

Student Misconduct Policy

Version Control Statement

Version	Date	Changes	Reason	Author	Next review
4	07/2021	Added External (especially the core practices contained within the QAA Advice and Guidance: Admissions, Recruitment and Widening Access) and Internal Reference Points	Annual Review	Head of Quality	Jul/Aug 2022
5	07/22	Minor changes	Annual review	Head of Quality	Jul/Aug 24

External Reference Points

This policy is developed based on the QAA UK Quality Code:

- Assessment

- Enabling Student Development
- Learning and Teaching

It seeks to meet any requirements for awarding partners with respect to assessment of student work

Internal References

- Admissions Policy
- Complaints Policy

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Student Misconduct Policy

1. Introduction

The Student Misconduct Policy guides the College in all matters of students' misconduct (academic and non-academic) and subsequent disciplinary procedures. It has to be noted that the overwhelming majority of students at the College attend in an ordered and disciplined manner and as such, while falling within the parameters of the policy, do not have to be subjected to or meet its procedures.

The policy clearly sets out the procedures for how the College addresses incidences of student misconduct and takes into account the interests of its students' body and the centrality of enhancing students' learning experiences.

2. Academic misconduct

Plagiarism is used as a general term to describe taking and using another's thoughts and writings as one's own. Examples of forms of plagiarism include:

the verbatim (word for word) copying of another's work without appropriate and correctly presented acknowledgement;

the close paraphrasing of another's work by simply changing a few words or altering the order of presentation, without appropriate and correctly presented acknowledgement; unacknowledged quotation of phrases from another's work;

the deliberate and detailed presentation of another's concept as one's own;

Reproduction of a student's own work when it has been previously submitted and marked but is presented as original material (self-plagiarism).

Any student who prepares or produces work with others and then submits it for assessment as if it were the product of his/her individual efforts (collusion) will be penalised. Unless specifically instructed otherwise, all work submitted for assessment should be the student's own and should not have been previously submitted for assessment either at Brit College or elsewhere.

All student work will need to go through Turnitin before final submission.

The maximum level of plagiarism allowed in a document is 25%

Between 25% and 35% the teacher marking the work should consider the entire plagiarism report and assess the distribution of percentages. The teacher then uses his/her own discretion to decide whether to accept or reject the work depending on the comments in the plagiarism report, sources of the plagiarism and concentration of plagiarised work.

More detailed checking is required for plagiarism reports with readings above 35%. Options available include a referral for large paragraphs/sections showing word for word copying from one source or more.

3. Procedures for investigation allegations of plagiarism and collusion

In cases where large paragraphs/sections showing word for word copying from one source or more covers the entire assignment, the following process will be followed:

The teacher marking the work will report the case to the Programme Leader stating the details of the breach, including the necessary evidence that should include the original sources(s) that may have been used inappropriately.

The Programme Leader evaluates the case and decides whether to take the case further. Where it is a true case of plagiarism/collusion, the Programme Leader may decide to review of other assessed work submitted by the student for evidence of plagiarism or collusion to decide the appropriate action which may be to:

- dismiss the case and advise the assessor appropriately
- take the case to further

When the Programme Leader decides to take the case further, the student should be given an opportunity to make a written response to the allegation(s) of plagiarism and/or collusion, including any information which s/he considers should be considered as mitigating factors for their actions. Information relating to any mitigating circumstances should wherever possible be supported by documentary evidence. A deadline shall be set for the submission of the written response which shall not be fewer than five working days from the date of notification of the request. In determining whether factors which mitigate the allegation of plagiarism are established by a student, it is noted that guidance on academic integrity is provided within the College to all students and ignorance of the rules of academic writing and integrity may not provide a defence to an allegation of plagiarism. Circumstances which can provide valid mitigation for an allegation of plagiarism will be exceptional.

If the student's submission is satisfactory and plagiarism/collusion cannot be proved, the Programme Leader may still dismiss the case and advise the assessor appropriately or convene a hearing with the student (or students involved in cases of collusion), in the presence of the Student Engagement Team Leader and the assessor.

The purpose of the hearing is to allow the students to defend themselves.

