



## Academic Malpractice Policy

### Introduction

1. The purpose of this document is to set out the procedures staff should follow if they suspect a student has committed academic malpractice.
2. Students at Spurgeon's College are part of an academic community that values integrity, honesty, fairness, respect and trust. Students take personal responsibility for their work and its academic integrity.
3. All procedures at the College are based upon the principles of natural justice, which impose a duty on the College to act fairly. In practice this means that the student should receive full information of the case against them and adequate warning of the date of any hearing so the student can prepare. All parties should hear each other's perspectives and clear reasons for decisions taken will be communicated promptly. Those making the decision must be unbiased and decisions taken must be demonstrably reasonable and not irrational.
4. **This policy should be read in conjunction with the 'Academic Malpractice – Protocol and Guide for Staff' and its associated paperwork.**

### Scope

5. This policy and procedure document applies to work submitted for summative assessment by all students registered with Spurgeon's College at both undergraduate and postgraduate levels. The policy also applies to students registered on the Spurgeon's Award, Spurgeon's Certificate and Spurgeon's Commendation. Work submitted for formative assessment is expressly excluded from its provisions.
6. The College's Fitness to Practise procedures may also be applied to students who are on professional courses whose actions are considered under this policy. There are significant risks to the public if students graduate into some professions with inadequate professional skills. The College has a responsibility to ensure that individuals admitted into professions on the basis of their degree qualifications have the levels of honesty and integrity that the public expect of that profession.

### Definitions

7. Academic malpractice is any activity – intentional or otherwise - that is likely to undermine the integrity essential to scholarship and research. It includes

plagiarism, collusion, fabrication or falsification of results, and anything else that could result in unearned or undeserved credit for those committing it. Academic malpractice can result from a deliberate act of cheating or may be committed unintentionally. Whether intended or not, all incidents of academic malpractice will be treated seriously.

### Plagiarism

8. Plagiarism is the presentation, intentionally or unwittingly, of the ideas, work or words of other people without proper, clear and unambiguous acknowledgement. It includes the copying of the work of any other person, including another student, and the submission, in whole or in part, of a student's own work - self-plagiarism - where, for example, such work may have been previously submitted for a different assessment.
9. Self-Plagiarism: the submission, in whole or in part, of a student's own work, where that work has been submitted for a different assessment, either at the College or at a different institution. Students who use a previous piece of work or publication in a future piece of work should ensure that they properly reference themselves and the extent of such use should not be excessive.

### Collusion

10. Collusion is when a student or students collaborate with another student or students, as an individual or group, to gain a mark or grade to which they are not entitled. Students who allow another student to copy their work are also committing collusion and both the copier and the provider of the work are liable to be penalised.
11. The College does however allow collaboration where students work in groups as part of their programme of research or in the preparation of projects and similar assessments. The expectations and marking of the work should be made clear by the person setting the work and students should ensure that they are able to identify their contribution to the piece of work in group submissions. If malpractice appears in a group piece of work, then the group will normally be expected to take collective responsibility for the work and be seen as part of the same disciplinary hearing, unless individual members are able to:
  - a. identify who contributed the element containing malpractice and/or
  - b. distinguish their contribution to that of the other members of the group.

### Contract cheating

12. Contract cheating is the use of essay writing services or essay mills. These services provide customised assignments in exchange for the payment of a fee. The purchase or intention to purchase material from a third party to use in full or in part in any form of assessed work is always considered malpractice.

## Fabrication

13. Fabrication or falsification of data or results by individual students or groups of students is the presentation or inclusion in a piece of work of figures or data which have been made up or altered and which have no basis in verifiable sources; this may or may not involve other instances of academic malpractice.

## Cheating in exams

14. Cheating in exams is another form of academic malpractice. It entails the possession of unauthorised material or the use or attempted use of unauthorised or unfair means. Specifically, it is an offence to:
- copy from the work of another candidate, or allow copying from one's own work;
  - obtain assistance from another candidate, or provide assistance to them, by whatever means;
  - impersonate another candidate, or allow oneself to be impersonated;
  - use any pre-written study aids, books or notes which are not permitted in the examination room;
  - use a mobile phone or similar electronic devices (e.g., iPhone/ iPod/ MP3/4 player/Smartwatch etc.);
  - disrupt the examination room by causing undue noise or disturbance;
  - talk, pass written communication or make social media contact with another candidate during the examination;
  - deliberately destroy any notes or rough working which you make during the course of the examination.

