

**ACADEMIC MALPRACTICE
AND MISCONDUCT
PROCEDURE
2023-24**

Academic Malpractice and Misconduct Procedure

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Any Associated Documentation, for Reference:

HE Academic Appeals Procedure, Extenuating Circumstances, Exams Procedure

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Academic Misconduct and Malpractice Procedure

1. Introduction

This procedure relates to the provision of education programmes of study delivered at Preston College and is applicable to all learners and apprentices.

1.1 Further Education

Where a case of academic misconduct in relation to an assessment comes to light, the assessment must be suspended and assessors must not come to a decision on the candidate's result.

Where evidence of academic misconduct becomes apparent subsequent to the recommendation of the assessors, the matter will be re-opened and the original decision may be set aside if appropriate. Alleged acts of academic misconduct will be reported to the respective Head of School, Head of Quality and/FE Quality Manager FE for investigation. Staff should also refer to [Appendix 1. JCQ Suspected Malpractice Policies and Procedures](#)

1.2 Higher Education

Academic Malpractice and Misconduct has been produced to align with OfS Conditions of ongoing registration, specifically condition B2 (resources, support and student engagement) and B4 (assessment and awards) which provide the following definitions:

- Academic misconduct means any action or attempted action that may result in a student obtaining an unfair academic advantage in relation to an assessment, including but not limited to plagiarism, unauthorised collaboration and the possession of unauthorised materials during an assessment.
- Academic misconduct includes presenting work for assessment that is not the work of the student being assessed and includes but is not limited to the use of services offered by an essay mill.
- Support relating to understanding, avoiding and reporting academic misconduct includes support for essay planning and accurate referencing, and advice about the consequences of academic misconduct.

2. Guiding principles

- The Academic Misconduct and Malpractice Panel should apply “on the balance of probabilities” as the standard of evidence.
- Where allegations are being investigated, where possible, a check of all available summative work within the same assessment period should be undertaken.
- Extenuating Circumstances will not normally be considered relevant in determining whether an offence has occurred.

- Any assertion that Academic Misconduct or Malpractice has been committed unintentionally or accidentally cannot be considered as a legitimate defence.

Any attempt to convey deceitfully the impression of acquired knowledge, skills, understanding, or credentials, is a serious offence and may constitute grounds for sanctions up to exclusion.

Examples Preston College unequivocally condemns academic malpractice and misconduct that may result in a learner or apprentice obtaining an unfair academic advantage. This may include but is not limited to:

- 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 learner individually.
- Copying or closely imitating the work of another learner or apprentice, with or without their permission.
- Reusing one's own words from a previously submitted summative assessment to gain academic credit (Self-plagiarism)
- 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 learner or apprentice, this could include essay mills or similar services.
- Submitting work which has been written or modified by generative artificial intelligence software on behalf of the learner or apprentice.
- Submitting another learner's or apprentice's work whether or not it has been previously submitted by that learner or apprentice.
- The inclusion of irrelevant, offensive or obscene material in assessments submitted.
- The alteration or falsification of any results or data.
- Failure of a learner or apprentice to protect the integrity of their work by not ensuring its security.
- Failure to reference or acknowledge sources adequately, in a way which present the work as if it has been authored by the learner or apprentice. This may, for example, include:
 - Using close paraphrasing of aspects of another author's work without acknowledging the source
 - Directly quoting from a source but failing to include quotation marks.
 - Presenting substantial extracts from other sources, including work produced by generative AI, or other software, 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 learners and apprentices will be assessed based on their own work. To ensure that all learners and apprentices 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, learners or apprentices may be referred to an Academic Malpractice and Misconduct Panel.

2.1 Coursework

- Collusion, where a piece of work prepared by two or more learners or apprentices is represented as if it were their own.
- Commission or use of work by the learner or apprentice which is not their own and representing it as if it were.
- The commission of and or use of a paper from a commercial service, including internet sites, whether pre-written or specially prepared for the learner or apprentice concerned.
- Submission of work produced by another person or generative AI software.
- Duplication of the same or almost identical work for more than one module
- Submission of another learner's or apprentice's work, whether with or without that learner's knowledge or consent

2.2 Examination

In addition to any of the above:

