



**2022**

**Academic Misconduct  
(HE11)**

Document Reference: Academic Misconduct (HE11)

Version: 2.0

Date: December 2022

Date of Implementation: December 2022

Originator: HE Quality Office

Approval by: EMT

Date for Review: December 2024

### Description:

Whilst taking into account the regulations of partner universities and awarding bodies, this code of practice makes clear the processes that must be adopted in relation to unacceptable behaviour in the pursuit of an award that the TEC Partnership delivers. The code of practice reflects the TEC Partnership's commitment to ensuring governance over academic standards and that judgments relating to conduct in summative assessment are carried out with rigour, fairness and probity in line with the QAA Academic Integrity Charter.

If you need any further advice on how the regulations work, you should contact the HE Quality Office.

HE Quality Office [heqa@tecpartnership.ac.uk](mailto:heqa@tecpartnership.ac.uk)

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### This document is available in alternative formats please liaise

Version	Changes
<b>1.0</b>	New
<b>1.7</b>	<p>1.4 removed reference to Teesside University</p> <p>1.5 adds that Academic Misconduct will be reported into the Academic Authority and Standards Senior Committee.</p> <p>2.5 has been deleted as Teesside University is no longer a validating partner.</p> <p>8.0 Process for Academic Misconduct for University of Teesside programmes has been deleted and the remaining sections renumbered.</p> <p>12.2 Appeals – the process is clarified that students should be following HE16 Academic Appeals.</p>
<b>1.8</b>	<p>Section 1 – updated to capture TECP responsibilities</p> <p>1.4 added reference to University 'partners'</p> <p>2.0 Simplified and reformatted, clarified structure of academic misconduct meetings.</p> <p>3.3 Clarifies that a tutor should complete a HE11B form for all informal academic misconduct.</p> <p>6.0 Introduces TDRMs, extends timescales to 10 days for referrals.</p> <p>7.0 Clarifies that a student can request to postpone a meeting once only. Clarifies that mitigation can only be used by students to lessen penalties not as a defence.</p> <p>9.8 Clarifies that the chair of an academic misconduct panel can reduce the penalty awarded based on mitigation presented by students.</p> <p>9.10 Introduces the warning letter as a penalty available for panels.</p>
<b>2.0</b>	Academic Authority and Standards Senior Committee references throughout changed to Group Higher Education Curriculum Quality and Standards (HECQS).

	<p>1.3 Standard of proof determined.</p> <p>2.2 Contract cheating added.</p> <p>3.6 Clause added regarding contract cheating.</p> <p>7.2 added reference to list of approved chairs</p> <p>7.12 added statement about unintended impact</p> <p>9.8/9.9/9.10 Change to procedure for L3 and L4 first-time referrals. HE Quality Officer to investigate and delegate penalty to a chair's action. All chair's actions to be formally reported into Group HECQS.</p>
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## 1.0 Introduction

1.1 This policy applies to all campuses delivering Higher Education courses within TEC Partnership. It applies to all qualifications validated within TEC Partnership awarding powers and Higher Nationals awarded by Pearson. For qualifications validated by other awarding bodies, but taught at a TEC Partnership campus, this Code of Practice broadly sets out the process of managing academic misconduct and how TEC Partnership will implement and apply the regulations of the relevant awarding body. Please refer to your programme handbook for clarification of the awarding body concerned.

1.2 This Code of Practice makes clear the TEC Partnership's expectation regarding conduct in summative assessment relating specifically to academic misconduct. Summative assessment within this Code means any form of assessment that contributes to the final mark of a module and excludes draft/formative work.

1.3 The Code details the procedures that must be followed in cases of academic misconduct, meaning acts committed whereby an individual may have attempted or obtained for themselves or for another, an unpermitted advantage. Academic Misconduct cases at TEC Partnership follow civil standards of evidence when making decisions on cautions and penalties.

1.4 The Code governs matters relating to the criteria and decisions for issuing cautions or penalties for cases of proven academic misconduct practice for TEC Partnership Awards regardless of site and Pearson Edexcel awards.

