalties to be applied to students studying for a professional qualification

8. The School Director of Education will need to determine if the offence impacts on the relevant code of professional practice and thus calls into question the good character of the learner.
 - Incidents that are deemed to represent Poor Academic Practice will not be referred to the Fitness to Practise procedure;
 - For incidents of Minor Academic Misconduct the outcome and penalty from the Academic Integrity Panel is considered to suffice, but the learner will be notified in

writing that should this recur they may be referred to the Fitness to Practise procedure.

- For incidents of Major Academic Misconduct that are considered a 'first offence' referral to the Fitness to Practise procedure will be considered. If the outcome and penalty from the Academic Integrity Panel is considered to suffice, the learner will be notified that should this recur they may be referred to the Fitness to Practise procedure.
- For second and subsequent incidents of Major Academic Misconduct and for all incidents of Gross Academic Misconduct the learner will automatically be referred to the Fitness to Practise procedure for consideration of their suitability to practise and subsequently to gain professional registration.

Guidelines for penalties to be applied to learners who already hold professional registration

9. The School Director of Education, knowing that the learner is registered with a PSRB, will need to determine if the offence impacts on the relevant code of professional practice and thus calls into question the good character of the learner.
 - Incidents that are deemed to represent Poor Academic Practice will not be referred to an employer or to a PSRB;
 - For incidents of Minor Academic Misconduct, the learner will receive a written warning and a decision will be made as to whether the funding employer is notified of the allegation and proven outcome.
 - For incidents of Major Academic Misconduct that are considered a 'first offence' the employer will be notified of the allegation and outcome. The PSRB will not normally be informed.
 - For second and subsequent incidents of Major Academic Misconduct and for all incidents of Gross Academic Misconduct the employer will be notified (if the learner is funded) of the allegation and the learner will be reported to the relevant PSRB. Responsibility for reporting will normally lie with the relevant School Director of Education, the Head of School, or the Chair of the University's Fitness to Practise Panel.

Appendix C: Conducting an Academic Misconduct Penalty Hearing

1. An Academic Misconduct Penalty Hearing ('Hearing') will be held in instances where a learner has been proven to have committed Gross Academic Misconduct. It is part of the formal stage of the University's processes.
2. The role of the panel at the Hearing will be to consider the penalty merited by the nature of the proven academic misconduct up to and including expulsion from the University. In reaching a decision the panel will be expected to consider all mitigating and aggravating factors.
3. It is not the role of the panel at the Hearing to re-examine the proven allegation of academic misconduct and the Chair should ensure that the Hearing does not follow this course of action. Should a learner be dissatisfied with a decision that they have committed Gross Academic Misconduct then they will have an opportunity to appeal both the decision that they have committed academic misconduct and/or the penalty imposed at the conclusion of the formal stage of the process.
4. The panel membership for a Hearing will be drawn from across the University and appointed panel members will have had no previous involvement with the case, or significant prior involvement with the learner (such as their personal tutor) to avoid any reasonable perception of bias. Membership will comprise:

- A member of the University Executive Team (UET) who will act as Chair;
- A Sabbatical Officer of the Students' Union or their nominee;
- Two further members drawn from the academic staff of the University.

Secretarial support to the Hearing will be provided by the Academic Registry. A representative of the Academic Integrity Panel (normally the Chair) will attend the Hearing to answer any questions relating to the case. The learner will be informed of the membership in advance to identify any further issues with the membership.

5. The Secretary will write to the learner inviting them to attend the Hearing giving a minimum of ten working days' notice. They will be provided with the date, time and location, the purpose of the Hearing, the panel membership and the mechanism for challenging the composition of the membership, their right to be supported or represented (although not by legal representation), their right to submit additional documentation, a copy of the University's *Academic Integrity Policy*, and other relevant Guidance.
6. The learner is expected to prioritise attending the Hearing over other activities. They will also be expected to confirm the names of any accompanying person in advance. Should they be unable to attend the original date the Hearing will be rearranged to an alternative date but will then go ahead excepting very exceptional circumstances (e.g. hospitalisation). The learner's non-attendance at the Hearing will not prevent the meeting taking place or a decision being reached.
7. The learner will have the right to challenge the membership of the panel based on any perceived conflict of interest or a breach of the permitted membership. Any challenge must be received within five working days of notification of the Hearing.