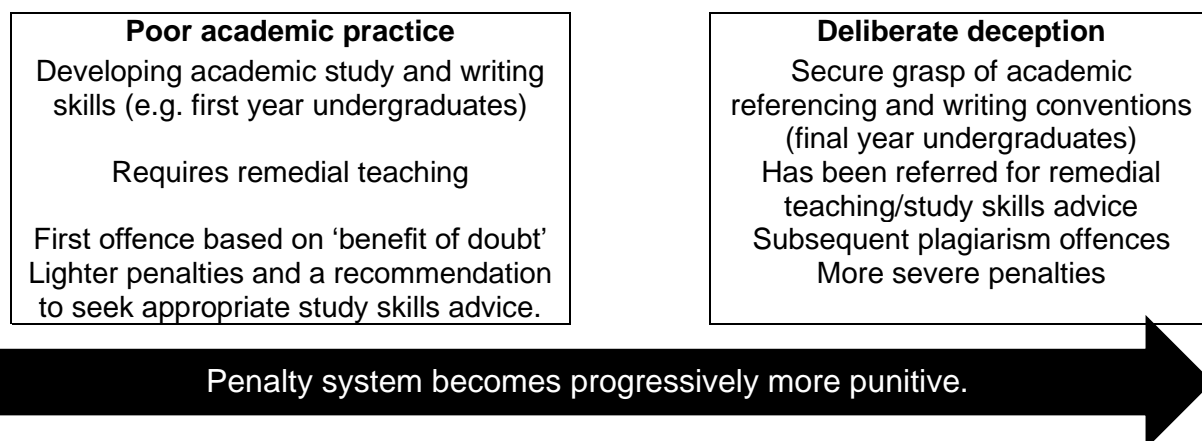
- Any breach of the rules for Preston College examinations procedures, including copying from or conferring with other learners or apprentices or using unauthorised material or equipment in an examination room
- Impersonating or allowing another to impersonate a learner or apprentice.
- Failure to abide by the instructions of a duly authorised examination invigilator.

2.3 Extenuating circumstances (EC)

Any learner or apprentice found to have submitted an EC application that includes content that is fictitious or includes supporting evidence that has been contrived to seek advantage over their peers will be considered to have cheated and as such will be referred to an academic malpractice panel.

2.4 Fabrication of results occurs when a learner or apprentice claims to have carried out tests, experiments or observations that have not taken place or presents results not supported by the evidence with the object of obtaining an unfair advantage.

2.5 Plagiarism can be defined as: the action of utilising or closely imitating the language / work of another author as if the product were one's own. Intentionality is difficult to establish and as such behaviours, can be considered on a spectrum where the penalty system becomes progressively more punitive.



Ignorance of proper procedures or of good practice in academic writing is no excuse, particularly if a learner or apprentice has previously been accused of plagiarism or poor academic practice, advised to seek study skills help, and fails to learn the lessons.

2.6 Poor academic practice

Poor academic practice could include poor referencing, unattributed quotations, inappropriate paraphrasing, incorrect or incomplete citations, or up to several sentences of direct copying without acknowledgement of the source. To be classified in this way, it must be the marker's judgement that the affected submission results from poor academic practice rather than a deliberate intent to deceive.

2.7 Deliberate deception

Deliberate deception is defined as, but is not limited to:

- i. Copying multiple paragraphs in full without acknowledgement of the source
- ii. Taking essays from the Internet (including generative AI) without revealing the source
- iii. Copying all or much of the work of a fellow learner with or without their knowledge
- iv. Submitting the same piece of work for assessment under multiple modules or two or more recorded occurrences of 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 Curriculum Leader or Head of School (where the maker is either of aforementioned) to consider the appropriate action. If all parties agree and believe that the learner or apprentice has submitted work that is considered to demonstrate poor academic practice, they must:

- i. Check learner records (ProMonitor) to confirm whether a warning letter or feedback has been issued to the learner or apprentice previously.

- ii. Meet with the learner or apprentice (Module Tutor and Curriculum Leader) to discuss the poor academic practice and the support mechanisms that will be put in place by the academic team and Learning Zone to assist the learner or apprentice.
- iii. If no letter has been issued previously and the learner or apprentice is content to accept a warning:
 - a. The course team will complete the warning letter and provide it to the learner/apprentice and note the offence on their learner record (ProMonitor)
 - b. If a warning letter has been issued previously or the learner or apprentice is unwilling to accept a warning, the procedure set out below will be initiated.

3. HE Academic Malpractice and Misconduct

3.1 HE Roles and responsibilities

All Preston College colleagues or representatives thereof are responsible for reporting any instances where there are grounds for suspicion of academic malpractice or misconduct to the HE Manager. The HE Manager will convene a panel wherever a prima facie consideration indicates that there may be a case to be answered.