## Proof reading and copyediting services

15. Proof reading and copyediting services: while payment for these services may not always constitute a form of cheating it depends on the scale of the work undertaken. For example, major changes by a third party can lead to students submitting work which is substantially different from what they originally wrote and this is not legitimate.

## Indicators of types of academic malpractice

16. Indicators of types of academic malpractice may include (but are not limited to) the following:
- A significant block or numerous blocks of material or copied text expressing ideas or concepts taken from the work of others without appropriate acknowledgement or citation. This can include material which is:
    - not appropriately contained in quotation marks;
    - referenced in a bibliography but not cited properly;
    - copied from others and which has been subjected to minor or superficial linguistic changes and presented as the student's own work, with or without citation.
  - Collusion between students as evidenced by structure, sources, a significant block or numerous blocks of copied text, (including copied text subjected to minor or superficial linguistic changes).

- Blocks of copied illustrations, computer code, graph, diagrams or other resource taken from another student or the work of others without appropriate referencing.
- Results or data which cannot be substantiated on the basis of the material submitted by the student.

### Poor academic practice

17. Poor academic practice involves poor citation practice where there is evidence that the student did not apply the appropriate rules of academic writing and/or where the extent of copied material does not meet the level of significance such that it can be considered academic malpractice. Poor academic practice will not instigate disciplinary proceedings but can be taken account of through the marking process. The work in question may include limited:

- material or copied text expressing ideas or concepts taken from the work of others in the student's own words but without appropriate citation;
- material or copied text which is referenced in the bibliography but is not properly cited;
- material or copied text that has been subjected to minor linguistic changes with or without citation;
- collusion between students as evidenced by structure, source or copied text; this includes cases where the written work is original throughout;
- pieces of work which are largely constructed of the work and words of others.

### **Institutional responsibilities**

18. The College will take reasonable steps to ensure that all students, whatever their level or mode of study, understand the academic standards and requirements they must follow.

19. The College will always make clear that:

- a. acts of academic malpractice are not acceptable in any circumstances; and
- b. where such acts are shown to have occurred, an appropriate penalty will always be enforced.

20. No circumstances justify academic malpractice, and a penalty must always be applied. Although students may present evidence of mitigating circumstances (which may be taken into account when determining the penalty to be applied), it must always be borne in mind that students are encouraged to bring such circumstances to the attention of the College at the earliest possible opportunity so that the College can consider offering appropriate help. Lack of time, or too much work, do not constitute mitigating circumstances.

21. The College will, when determining a penalty to be imposed as a consequence of academic malpractice, take account of the consequences

which the penalty will have for the academic progression of the student concerned.

### **Institutional procedure**

22. All suspected cases of malpractice are referred by tutors to the Academic Malpractice Officer.
23. The College's malpractice procedure is conducted through Malpractice Panels, Malpractice Tribunals and Malpractice Appeals Boards.
  - Malpractice Panels normally hear first-time cases;
  - Malpractice Tribunals hear first-time cases that appear serious, all subsequent cases and appeals lodged against decisions made by a Malpractice Panel;
  - Malpractice Appeals Boards hear appeals lodged against decisions made by a Malpractice Tribunal (except where the Malpractice Tribunal was convened to consider an appeal).
24. The key officer on the College's part to ensure that the process is correctly managed is the member of staff designated by the Principal as the Academic Malpractice Officer.
25. On the recommendation of the Academic Malpractice Officer, and in exceptional circumstances, serious first offences may be referred directly to a Malpractice Tribunal.
26. Further details of the College Procedure regarding Malpractice are contained in the 'Academic Malpractice Protocol and Guide for Staff'.