1.5 The Code does not govern matters relating to the criteria and decisions for issuing cautions or penalties for cases of proven academic misconduct practice for programmes awarded by University of Hull or the University of Huddersfield; in every instance the relevant University's regulation and/or code of practice will be applied.

1.6 A report will be made of trends, outcomes and proposed enhancements for Academic Misconduct into the Group Higher Education Curriculum Quality and Standards (HECQS).

1.7 All cases must be logged with the HE Quality Officer ([HEQA@tecpartnership.ac.uk](mailto:HEQA@tecpartnership.ac.uk)) who will liaise with the relevant college management about the way forward.

1.7.1 All investigations for TEC Partnership Awards will be led by [HEQA](#) with independent academic panel members drawn from the college who submitted the case for review.

1.7.2 The investigations for University partner awards and Pearson awards are managed by the campus at which they occur with support from [HEQA](#) where this is requested.

1.8 All outcomes for Academic Misconduct must be logged by [HEQA](#) and reported within the deliberative committee structures.

## 2.0 Academic Misconduct Definitions and Processes

2.1 Academic misconduct is defined as any student conduct (successfully or unsuccessfully attempted; carried out alone or in collusion with others) that may lead to an unfair advantage over another. Academic Misconduct can take many forms. In its most simple sense, it can be defined as the absence of quotation marks and inadequate acknowledgement of sources and authorities in text and/or reference notes in bibliographies or lists of sources.

2.2 Whilst not an exhaustive list, the following provides examples of academic misconduct:

- i) 'cheating' in an examination by possessing and/or using unauthorised materials in the examination room (once a student has officially entered the room regardless as to whether the exam has started) such as a book, manuscripts, data or loose papers, information obtained from an electronic device or any other source of prohibited information
- ii) impersonating a candidate or allowing oneself to be impersonated during an examination, assessment or other related event
- iii) collusion (some assessments require students to work together. However, collusion occurs where the assessment submitted involves two or more students working together without tutor authorisation and where a student submits the work as their own without acknowledging the contribution of others)
- iv) conspiring with another or others to have work completed including offering work, whether for sale or not, for use by another without acknowledgement
- v) falsifying laboratory, field-work, research or other forms of data collection and analysis
- vi) falsifying work-based learning logs, records, statements or reports
- vii) submitting work for assessment which is substantially the same work as submitted for a previous assessment (sometimes referred to as 'self-plagiarism')
- viii) using false statements, or presenting false evidence, in support of mitigating circumstances, a request to withdraw from an examination, obtain an assessment extension, or explain any form of absence or default
- ix) falsifying a transcript or other official document
- x) contract cheating (engaging a third party to complete assessments)

2.3 Plagiarism can exist in differing forms. Whilst not an exhaustive list, the following examples illustrate the varying forms of plagiarism.

- i) Unacknowledged verbatim copying throughout.
- ii) Unacknowledged verbatim copying with occasional alteration of word order, omission of words, phrases or sentences, and insertion of linking words or phrases, over a paragraph or section of a paragraph, or a number of paragraphs. This method is sometimes referred to as 'paraphrasing'.
- iii) Paraphrasing which includes unacknowledged verbatim phrases from the other text or texts.
- iv) Substantial and unauthorised use of another person's ideas without acknowledgement.

2.4 Academic Misconduct at the TEC Partnership will operate based on the following model of Developmental Engagement and Academic Misconduct Boards. A student can enter the process at any stage, depending on the severity of the allegation.

- i) Developmental Engagement - this is where there is minimal academic misconduct or there is difficulty proving the case. This is a developmental process to provide students with a SMART action plan to access support and guidance for further study skills. This is completed by the tutor of form HE11B Developmental Engagement Form. No Penalty can be issued. Developmental Engagement only applies to TEC Partnership and Pearson Awards.
- ii) Academic Misconduct Panel - these are held after cases have been referred to the HE Quality Officer on form HE11A to [HEQA@tecpartnership.ac.uk](mailto:HEQA@tecpartnership.ac.uk). These are formal panels which have the powers to determine that academic misconduct has taken place and to award penalties to students. For TEC Partnership and Pearson Awards this code of practice defines the penalties. For partner Universities, the relevant University regulation must be used.

