



## **HE Taught Award Regulations: Part B**

**Section:** 3: Academic Malpractice and Misconduct Procedure  
**Version:** 1.6  
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## REVISION HISTORY

Ver	Date	Author	Description
1.0	January 2014	Peter Greenall	Initial Approval of Academic Malpractice
1.1	March 2015	Scott Smith	Update to clarify panel membership
1.2	Sept 2015	Scott Smith	Addition of panel document requirements. Further guidance for cases of cheating with an additional review stage being added prior to a panel being convened.
1.3	March 2016	Scott Smith	Addition of a reference to UoS students and the University's regulations
1.4	July 2016	Scott Smith	Amendment to titles and names
1.5	December 2016	Scott Smith	Relocation of penalties from Part A to B3
1.5.1	February 2017	Scott Smith	Statements added relating to CMI: <ul style="list-style-type: none"> <li>• An individual's right to report malpractice</li> <li>• A requirement to inform CMI of malpractice</li> </ul>
1.5.2	September 2017	Scott Smith	Some small iterative updates and changes to penalties
1.6	May 2018	Scott Smith	Substantial re-write relating to operational feedback.

## APPROVAL

Ver	Committee	Date Approved	Comments
1.0	HEAB	15 Jan 2014	
1.1	ASDC	11 March 2015	
1.2	ASDC	9 Dec 2015	
1.3	ASDC	3 March 2016	
1.4	ASDC	26 Oct 2016	
1.5	ASDC	7 Dec 2016	
1.5.1	ASDC	29 March 2017	
1.5.2	ASDC	27 Sept 2017	
1.6	ASDC	May 2018	Approved all amendments

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## B3.1 INTRODUCTION

These regulations relate to the provision of higher education programmes delivered at Blackpool and The Fylde College awarded by Lancaster University, Pearson, SQA and Blackpool and The Fylde College. Students undertaking a programme of study awarded by Liverpool John Moores University at Blackpool and The Fylde College may access the University's regulations here:

- <https://www.ljmu.ac.uk/about-us/public-information/academic-quality-and-regulations>

B3: Academic Malpractice and Misconduct has been produced following consideration of the Quality Assurance Agency's UK Quality Code.

Blackpool and The Fylde College unequivocally condemns academic malpractice and misconduct in all forms. This may include:

- Obtaining unauthorised access to assessment material
- Introducing unauthorised material into a room where an assessment is being conducted under controlled conditions
- Collusion or attempted collusion with other persons on assessments which are designed to be undertaken by each student individually
- Copying or closely imitating the work of another student, with or without that student's permission
- Exhibiting disruptive behaviour during examinations or other assessments conducted under controlled conditions
- Impersonation
- Submitting work which has been written or modified by another individual on behalf of the student
- Submitting another student's work whether or not it has been previously submitted by that student The inclusion of irrelevant offensive or obscene material in assessments submitted
- The alteration or falsification of any results or data
- Failure of a student to protect the integrity of their work by not ensuring its security
- Failure to reference or acknowledge sources adequately, in a way which presents the work as if it has been authored by the student. This may, for example include:
  - Using close paraphrasing of aspects of another authors work without acknowledging the source
  - Directly quoting from a source but failing to include quotation marks
  - Presenting substantial extracts from other sources without clearly indicating the origin with quotation marks and appropriate references

The above list is not exhaustive and other offenses may be considered by the Academic Malpractice and Misconduct panel at the discretion of the College.

Unless otherwise indicated in an assessment brief, all students will be assessed on the basis of their own work. Students should be aware that to ensure that all students are treated in a fair and equitable way all coursework, where possible, will be compared against existing materials and where a degree of similarity that might arouse suspicion is identified students may be referred to an academic malpractice and misconduct panel.

### B3.1.1 REPORTING OF ACADEMIC MALPRACTICE OR MISCONDUCT

All College staff or representatives thereof are responsible for reporting any instances where there are grounds for suspicion of academic malpractice or misconduct to the Student Administration Manager. The Student Administration Manager will liaise with the HE Academic Registrar and will convene a panel wherever a prima facie consideration indicates that there may be a case to be answered.