### **Assessing the severity of academic malpractice**

27. Panels and Tribunals are expected to use their judgment in deciding the seriousness of an offence and whether there are aggravating circumstances that might affect the severity of the penalty. Panels and Tribunals must attempt to ensure consistency of treatment between cases, making a judgment about what is a proportionate penalty and ensuring that the penalty chosen does not have consequences for academic progression which are disproportionate in impact.
28. Factors to take into account when determining the penalty and its proportionality include the following:
  - The student's level of study: the more advanced and experienced the student, the more serious the offence;
  - The proportion of the piece of work that was subject to malpractice: the higher the proportion, the more serious the offence;
  - The weighting of the piece of work towards the credit rating of the unit: the higher the weighting/credit, the more serious the offence;
  - The student's previous history: a subsequent offence, occurring after a student has already received a warning or a penalty for academic malpractice, is more serious than a first offence;

- The degree of intention to deceive in the piece of work in question (which might be assessed by, for example, efforts to change wording, poor referencing or lack of referencing of plagiarised material, evidence from earlier drafts) and also in the hearing itself.
29. The judgment on any case will record details of the relevant factors taken into account, stating the degree to which they contributed to the decision, and will state the Panel or Tribunal's intentions in terms of the impact of the penalty on progression/degree awarded. It will also refer to any other matters taken into account, e.g. any mitigating/aggravating circumstances, so that precedence and best practice may be established. The written record will also be important in the event that the student appeals the disciplinary process/outcome. [See "Communication of Outcome" below]

### **Dissertations/Long Essays/Project Reports/Theses**

30. If academic malpractice is suspected in a thesis, dissertation or similar piece of work, the work should continue to be marked or assessed to gather evidence of the extent of the alleged malpractice. The formal examination process should then be suspended and the result withheld pending an investigation.
31. The examiner(s) should refer the case to the Academic Malpractice Officer as with all other cases of suspected malpractice.

### **Students who are unable to attend a Panel/Tribunal**

32. Students are normally expected to attend a Panel/Tribunal called to consider their work. This will usually be heard at the Spurgeon's College (London) Campus. Students will be responsible for any travel costs associated with attending such meetings.
33. Students who:
- for legitimate reasons are unable to attend a Panel/Tribunal;
  - attend an alternative Spurgeon's College Campus;
  - are distance learning students;
  - are not resident in the UK and have returned home
- will be offered the opportunity to have their Panel/Tribunal conducted via skype or teleconferencing facilities (or equivalent).
34. If this is not possible, or the opportunity is declined, or no response is received within a reasonable time frame (bearing in mind the student's location), it is reasonable to hear the case 'in absentia'.
35. Students who are unable to attend will be asked to respond to the allegation detailed in the Panel/Tribunal paper work and this can be communicated by oral or written communication, in any form. They will be supplied with full details of the case against them and informed of the possible consequences if they are deemed to be guilty of academic malpractice. They should receive the same paperwork prior to the meeting as the panel/tribunal members, i.e.

copies of the relevant assignments and supporting evidence. They should also be given a suitable time limit for a response and be informed that if they do not respond a decision will be made on the basis of the evidence available. Once a decision has been made it should be communicated to the student [see “Communication of Outcome” below].

36. All students will be allowed to provide a written statement, and any supporting material, to the Panel/Tribunal detailing their response to the allegation. This statement should be submitted to the Senior Registrar at least 24 hours prior to the Panel/Tribunal meeting.

### **Loss of credit**

37. Students gain credit when they successfully complete a unit by attending as required and by satisfying the criteria for assessment.
38. The assumption which underlies penalties for academic malpractice is that a mark of zero for a whole unit involves loss of the associated credit for the unit. The student may attempt to regain the lost credit by resubmitting the unit assignment(s) should the Malpractice Panel/Tribunal permit them to do so. Similarly a mark of zero for one assessed piece of work may result in the unit as a whole being failed. The student may attempt to regain the lost credit by resubmitting the one assessed piece of work should the Malpractice Panel/Tribunal permit them to do so.
39. Panels/Tribunals may direct the Progression and Awards Board that a penalty of mark of zero can be imposed ‘without loss of credit’. This enables panels to act proportionately in circumstances where otherwise the penalty would have a disproportionate effect on the outcome for the student. Panels/Tribunals are responsible for determining the proportionality of the impact of any penalties imposed.