### **3.0 Identification of Academic Misconduct**

3.1 When a tutor identifies academic misconduct within any summative assessment they must download or print off the Turnitin originality report or indicate in a manner appropriate to the medium in which the work was completed (whether computer program, practical piece or essay), indicating which parts of the work are a cause for concern.

3.2 The tutor should decide whether the part of the assignment which is a cause for concern has impacted on the academic integrity of the work. If they decide that the impact is negligible, they should complete the examining process. The tutor may then choose to speak to the student and offer advice about ways to avoid future misconduct.

3.3 Where the tutor suspects academic misconduct but the balance of evidence would make it difficult to prove, the tutor should refer the candidate to appropriate sources of guidance, but take no other action. The tutor does not have powers to issue a penalty, including any formal written warning. The meeting with the student and outcome of any action should be recorded on the Developmental Engagement form (HE11B) - see section 9.1. The Developmental Engagement Form should be submitted to the HE Quality Office for recording.

3.4 If the tutor decides that the academic misconduct has impacted on academic integrity, they must forward the work to the TEC Partnership's HE Quality Officer ([HEQA@tecpartnership.ac.uk](mailto:HEQA@tecpartnership.ac.uk)), with academic misconduct allegation pro-forma HE11A along with supporting evidence as defined in 5.3.

3.5 Tutors may submit sources other than Turnitin to identify academic misconduct. When doing so, the relevant section within these sources must be highlighted.

3.6 TEC Partnership recognises that it may not be possible to identify academic misconduct where a student has employed a form of contract cheating, such as an essay mill. Therefore, there may be cases where the student has chosen to report their work for academic misconduct where this has not been detected during TEC Partnership marking processes. Where this has occurred, regardless of level, it will be treated as a first offence and the relevant penalty applied dependent on size of academic misconduct within the assessments. The application of this procedure is intended to be used so that students can avoid situations of criminal exploitation where contract cheating or essay mills have been used.

### **4.0 Communicating concerns with Students**

4.1 Tutors should provide feedback to students on the assessment, in line with HE09 Assessment of Students.

4.2 Tutors should inform the student at the point of giving formal summative feedback that there is a suspicion of academic misconduct and that the assessment has been referred to the TEC Partnership's Academic Misconduct Board for further investigation.

4.3 Tutors should refer students to this Code of Practice for further information relating to the process and timescale of investigation.

### **5.0 Presentation of Academic Misconduct Cases for Investigation**

5.1 All allegations of academic misconduct must be presented to the TEC Partnership's HE Quality Officer ([HEQA@tecpartnership.ac.uk](mailto:HEQA@tecpartnership.ac.uk)).

5.2 All allegations must be presented on the academic misconduct allegation pro-forma (HE11A).

5.3 The following evidence must also be submitted by the tutor:

- i) The module tutor's rationale for the allegation and estimation of the percent of work affected by the use of academic misconduct.
- ii) The assessment (student output) alleged to relate to the academic misconduct.

- iii) The assessment brief.
- iv) An unbiased mark for the piece of work (had the academic misconduct not taken place).
- v) A copy of the originality report from Turnitin.
- vi) Any other information as appropriate, for example exam invigilator's report.

## **6.0 Timescales and Student Notification**

6.1 Within the confines of this code, 'days' relates to working days and excludes weekends and bank holidays, and Christmas Closure periods. These timescales are indicative of a normal referral process, but they may be extended if disaster recovery procedures have been declared to be in effect by the CEO (or other designated accountable person) of the TEC Partnership.

6.2 Upon receipt of the alleged case and supportive documentation, the TEC Partnership's HE Quality Officer will normally notify the student in writing of the suspected academic misconduct within 10 working days.

6.3 The TEC Partnership's HE Quality Officer will notify the student in writing of the time, date and venue of the academic misconduct board hearing. This must give the student at least 5 working days' notice from the first letter that notifies the student of the allegation. Where partner awarding body regulations require longer notice periods, these will apply.