In cases of collusion, the purpose is to identify the ownership of the work and award full marks to the originator if he/she did not authorise the other person to use their work. The student in breach of the plagiarism policy will then face disciplinary action.

Where ownership cannot be proved or where the owner has authorised their work to be used by another student, both will be awarded a fail if there are extenuating circumstances.

For plagiarism from other sources, the purpose will be to find any mitigating circumstances. Where the two team leaders identify any extenuating circumstances, the case will be closed with an instruction in writing for the student to re-do the work or award a fail.

Where plagiarism or collusion are not proved but that there is evidence of poor academic practice and that the student should be warned and directed to the Student Engagement Team Leader for additional academic support.

Where extenuating circumstances cannot be proved, the Programme leader may decide to fail the student and instruct him/her to submit a different assessment from the original.

In complex cases where the Programme **Leader** cannot finalise the matter, it will be referred to the Chair of the Assessment Board in writing, providing full details of the case.

The Chair of the Assessment Board will set up a disciplinary panel to hear the case and appoint a chair.

4. Outcomes of Disciplinary Panel

A record of the meeting shall be made by the appropriate officer who serves the Assessment Board.

The Panel may decide to fail the student and require them to submit a new assessment, completely different from the first.

The Disciplinary Panel may recommend the student to be discharged from the College.

5. Student discipline

Students are expected to show consideration for the feelings and sensibilities of others, to play their part in maintaining a harmonious atmosphere among fellow students and staff and to conduct themselves with propriety at all times when they can be identified as a representative of the College. This includes behaviour both in and around College buildings, in public places and in the use of on-line services.

The essence of misconduct under this policy is improper interference, in the broadest sense, with the proper functioning or activities of the institution, or those who work or study in the institution, or action which otherwise damages the institution.

The following shall constitute misconduct and render a student liable to disciplinary action:

Breaches of academic integrity including acts of plagiarism, collusion, cheating or other forms of academic dishonesty;

Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the College, whether on College premises or elsewhere;

Obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff of the College or visitor to the College;

Violent, indecent, disorderly, threatening, bullying, harassment or other offensive behaviour or language whilst on College premises or engaged in any College activity, or directed at any member of the College, or gross or repeated insolence towards any member of the College's staff;

Commit or facilitate fraud, deceit, deception, cheating or dishonesty in relation to the College or its staff or in connection with holding any office in the College or in relation to being a student of the College;

Action likely to cause injury or impair safety on College premises;

Harassment or unwanted conduct relating to relevant protected characteristics (age, disability, gender reassignment, race, religion and belief, sex and sexual orientation) of any student, member of staff of the College, or visitor to the College;

Damage to, or defacement of, College property or the property of other members of the College community caused intentionally or recklessly, or misappropriation of such property or misuse or unauthorised use of College premises or items of property, including computer misuse;

Falsification, misappropriation or misuse of College documents or records or other data, held in any format;

Alcohol and drugs (substance) misuse.

6. Definitions of breaches of behaviour

Discipline will be applied for conduct which constitutes a criminal offence (including conviction for an offence) where that conduct or the offence:

- a) Takes place on College premises, or
- b) Affects or concerns other members of the College community, or
- c) Damages the good name of the College, or
- d) Itself constitutes misconduct within the terms of these regulations, or
- e) Is an offence of dishonesty, where the student holds an office of responsibility in the College,
- f) Behaviour which brings the College into disrepute;
- g) Failure to disclose one's name and other relevant details to an officer or employee of the College in circumstances when it is reasonable to require that such information be given;
- h) Failure to comply with a reasonable request made by any member of the College's staff who is authorised to make such a request, or refusal to leave any College building or the grounds of any College building when requested to do so by a member of the academic staff or of the senior administrative staff, or by any employee of the College who has responsibility for the security of the building or property. A member of the College staff is authorised to make such a request to ensure the security of a building or the safety of people (including the person to whom the request is made) within that building;
 - failure to comply with the provisions of any College Code or Regulation;
 - failure to comply with a previously-imposed penalty under these regulations or imposed under allied procedures enforced through these regulations;
 - any action which improperly interferes with the activities of another educational institution will constitute misconduct under the terms of these regulations.