8. The learner will be provided with all casework documentation to be considered at the Hearing and will have the opportunity to submit a further personal statement, good character reference or other information that may pertain to the decision being made. Additional documentation will be provided to the panel with all casework at least five working days before the Hearing.
9. The agenda for a Hearing will normally be as follows:
 - Private meeting of the panel to identify the key facts and the line of questioning to be pursued
 - The learner, their supporter or representative (if present), and Academic Integrity Panel representative will join the meeting
 - Introductions and purpose of the Hearing
 - Opportunity for an opening verbal statement from the learner
 - Questions from the panel to the learner and, where necessary, the Academic Integrity Panel representative. The learner will be able to seek clarification but will not be able to ask questions directly.
 - Opportunity for a closing statement from the learner
 - The Chair will outline the next steps in the process and the timeframe, including confirmation of how and when the outcome will be confirmed
 - The learner, their supporter or representative (if present), and Academic Integrity Panel representative will leave the meeting
 - Private meeting of the panel to determine their decision on the case
10. If at any point during the course of the Hearing the learner wishes to confer with their supporter or representative they may do so and may leave the Hearing for a brief period of time.
11. In coming to their decision the panel will take into account any mitigating or aggravating factors identified during the course of the Hearing, or in documentation provided, that will impact on the penalty that the learner will receive. The panel should also take into account whether a learner is subject to any professional requirements. See Appendix B above.
12. The decision of the panel will be communicated to the learner within five working days.

Appendix D: Penalty tariffs

Penalty tariff for coursework assessments

N.B. To identify how the total number of penalty points might be calculated, please refer to the **Academic Misconduct Allegation and Record Form - Coursework Assessments**.

Category of Academic Misconduct	Penalty Points	Recommended penalties for proven misconduct (coursework assessments)
Poor Academic Practice	Not applicable	No penalty, but feedback regarding academic development given, referral to learning support services.
Minor Academic Misconduct	Up to 400 points	<p>No further action beyond formal warning and a referral to learning support services. OR</p> <p>The assignment will be awarded a mark of 0%. Subject to a decision of an Assessment Board and the programme and assessment regulations that apply, the learner will be required to be reassessed in the assignment. If the reassessment is passed, the mark awarded will be capped at the pass mark (normally 40%) which will count towards credit for the module.</p>
Major Academic Misconduct	405-495 points	<p>The assignment will be awarded a mark of 0%. Subject to a decision of an Assessment Board and the programme and assessment regulations that apply, the learner will be required to be reassessed in the assignment. If the reassessment is passed, the mark awarded will be capped at the pass mark (normally 40%) which will count towards credit for the module. There will then be a further reduction of 10% so that the <u>assignment</u>, where passed, is given an overall mark of 30%. OR</p> <p>The assignment will be awarded a mark of 0%. Subject to a decision of an Assessment Board and the programme and assessment regulations that apply, the learner will be required to be reassessed in the assignment. If the reassessment is passed, the mark awarded will be capped at the pass mark (normally 40%) which will count towards credit for the module. There will then be a further reduction of 20% so that the <u>assignment</u>, where passed, is given an overall mark of 20%. OR</p> <p>The assignment will be awarded a mark of 0%. Subject to a decision of an Assessment Board and the programme and assessment regulations that apply, the learner will be required to be</p>

Category of Academic Misconduct	Penalty Points	Recommended penalties for proven misconduct (coursework assessments)
Gross Academic Misconduct (requires referral to an Academic Misconduct Penalty Hearing)	Over 495 points	<p>reassessed in the assignment. If the reassessment is passed, the mark awarded will be capped at the pass mark (normally 40%) which will count towards credit for the module. There will then be a further reduction of 30% so that the <u>assignment</u>, where passed, is given an overall mark of 10%.</p> <hr/> <p>The assignment will be awarded a mark of 0%. Subject to a decision of an Assessment Board and the programme and assessment regulations that apply, the learner will be required to be reassessed in the assignment. If the reassessment is passed, the mark awarded will be capped at the pass mark (normally 40%) which will count towards credit for the module. The overall module mark will then be subject to a further reduction of 20%, so that the <u>module</u> is given an overall mark of 20% with credits awarded. OR</p> <hr/> <p>The assignment will be awarded a mark of 0%. The learner will <u>not</u> be allowed to be reassessed on the assignment. If the module is passed overall, the module mark will be overridden and an overall mark of 0% recorded with credits awarded. OR</p> <hr/> <p>The module will be failed. The learner will be expelled from the University and an applicable Exit Award will be conferred based on credits previously achieved. OR</p> <hr/> <p>The module will be failed. The learner will be expelled from the University. No award will be conferred of any kind.</p>

Penalty tariff for examinations and time constrained assessments (TCAs)

N.B. The Panel may at their discretion increase the penalty should the learner have been proven to have committed an examination offence previously. This should be clearly justified on the official record.