6.4 Notification of the academic misconduct board hearing will be made to the student by email and will:

- i) detail any witness or other party to be called to the hearing;
- ii) include a copy of the assessment alleged to relate to academic misconduct; and
- iii) include a copy of any relevant Code of Practice and regulations as appropriate;
- iv) upon request, this information can be provided in an accessible format.

6.5 Upon a decision being made by an academic misconduct board the student must be notified in writing by the TEC Partnership's HE Quality Officer within 5 working days of the board convening and agreeing an outcome.

6.6 A copy of the letter must also be supplied to the student's programme leader.

## **7.0 Operation of the Academic Misconduct board for TEC Partnership programmes.**

7.1 All board hearings (subject to partner University regulations) will be chaired by a senior HE academic member of staff, an academic manager or a senior member of the HE Quality Office.

7.2 The HE Quality office will maintain a list of TEC Partnership staff who are approved to chair academic misconduct boards.

7.3 Membership of the academic misconduct panel must include a member of staff from the TEC Partnership's HE Quality office and one member of academic staff from another school to the one the student is studying in.

7.4 All board hearings will be constructed in line with awarding body regulations and will be formally minuted.

7.5 The student has the right to not attend and should notify the TEC Partnership's HE Quality Officer accordingly. The academic misconduct board has the right to convene and proceed in a student's absence.

7.6 The student can request a postponement of the academic misconduct board on one occasion only, in writing to the HE Quality Officer. After this the academic misconduct board has the right to convene and proceed in a student's absence.

7.7 The student has the right to be heard in person and to be accompanied by a third party (such as a friend, relative, tutor or success coach); however, the third party must not speak on behalf or advocate for the student unless invited to do so by the chair of the board and subject to partner University regulations.

7.8 The board can call any witness or other individual to the hearing that it deems suitably equipped to supply evidence.

7.9 The student is entitled to be present through the presentation of evidence unless exceptional circumstances exist and the chair of the board approves the presentation of evidence in a 'closed' hearing and asks the student to temporarily leave the board hearing.

7.10 The student has the right to present any evidence by way of mitigation. Mitigation is not a defence for academic misconduct; however, this can be used as evidence by an academic misconduct board to lessen the penalty given.

7.11 The chair will determine when satisfactory evidence has been received following which the board must make their decision in private. The decision will require the board to consider whether the allegation is proven or unproven. If proven, the board must determine what penalties will be imposed.

7.12 The board must consider the unintended impact of its decisions and avoid imposing penalties, where possible, that severely impact the student more than the severity of the misconduct committed.

## **8.0 Cautions and Penalties for other awarding bodies**

8.1 When determining what cautions or penalties must be imposed, the academic misconduct board will adhere to the relevant awarding body regulations and take into account the nature and severity of the conduct, the number of breaches, stage of study and any mitigating circumstances.

## **9.0 Cautions and Penalties for TEC Partnership awards**

### **Development Engagement**

9.1 For students studying at foundation year (level 3) or level 4, where academic misconduct is not extensive (does not represent more than 20% of the element of the assessment) and is a first offence, the programme leader can deal with this through developmental engagement and will inform the student of the details of the academic misconduct that may have occurred.

9.2 The programme leader will inform the student that if academic misconduct occurs in the future it will be dealt with through a formal meeting: the Academic Misconduct Board.

9.3 As the developmental engagement meeting with the programme leader is developmental in nature, students should be advised how to avoid academic misconduct in the future, should be referred to material on the website or should be referred to the Academic Achievement Coach.

9.4 At the meeting the programme leader must complete a Developmental Engagement proforma (HE11B) which will outline the advice given, and be signed by both the student and programme leader.

9.5 A log of each developmental engagement will be maintained in order to take appropriate action if further offences occur. The element of assessment will be marked and no cap will be applied.

### **Academic Misconduct Board**

9.6 Where an allegation of academic misconduct falls outside of Developmental Engagement, the matter shall be investigated and determined by the Academic Misconduct Board.