### B3.1.2 POOR ACADEMIC PRACTICE

Where a piece of assessed work in the academic judgment of a marker is subject to poor academic practice the marker must consult with both the relevant programme leader and curriculum manager (or head of curriculum area where the maker is either of aforementioned people) to consider the appropriate action. If all parties are in agreement and believe that the student has committed an act that could be construed as poor academic practice they must:

- Contact the Student Administration Manager to confirm that a prior warning letter has not been issued to the student.
- Meet with the student (module tutor and programme leader) to discuss the poor academic practice and the support mechanisms that will be put in place by the academic team and HE Learning Mentors to assist the student.

If no letter has been issued and the student is content to accept a warning

- The programme team will complete the warning letter and provide it to the Student Administration Manager who will issue the letter to the student by recorded delivery and note the incident on the student's record.

If a previous warning letter has been issued or the student is unwilling to accept a warning, an academic malpractice and misconduct panel will be convened.

### B3.1.3 ACADEMIC MALPRACTICE AND MISCONDUCT PANEL

The panel will consist of:

- From another curriculum area, an independent head of curriculum as chair
- The HE Academic Registrar or nominee
- An academic colleague unrelated to the assessment

In attendance will be:

- The member of staff asserting malpractice or misconduct, presenting the case. Where the member of staff is unavailable a nominee will present the case. This will usually be the curriculum manager for the relevant curriculum area
- Student Administration Manager to minute the meeting and maintain records of all decisions and outcomes
- The student suspected of academic malpractice or misconduct

Panels will, wherever possible, be arranged to allow the student to attend. If they are unable or unwilling to attend the student may write a letter to outline their views regarding the allegations. Where the student does not attend the panel at the agreed time and date, the panel will convene and make their decision based solely on the documentary evidence available.

Students have a right to be accompanied by one person to the panel meeting. Students accused of academic malpractice or misconduct are expected to provide personally an opening statement and to answer any pertinent questions from panel members. Reasonable adjustments will be made to the processes as necessary to meet requirements related to protected characteristics. There is no right for a student to have legal representation at an academic malpractice and misconduct panel.

The chair may at any point in the proceedings adjourn a panel meeting; such an adjournment would normally be for the purpose of seeking clarification on a particular issue so as not to disadvantage a student. Where a case implicates more than one student, the College may vary the structure and timings of meetings to ensure that all aspects are fully considered before reaching a conclusion.

#### **B3.1.4 DOCUMENTATION AVAILABLE TO THE PANEL**

The Student Administration Manager is responsible for, providing any relevant paperwork to the panel and the implicated student(s) prior to the meeting. Below is an indicative list of documents that may form part of the documentation; this list is not exhaustive and other documents may be included.

- The academic malpractice and misconduct report
- The assessment brief(s) in question.
- The students submission(s)
- The TurnItIn report (where appropriate)

#### **B3.1.5 PROFESSIONAL OR REGULATORY BODY REQUIREMENTS**

Often both professional and regulatory bodies stipulate requirements in their own policies or guidance documentation relating to academic malpractice or misconduct. Where such

documentation exists the professional and regulatory bodies requirements must be adhered to and where possible the requirements should be aligned to the College's regulations.

### B3.1.6 PENALTIES

The Academic Malpractice and Misconduct Panel will consider all suspected cases and has the following actions available to it:

- If it is determined that there has been no offence, then the academic marker shall be instructed to mark the work in question normally.
- If it is determined that there is satisfactory evidence that an offence has been committed one of the following may be considered.
  - i. Advisory/warning letter issued
  - ii. Cap a passing assessment to the minimum pass grade (examinations only).
  - iii. Scottish Qualification Authority Higher National programmes only; cap a passing assessment to the minimum pass grade (examinations only) and limit all graded units to a minimum pass grade.
  - iv. Where a student will still meet the minimum pass mark, exclude any work within the submission identified as being subject to academic malpractice practice and consider the remaining work without penalisation.
  - v. Award zero or equivalent for the assessment in question and permit its reassessment without restricting the mark awarded
  - vi. Award zero or equivalent for the assessment in question and permit its reassessment, restricted to the minimum pass mark. The module in such cases **will not** be capped.
  - vii. Award zero or equivalent for the assessment in question and permit its reassessment. The module in such cases **will** be capped.
  - viii. Award zero or equivalent for the assessment in question, permit its reassessment and restrict all modules at the same level to the minimum pass mark.
  - ix. Exclude the student from the College; in such cases a student may be awarded a contained qualification, where appropriate and one exists, but will not be awarded their target award.