7. Definitions of breaches of academic integrity

The College's primary functions of teaching and learning involve a search for knowledge and the truthful recording of the findings of that search. Any action knowingly taken by a student which involves misrepresentation of the truth amounts to academic dishonesty and as such, is an offence which the College believes should merit the application of very severe penalties.

Offences in this category include, but are not confined to:

- Cheating in written examinations;
- Copying work from or using work written by another person;
- Soliciting or commissioning work;
- Making work available to another person for copying;
- Submitting for assessment work that has been previously submitted for another assessment (self-plagiarism);

Copying from published authorities, including on-line sources, without acknowledgement; pretending ownership of another's ideas; falsifying results
Student discipline for academic matters.

Cheating involves actual or attempted deception and/or dishonest action in relation to any academic work of the College. Taking any unauthorised material, paper or equipment into an examination (including notes in any form) is prohibited. Talking to another candidate during an examination is also prohibited.

Plagiarism is used as a general term to describe taking and using another's thoughts and writings as one's own. Plagiarism can occur not only in essays and dissertations, but also in scientific experimentation, diagrams, maps, fieldwork, computer programmes and all other forms of study where students are expected to work independently and produce original material.

Collusion is the active cooperation of two or more students to jointly produce material where there is a requirement that that material be produced independently. A student who knowingly allows any of his or her academic work to be acquired by another person for presentation, as if it were that person's own work, is also guilty of collusion.

8. Controls for Plagiarism

All student work will need to go through Turnitin before final submission.

The maximum level of plagiarism allowed in a document is 25%.

Between 25% and 35% the teacher marking student work should consider the entire plagiarism report and assess the distribution of percentages. The teacher then uses his/her own discretion to decide whether to accept or reject the work depending on the comments in the plagiarism report, sources of the plagiarism and concentration of plagiarised work.

More detailed checking is required for plagiarism reports with readings above 35%.

Options available include a referral for large paragraphs/sections showing word for word copying from one source or more. In cases where this pertains to the entire assignment, the students will receive an e-mail from the Head of Quality and Chairman of the Academic Board with the action to be taken.

Normally, the action will be a disciplinary process which allows the student to defend themselves.

Where mitigating circumstances can be proved, the student will be required to submit a new assessment, completely different from the first.

Where mitigating circumstances cannot be proved, the learner may be discharged from the College. This is typical in collusion cases described above.

9. Responsibilities in relation to student discipline

All students of the College are subject to the decisions of the Academic Board (AB), in respect both of their studies and of their conduct. The College has power to suspend, exclude or expel any student deemed to have been guilty of misconduct or to impose such other penalties as may be appropriate. These powers will be exercised in accordance with these regulations for student discipline.

There shall be a Student Appeal Board (SAB), headed by the Head of Quality, with responsibility for maintaining an overview of matters relating to student discipline and making recommendations to the AB from time to time on matters relevant to this policy.

The Head of Quality shall appoint at least one Authorised Officers with general powers of jurisdiction over student academic disciplinary matters and at least one Authorised Officers with general powers of jurisdiction over student non-academic disciplinary matters. One such officer will be appointed as Investigation Officer.

10. Student Appeal Board (SAB)

All allegations should be addressed to the Head of Quality as Chair of the (SAB). He or she will then appoint one of the Authorised Officers to investigate of the allegations.

All communications with a student required under these Regulations shall normally be sent to the student's College email address only. The College shall normally regard notice of the contents of such communications as duly served on the day after the email has been sent. Where a College email account is not available, for example because such service has been suspended by the College, alternative means of communication will be identified by the College.

The disciplinary process shall take priority over all other matters concerning the College and student.

Where allegations involve more than one student, the allegations may be investigated and heard as a single combined case, or as multiple individual student cases under these regulations.

If the process for the consideration of allegations under these regulations is unclear, the decision of the Chair of the SAB regarding the procedures under which an allegation should be given consideration shall be final. The Chair of the SAB may make reasonable adjustments to the processes where this is necessary because of

the nature of the allegations and/or where this is necessary to ensure that a student will receive a fair hearing.