9.7 Where there is evidence of academic misconduct in multiple assignments that were submitted at the same time, this type of practice shall be treated as a single occurrence.

9.8 Where academic misconduct has occurred at level 3 and level 4 and is a first offence, once the investigation has been completed by the HE Quality Officer, the penalty can be delegated to a chair's action of the Academic Misconduct Board. This cannot be used for formal written invigilated exams.

9.9 Where the procedure in 9.8 has been implemented, a student who wishes to appeal the decision will have their case referred to a full Academic Misconduct Board where the full range of penalties could be applied.

9.10 All chair's actions must be formally reported into TEC Partnership Group HECQS.

9.11 The following tariff of penalties is to be applied to students found to have committed acts of academic misconduct in assessed work other than examinations. The Chair of the Academic Misconduct Board or equivalent can consider whether or not a particular penalty should be applied or lessened in the light of any statement of mitigation submitted by a student and/or any other factors deemed relevant.

9.12 It is not necessary for intent to be proven. It is sufficient that the particular act has occurred. A case will be considered on the base of evidence.

9.13 Where academic misconduct has occurred at level 3 (foundation year) and 4 (except in formal written invigilated examination) the following penalties must be awarded:

- i) For a first offence where the academic misconduct is not extensive (i.e. less than 20% of the element of assessment), a written warning with no reduction in marks can be given. The warning will be carried forward to the module board of examiners.
- ii) For a first offence where the academic misconduct is extensive (i.e. greater than 20% of the element of assessment) a written warning and a mark of 0 for the element will be given. The mark of 0 will be carried forward to the module board of examiners. The student will be able to resit the work at the next available opportunity.
- iii) For a second offence in any module within the same programme of study a further warning and a mark of 0 for the module in which the second offence occurred will be given. The mark of 0 will be carried forward to the module board of examiners. The student will be able to resit the work at the next available opportunity.
- iv) For any subsequent offence anywhere within the same programme of study the student will be terminated from programme.

9.14 Where academic misconduct has occurred at level 5 or level 6 (except in formal written invigilated examination) the following penalties must be awarded:

- i) Where there is no previous record in any academic level of academic misconduct and it represents not more than 20% of the element of assessment; a mark of 0 for the element will be given. The student will be able to resit the work at the next available opportunity.
- ii) Where there is no previous record in any academic level of academic misconduct and it represents more than 20% of the element of assessment a mark of 0 for the module will be given. The student will be able to resit the work at the next available opportunity.
- iii) For any subsequent offence anywhere within the same programme of study the student will be terminated from programme.

9.15 Where academic misconduct has occurred during a formal written invigilated examination at any level of the programme the following penalties must be awarded:

- i) Where there is no previous record of in any level of academic misconduct within the same programme of study a mark of 0 will be awarded to the module in which the examination sits. The student will be able to resit the examination at the next available opportunity.
- ii) For any subsequent offence anywhere within the same programme of study the student will be terminated from programme.

## **10.0 Pearson awards**

10.1 For Pearson provision the following will also apply:

- i) Where the conduct is a first offence, minimal and the student is studying on the first year of the programme, a caution letter may be issued and no other penalty applied.
- ii) Where the conduct ranges from minimum to moderate, the penalty must be imposed via a reduction of the mark to the module for example Distinction to Merit, Merit to Pass or Pass to Fail. However, where the conduct is extensive and exact, the penalty must be a fail.
- iii) Where a previous breach has been committed (and has not occurred at the same time as the second, or the student has not had notification of the first breach before committing the second), the board must begin with the presumption of a maximum penalty.
- iv) The maximum penalty is a termination of the programme of study.