3.2 HE Academic Malpractice and Misconduct Panel

As an impartial body to judge cases of alleged academic malpractice, based upon the evidence brought before it. Responsible for making a judgement on the validity of malpractice / misconduct independently of any external factors. Boards of Examiners will make the ultimate decision on the learner's or apprentice's progression or award, failure and reassessment.

- To consider the evidence as presented.
- To interview the learner and appropriate employees as necessary.
- To review the process taken in the identification, investigation and awarding of the penalty.
- To review the record of penalties applied to ensure the penalty applied is consistent. To send the learner or apprentice a formal letter outlining the outcome of the panel.

The panel will consist of:

- From another curriculum area, an independent Head of School as Chair.
- HE Manager or trained nominee.
- An academic colleague unrelated to the assessment

In attendance will be:

- The academic colleague asserting malpractice or misconduct, presenting the case. If the academic colleague is unavailable a nominee will present the

case. This will usually be the Curriculum Leader for the relevant curriculum area.

- A curriculum administrator will minute the meeting and maintain records of all decisions and outcomes.
- The learner or apprentice suspected of academic malpractice or misconduct.

Panels will, wherever possible, be arranged to allow the learner or apprentice to attend. If they are unable or unwilling to attend, they may write a letter to outline their views regarding the allegations. Where the learner or apprentice 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.

Learners and apprentices have a right to be accompanied by one person to the panel meeting. Where this is the case, the role the person accompanying the learner or apprentice is to provide pastoral support and not to contribute to the deliberation between the panel and the learner or apprentice. Learners or apprentices accused of academic malpractice or misconduct are expected to provide personally an opening statement and to answer any pertinent questions from panel members including specific questions relating to the assessment with suspected malpractice/misconduct.

Reasonable adjustments will be made to the processes as necessary to meet requirements related to protected characteristics. There is no right for a learner or apprentice to have legal representation at an Academic Malpractice and Misconduct Panel.

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

The HE Manager is responsible for collating paperwork for the panel and the implicated learner(s) or apprentice(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 learner's or apprentice's submission(s)
- The Turnitin report (where appropriate)

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 Preston College's procedures.

3.3 HE Academic Malpractice and Misconduct 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:

- a) At its discretion and where poor academic practice is identified the panel should issue an advisory/warning letter. If, however, the learner has previously been issued with a warning letter the panel must examine whether a second instance of poor academic practice should be considered as a first offence rather than poor academic practice with a penalty being applied; this would normally be the case.
- b) Where no previous warning letter has been issued, 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.

- a) Award zero or equivalent for the assessment in question and permit its reassessment without restricting the mark awarded.
- b) 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.
- c) Applicable to Scottish Qualification Authority awarded programmes only: Award zero or equivalent for the assessment in question, permit its reassessment restricted to the minimum pass mark and limit all graded units to a minimum pass grade.
- d) Award zero or equivalent for the assessment in question and permit its reassessment. The module in such cases will be capped.
- e) 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.
- f) Record the learner or apprentice as an academic failure and, if applicable and where timing warrants, withdraw them from their programme of study; in such cases a learner or apprentice 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 this procedure and the regulations of the associated awarding body.

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

- The academic study support a learner or apprentice has received
- A learner's or apprentice's level of study
- Whether there have been any previous instances (including the issuing of warning letters for poor academic practice)

- The nature and scope of the offence

Please note that in all circumstances, where a penalty has been applied, and following the resubmission there is no further opportunity for reassessment. For each offence the Academic Malpractice and Misconduct Panel will send the learner or apprentice 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 learner or apprentice 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.

Where a learner or apprentice 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 Preston College's Academic Appeals Procedure.

Learners or apprentices 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 learner or apprentice prior to its use.

4. General Data Protection Regulations

Under General Data Protection Regulations, Retaining Personal Data, 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 a learner's or apprentice's programme of study has completed, unless a complaint or appeal in relation to academic malpractice and misconduct is ongoing.

Learners or apprentices should make every effort not to provide details that relate to a third party. Where such information is provided, under UK GDPR, 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 HE Manager will redact personal information immediately following its presentation to a panel.

Colleagues at Preston 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 Office of the Independent Adjudicator for Higher Education (OIA) if it formed part of the information which has been considered under a college process.

Appendix 1. JCQ Suspected Malpractice Policies and Procedures

Details relating to policies and procedures agreed by the JCQ awarding bodies for dealing with breach of security and malpractice investigations relating to candidates, centre staff and centres is available via the following link: [JCQ Suspected Malpractice Policies and Procedures](#). The JCQ awarding bodies have separate procedures for investigating concerns relating to the conduct of examiners, moderators and awarding body staff. More information

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