The Investigation Officer will, on the conclusion of his or her investigation, submit a written report to the Chair of the SAB. The normal expectation is that the Investigation Officer should conclude his or her investigation within four weeks of the case being referred. Students will be kept informed if more time needed to conclude.

The Investigation Officer may conclude that:

- the matter can satisfactorily be resolved by the imposition of a penalty within the powers of the Investigation Officer;
- the matter should be referred to the SAB. In such a case the Chair of the SAB will hear the evidence and the SAB will make a decision regarding the case;
- there is no case to answer and dismiss the proceedings. Such a finding will conclude the disciplinary process.

11. Misconduct which is also a criminal offence

The College regards it as its duty to co-operate with the police and other authorities in any investigations which involve its students where reasonable requests have been made under the provisions of the Data Protection Act 1998 and other relevant legislation. Where the College has reason to consider that a crime may have been committed contrary to UK criminal law, the College will normally report the matter to the police and/or other appropriate UK authority.

The following procedures apply where the alleged misconduct would also constitute an offence under the criminal law if proved in a court of law:

Where the offence is or may be subject to investigation and prosecution under UK criminal law, action under these regulations may continue, but such action may be deferred in whole or in part pending any police investigation or prosecution. The College shall take into account any police advice in relation to the deferral of each case;

Where alleged misconduct is investigated and/or prosecuted under UK criminal law, the College may determine to investigate the allegations and impose penalties under these procedures regardless of the outcome of the investigation and any prosecution of the case under UK criminal law;

Where a finding of misconduct is made and the student has previously been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining the penalty under these regulations.

12. Burden of proof applied to disciplinary

In determining the outcome of all allegations of student misconduct under these regulations, the burden of proof for finding the offence proven shall be the balance of probabilities.

13. Abandonment of cases when a student withdraws from the College

Where a student withdraws from the College following the instigation of an investigation under this policy, but prior to the conclusion of its consideration, the Chair of the SAB shall determine whether the procedures should be continued at that time. This shall include a situation where the College deems that, due to non-response to communication, a student has withdrawn in fact, although the student has not notified the College formally of a decision to withdraw.

14. Allegations relating to former students

The College may deprive a student or former student of any award when it has good cause to do so. The College reserves the right to investigate allegations of misconduct arising against former students under these regulations, in order to ascertain the facts and determine any penalties which should be imposed in such cases.

15. Confidentiality and disclosure of information

All information presented in the course of the investigation of allegations of student misconduct shall be treated with due confidentiality. Such information shall normally only be available to staff involved in the procedures or their administration. However, the College may, where it is under a duty to do so or is required by UK law, disclose any information arising from these processes, or details concerning the outcomes of the consideration of cases to professional, statutory or regulatory bodies, or Law Enforcement Officers.

16. Attendance of friend or representatives to support students

A student may be accompanied to a hearing or meeting by a friend or a representative. A friend need not be a member of the College but a representative must be a member of the College. A representative may undertake the presentation of the case on behalf of the student, providing that the student is present. A friend may not do so. It is the responsibility of the student wishing to be accompanied to inform his or her friend or representative of the date, time and place of any hearing or meeting. The student shall, where possible, notify the Chair/convenor of the hearing or meeting of the name of any friend or representative who will be accompanying him/her at least two days before the date of the hearing or meeting. A student may not be represented by a qualified member of the legal profession at a hearing or meeting unless that person is a member of the College.

17. Records and record-keeping

Where misconduct has been established in a case, copies of the summary record and the outcome letter following consideration by any Investigation Officer, Authorised Officer or SAB shall be placed on the relevant student's departmental record. No recording of the proceedings will be permitted.

18. Actions of staff during investigations of student misconduct

Where, in the opinion of a Chair of a SAB or Authorised Officer, a member of staff has acted inappropriately during a student disciplinary investigation, they shall consider whether the behaviour of the member of staff warrants referral for review under the College's policies and procedures relating to staff discipline.

19. Withdrawal /suspension of students

Suspension may be used as a penalty.