Category of Academic Misconduct	Examples of academic misconduct	Recommended penalties for proven misconduct (Examinations and time constrained assessments [TCAs])
Minor Academic Misconduct	<ul style="list-style-type: none"> • Mobile phone or other electronic device being left switched on in the exam venue, without specific exemption from the invigilator. • Mobile phone or other electronic device ringing, or going off for any other reason, during examination. • Not following the instructions of the invigilator(s) with the intent of gaining an unfair advantage, e.g. continuing to write after the examination has ended. 	No further action beyond formal warning and details to be kept on file.
Major Academic Misconduct	<ul style="list-style-type: none"> • Introduction or use of devices of any kind other than those specifically permitted in the rubric of the paper. • Removing any script, paper, or other official stationery (whether completed or not) from the examination room, unless specifically authorised by an invigilator or examiner. • Communicating with another student or with any third party other than the invigilator/examiner, or accessing the internet without permission, during an examination or test. • During an examination or test, copying or attempting to copy the work of another student, whether by overlooking his or her work, asking 	<p>The exam/TCA will be awarded a mark of 0%. Subject to a decision of an Assessment Board and the programme and assessment regulations that apply, the learner will be required to be reassessed in the exam/TCA. If the reassessment is passed, the mark awarded will be capped at the pass mark (normally 40%) which will count towards credit for the module. There will then be a further reduction of 10% so that the <u>exam/TCA</u>, where passed, is given an overall mark of 30%. OR</p> <hr/> <p>The exam/TCA will be awarded a mark of 0%. Subject to a decision of an Assessment Board and the programme and assessment regulations that apply, the learner will be required to be reassessed in the exam/TCA. If the reassessment is passed, the mark awarded will be capped at the pass mark (normally 40%) which will count towards credit</p>

Category of Academic Misconduct	Examples of academic misconduct	Recommended penalties for proven misconduct (Examinations and time constrained assessments [TCAs])
	him or her for information, or by any other means.	<p>for the module. There will then be a further reduction of 20% so that the <u>exam/TCA</u>, where passed, is given an overall mark of 20%. OR</p> <hr/> <p>The exam/TCA will be awarded a mark of 0%. Subject to a decision of an Assessment Board and the programme and assessment regulations that apply, the learner will be required to be reassessed in the exam/TCA. If the reassessment is passed, the mark awarded will be capped at the pass mark (normally 40%) which will count towards credit for the module. There will then be a further reduction of 30% so that the <u>exam/TCA</u>, where passed, is given an overall mark of 10%.</p>
<p>Gross Academic Misconduct (requires referral to an Academic Misconduct Penalty Hearing)</p>	<ul style="list-style-type: none"> • Unauthorised possession of material or devices at any time during the examination/assessment to assist with the examination/assessment e.g. crib sheets, revision notes, digital media devices etc. • Attempting to persuade another member of the University (student, staff or invigilator) to participate in actions that would breach the Academic Integrity Policy. • Being party to any arrangement whereby a person other than the candidate represents, or intends to represent, the candidate in an examination or test. • Taking into an examination a pre-written examination script for submission and exchanging it for a blank examination script. 	<p>The exam/TCA will be awarded a mark of 0%. Subject to a decision of an Assessment Board and the programme and assessment regulations that apply, the learner will be required to be reassessed in the exam/TCA. If the reassessment is passed, the mark awarded will be capped at the pass mark (normally 40%) which will count towards credit for the module. The overall module mark will then be subject to a further reduction of 20%, so that the <u>module</u> is given an overall mark of 20% with credits awarded. OR</p> <hr/> <p>The exam/TCA will be awarded a mark of 0%. The learner will <u>not</u> be allowed to be reassessed. The module mark will be overridden and an overall mark of 0% recorded. Credits will not be awarded for the module. OR</p> <p><i>N.B. this penalty should only be applied in cases for the final year/stage of study as applying this penalty at lower levels/stages will prevent the learner from continuing at the</i></p>

Category of Academic Misconduct	Examples of academic misconduct	Recommended penalties for proven misconduct (Examinations and time constrained assessments [TCAs])
	<ul style="list-style-type: none"> Obtaining access to an unseen examination or test prior to the start of an examination/test. 	<p><i>University. It will mean that the student may only achieve an exit award and not the full award on which they are registered.</i></p> <hr/> <p>The module will be failed. The learner will be expelled from the University and an applicable Exit Award will be conferred based on credits previously achieved. OR</p> <hr/> <p>The module will be failed. The learner will be expelled from the University. No award will be conferred of any kind.</p>

N.B. Where reassessment exams/TCAs are failed, then the reduction of marks penalty will be applied to the mark given. Capping will be applied at the element/module pass mark in instances where it is set at other than 40%. No compensation will be possible until a learner has completed any reassessment work required.

Appendix E: Academic misconduct process overview