The panel may also, where circumstances dictate, consider an alternative penalty within the spirit of these regulations.

The penalties above become progressively more punitive and will be applied by panels with consideration of:

- any academic writing support a student has received
- a student's level of study
- whether there have been any previous instances (including warnings for poor academic practice)
- the nature and scope of the offense

### **B3.1.7 THE PANEL OUTCOME LETTER**

For each offence the academic malpractice and misconduct panel will send the student a formal letter which:

- identifies the nature and scope of the offence
- confirms the outcome of the academic malpractice and misconduct panel
- identifies appropriate sources for study skills support
- indicates how the student can challenge the outcome through academic appeal

The minutes of panel meetings are not generally distributed following a meeting but are available on request. Minutes are not intended to represent a verbatim record of what was said within a meeting, but instead aim to capture the nature and essence of discussion.

### **B3.1.8 ACADEMIC APPEAL**

Where a student has been found guilty of malpractice and is dissatisfied with the findings of an academic malpractice and misconduct panel they have the right to appeal the outcome under the taught award regulations set out in section B9 Academic Appeals.

## **B3.2 GENERAL DATA PROTECTION REGULATION**

Students should be aware that any information submitted to an academic malpractice and misconduct panel will always be treated as confidential. There may be occasion however where documents could be used in conjunction with another College procedure. In the event of such a case the College will endeavour to inform the student prior to its use.

Under General Data Protection Regulations, Retaining Personal Data (Principle 5), personal data should not be kept any longer than is necessary for the purpose for which it was obtained. All information relating to the business of an academic malpractice and misconduct panel will be destroyed at the start of the academic year, two full academic years after the a student's programme of study has completed, unless a complaint or appeal in relation to academic malpractice and misconduct is ongoing.

Students should make every effort not to provide details that relate to a third party. Where such information is provided, under GDPR Article 14, the College may be required to notify

third parties that it is processing their data. Where possible and appropriate any such information should have personal information redacted, if information is received that has not been redacted the Student Administration Manager will redact personal information immediately following its presentation to a panel.

Staff of Blackpool & The Fylde College who participate in an academic malpractice and misconduct panel should be aware that information about them acting in their professional capacity may be disclosed to the OIA if it formed part of the information which has been considered under a College process.

## Appendix B3 - B – Terms of Reference Academic Malpractice and Misconduct Panel

<b>Terms of Reference Academic Malpractice and Misconduct Panel</b>	
Chair	<ul style="list-style-type: none"> <li>Independent Head of Curriculum</li> </ul>
Membership	<ul style="list-style-type: none"> <li>HE Academic Registrar (or nominee)</li> <li>An academic member of staff not associated with the assessment</li> </ul>
In attendance	<ul style="list-style-type: none"> <li>The member of staff asserting malpractice/ misconduct or their nominee</li> </ul>
Minuting	HE Student Administration Manager
Frequency	As required
Summary of purpose	<p>The academic malpractice and misconduct panel exists as an impartial body to judge cases of alleged academic malpractice, based upon the evidence brought before it.</p> <p>The academic malpractice and misconduct panel will only make a decision on the malpractice/misconduct itself and not take account of any other factors. Boards of Examiners will make the ultimate decision on the student's progression or award, failure and reassessment.</p>
Terms of Reference	<ul style="list-style-type: none"> <li>To consider the evidence as presented.</li> <li>To interview the student and appropriate employees as necessary.</li> <li>To review the process taken in the identification, investigation and awarding of the penalty.</li> <li>To review the record of penalties applied to ensure the penalty applied is consistent.</li> <li>Where it is determined that the process of investigation, decision taken or penalty imposed is not in accordance with the College regulations.</li> </ul>
Date of last review	May 2018