A student will be withdrawn if in the opinion of the SAB the student has committed a breach in College regulations (academic or non-academic). Such decision must be ratified by the Head of Quality of the College before it is notified to the student.

20. Procedures for investigation allegations of plagiarism and collusion

The College shall appoint a member of the academic staff as Authorised Officer.

- a) The role of the Authorised Officer is to consider cases of suspected plagiarism and/or collusion identified in work submitted for assessment, other than in time-constrained written examinations. Where a student is found to have been cheating in written examinations or falsifying results in other ways, the allegations will, instead, be referred to the relevant Authorised Officer.
- b) Where an internal examiner suspects plagiarism and/or collusion, s/he shall gather the necessary evidence. Wherever possible this shall include the original sources(s) that may have been used inappropriately. It may also include a review of other assessed work submitted by the student for evidence of plagiarism or collusion.
- c) The internal examiner shall submit the evidence, together with a written explanation of his or her concerns, to the Authorised Officer. The Authorised Officer may, in confidence, request further information from the internal examiner or other members of staff in relation to the case.
- d) If, after these investigations are concluded, the Authorised Officer determines that there is no case to answer, the Authorised Officer may dismiss the case.
- e) Unless the Authorised Officer determines that there is no case to answer, the Authorised Officer shall write to the student, presenting the evidence

assembled, and provide the student with an opportunity to make a written response to the allegation(s) of plagiarism and/or collusion, including any information which s/he considers should be taken into account as mitigating factors for their actions. Information relating to any mitigating circumstances should wherever possible be supported by documentary evidence. A deadline shall be set for the submission of the written response which shall not be fewer than five working days from the date of notification of this request. In determining whether factors which mitigate the allegation of plagiarism are established by a student, it is noted that guidance on academic integrity is provided within the College to all students and ignorance of the rules of academic writing and integrity will therefore not provide a defence to an allegation of plagiarism. Circumstances which can provide valid mitigation for an allegation of plagiarism will be exceptional.

- f) The Authorised Officer may, when writing to the student to present him or her with the evidence, require the student, in addition to providing a written submission, to attend a meeting to discuss matters relating to the allegations. The student shall be given at least five working days written notice of a meeting. Where the Plagiarism Officer determines to offer a meeting to the student, the deadline for submission of the written response shall normally be set which is not less than five working days after the date of the meeting.
- g) A member of staff of the College shall also be asked to attend the meeting to take notes. A record of the meeting shall be made by that member of staff which shall on request be made available to the student.

Having reviewed the evidence assembled and the response (if any) received from the student, the Plagiarism Officer shall determine one of the following regarding the allegation:

- h) that there is no case to answer and dismiss the case;
- i) that plagiarism or collusion are not proved, but that there is evidence of poor academic practice and that the student should be warned and directed to academic support;
- j) that there is evidence of plagiarism or collusion, and impose a departmental-level penalty as permitted under these regulations;
- k) **either** (i) that there is evidence of plagiarism or collusion for which a Authorised Officer cannot impose an appropriate penalty under this policy **or** (ii) that the case is too complex to resolve without a full hearing, and refer the matter for consideration by the SAB.

21. Penalties by Authorised Officers

With regard to non-academic offences, an Authorised Officer is permitted to impose one or more of the following penalties:

- a) issue a reprimand;
- b) suspend specific privileges for a specified period of time;
- c) require that the cost of any damage caused is made good in whole or in part (without monetary limit);
- d) temporary suspension and withdrawal of students;

22. Procedures for appeals

The student will have the right of Appeal for any decision. This must be sent in writing to the Head of Quality within seven days of notification of the decision.

The Head of Quality will decide as to whether the appeal will be upheld and dismiss the case or uphold it. The decision of the Head of Quality will be final.

23. Further right to appeal

Following completion of procedure described in 19. Above, there is no further right to appeal within the College. Students who are dissatisfied with the outcome of the disciplinary process may submit their concerns to the Office of the Independent Adjudicator for Higher Education (OIA) once all internal College procedures have been completed. The OIA is an independent body, external to the College, set up to review student complaints. Further information is available from the OIA website <http://www.oiahe.org.uk/> .