## **11.0 University Partners**

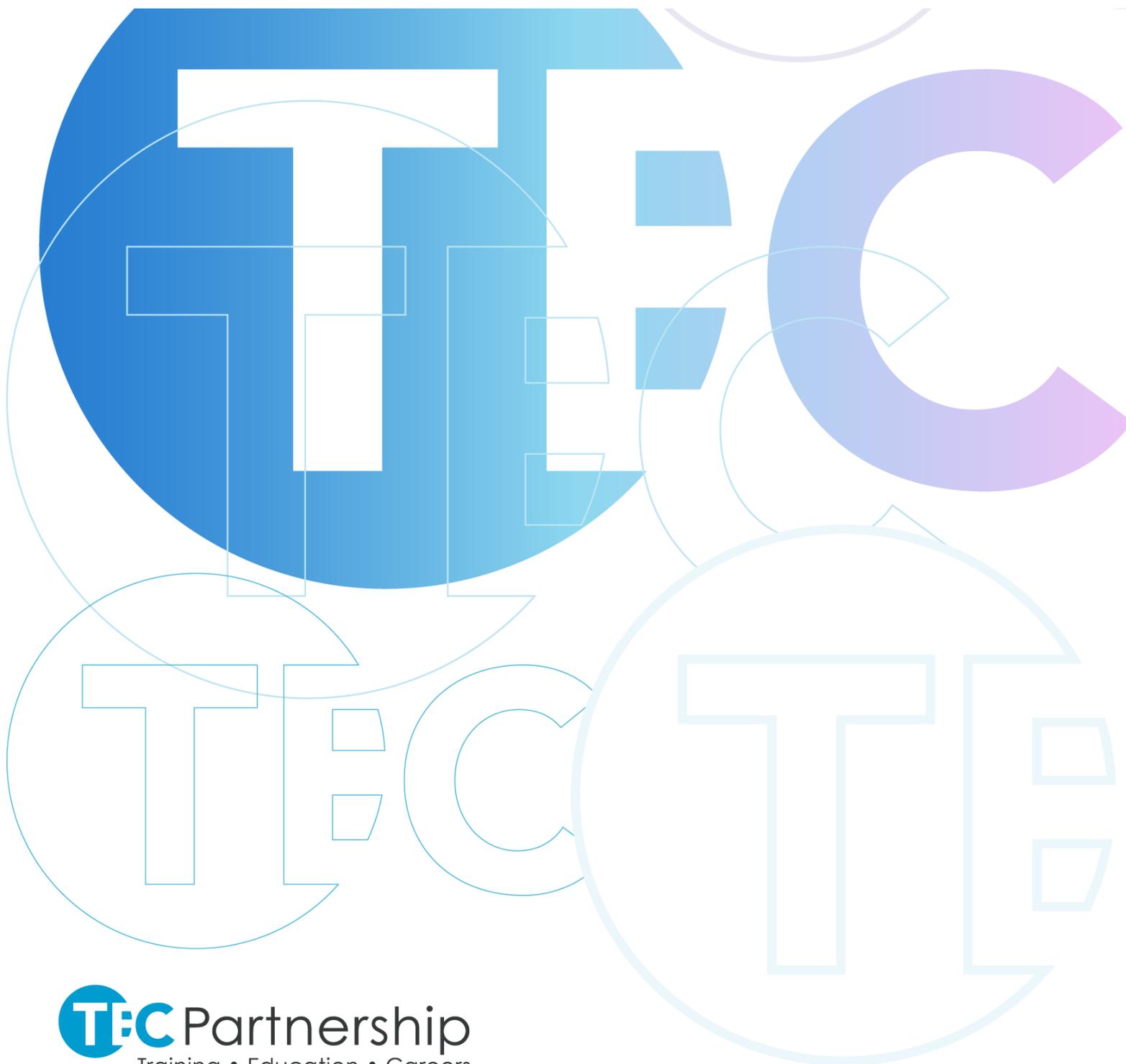
11.1 Penalties for offences under the University of Hull awards are stored in their [handbook](#). Click on Assessment and Academic Misconduct.

11.2 Penalties for offences under the University of Huddersfield awards are stored in their [handbook](#).

## **12.0 Appeals**

12.1 A student may lodge an appeal against the decision of the academic misconduct board within 10 working days of the date on which the outcome of the board's decision is served to the student (served meaning posted using email).

12.2 Appeals must be made under the provision of HE16 Academic Appeals. Details of this policy and how to lodge an appeal can be found on the college website.



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