### **Previously assessed work**

40. Unless there are very good reasons, there is no expectation that, on the finding of academic malpractice in a piece of assessed work, previous work will be routinely checked, although the option remains to review all the student’s assessed work if the Academic Malpractice Officer determines that it is appropriate to do so.

### **Assessing whether there is evidence that academic malpractice has taken place**

41. Students submit summative assignments as Word documents through the College’s Moodle platform. All submissions are subject to checking by “Turnitin” - a web-based text-matching tool, which is widely used in UK universities. Turnitin searches the current and archived internet, and papers submitted by other students, to identify similarities between online text and the assignment submission. It produces an “originality report” expressed in percentage terms, identifying suspected sources. This report is examined by tutors.

42. All Turnitin reports require interpretation by tutors concerned. For example, there may be a high similarity rating in the report, but no malpractice has been committed because all quotations have been correctly marked as such. Tutors do not rely solely on the Turnitin report. They employ other detection methods including consulting hard copy textbooks. Tutors are able to employ other detection software (for example, those that employ stylometry and linguistic analysis) where appropriate.
43. If appropriate, and with the agreement of the Academic Malpractice Officer, tutors can interview students about their essay submissions before the case is escalated to a Malpractice Panel or Tribunal. This is particularly appropriate when tutors notice a sudden change or improvement in a student's written submission and wish to establish that the student has a good grasp of the work that they submitted. Such interviews are information gathering rather than decision making processes. If the tutors are not satisfied with the student's responses they will complete the Malpractice Tutor Report Form and record the interview findings as evidence for the Academic Malpractice Officer to consider in line with the normal processes.
44. Tutors will write up a report of their findings, providing supporting evidence that has been discovered and indicating the location of suspected instances of malpractice. The Malpractice Tutor's Report Form will be considered by the Academic Malpractice Officer. Tutors may present a variety of evidence including:
- Turnitin report;
  - additional electronic sources detected;
  - printed textbook or course notes source material;
  - meta-data captured from within a submitted document;
  - samples of the student's usual writing style;
  - evidence of submission to essay mill (or similar);
  - evidence of third party editing;
  - notes from an investigative interview.
45. Invigilators who suspect cheating in examinations will likewise report the case in writing to the Academic Malpractice Officer.
46. The Academic Malpractice Officer will assess whether or not the evidence suggests that academic malpractice may have been committed. It is sufficient for the Malpractice Officer to progress the case "on the balance of probabilities" as a standard of proof.
47. If the Academic Malpractice Officer judges that the case is one of 'poor academic practice' rather than 'academic malpractice', the matter will be referred back to the tutor responsible for the work in question. The tutor will then mark the work according to the normal criteria, which include standard of presentation. In such instances, it is essential that the student is given appropriate feedback and guidance, not only in the tutor's written comments, but also through personal contact and additional learning support. For this reason the Tutor will also produce a Poor Practice Feedback Form which the student will receive on mark release date from the Registry Department.



48. When a suspected case of malpractice is referred to the Academic Malpractice Officer, and it is decided that there is a prima facie case to answer, anonymity will be lifted in order to ascertain the identity of the candidate. If the matter is being referred back to the tutor as poor practice, the tutor will be informed of the identity of the candidate so that appropriate personal feedback and guidance can be given.

### **Conduct of Panels/Tribunals**

49. Minutes will be taken of the proceedings and decisions of all Panel/Tribunal meetings, using the College template. Normally the Senior Registrar or their deputy will attend as secretary to make this record. In the event that no member of the Academic Administration Team is available to attend, a member of the Panel/Tribunal will make the record, which must always be lodged with the Academic Registry.

50. The Malpractice Panel will consist of the Academic Malpractice Officer (or their deputy) plus another member of the teaching staff. The member of staff who initially made the allegation will not sit on the Panel.

51. The Malpractice Tribunal will consist of the Academic Malpractice Officer, a Chair appointed by the Principal and another member of the teaching staff. The member of staff who initially made the allegation will not sit on the Tribunal. If the Tribunal is hearing an appeal from the Panel, the members of the Tribunal must not have been members of the original Panel.

52. The Senior Registrar or their deputy will provide for the meeting a record of the student's academic progress to date, so that the Panel/Tribunal can take into account the consequences of any proposed penalty.

53. Students must be given adequate notice of a requirement to attend the meeting, together with full information about the allegation being made against them and informed of the possible consequences if they are deemed to be guilty of academic malpractice. They must be advised of their right to be accompanied by a person of their choice (who may speak on their behalf), normally a fellow student, member of staff or Student Representative. They should receive the same paperwork prior to the meeting as the members of the Panel/Tribunal.

54. The case must not be discussed by the Panel/Tribunal before the student is present, other than to agree or clarify procedure and to decide the issues that need to be explored with the student. The student must be given the opportunity to hear all the evidence and to present an explanation, but should not be present whilst the Panel/Tribunal comes to a decision.

55. If the offence is admitted or proven, the Panel/Tribunal will apply the most appropriate penalty from the list set out below (see "Range of Penalties"). In the event that the Panel/Tribunal needs to make further enquiries before

reaching a decision, the hearing may be suspended pending completion of those enquiries.

56. In determining whether an instance constitutes a repeat (subsequent) offence, any offences committed during a student's current career as either an undergraduate or a postgraduate student will be taken into account.
57. For example, if a student, who is initially registered on a HE Certificate and then transfers to a HE Diploma and then a BA Degree, commits an offence while at BA Degree level having already committed an offence while registered for the HE Certificate or HE Diploma, this will count as a repeat offence. The same principle applies when the transfer is only between HE Certificate to HE Diploma, or HE Diploma to BA Degree.
58. Similarly, if a student, who is initially registered on a PG Certificate and then transfers to a PG Diploma and then a Masters, commits an offence while registered at Masters' level having already committed an offence while registered for the PG Certificate or PG Diploma, this will count as a repeat offence. The same principle applies when the transfer is only between PG Certificate to PG Diploma, or PG Diploma to Masters.
59. However, an offence committed during the course of an undergraduate programme does not constitute a previous offence in the case of the same student who has now moved on to a postgraduate programme.
60. In applying penalties the Panel/Tribunal should ensure that it is fully aware of the impact of the penalty on the student's ability to progress/final degree result and intended career if appropriate, and that the likely impact is proportionate to the offence committed.
61. Decisions of Academic Malpractice Panels/Tribunals override all other decisions on assessment. Thus, for example, Panels/Tribunals can impose a mark of zero but specifically allow a student a reassessment opportunity even if the degree regulations would not normally permit a reassessment.

## **Range of penalties**

### **62. Malpractice Panel:**

- (a) a reprimand and warning about future behaviour;
- (b) requirement to undertake a piece of work, not connected to the student's academic programme but related to the offence committed;
- (c) the relevant tutor to be informed that the piece of work be marked, if not already marked, according to the criteria. Such a mark will normally be low, to reflect inappropriate use of sources;
- (d) a mark already awarded for the piece of work or for the course unit to be reduced by a specified amount;
- (e) a recorded mark of zero for the examination paper or other assessed work in which malpractice occurred;
- (f) a recorded mark of zero for the units(s) in which malpractice occurred.

63. In the case of (e) and (f), the Board of Examiners will normally instruct the student to re-sit the exam or resubmit the assessed work, for a capped mark. However, the penalty of a zero mark may be imposed 'without loss of credit' in circumstances in which it is judged that the penalty would otherwise have a disproportionate consequence, for example if the candidate is in their final semester and has no opportunity for a resubmission.

64. Malpractice Panels may request a candidate to re-sit or resubmit without waiting for a meeting of the Board of Examiners.

65. Malpractice Tribunal:

All the penalties above as well as the following, which will only be used in exceptional circumstances:

- (g) recorded mark of zero for the piece of work or unit(s) in which the malpractice occurred and the student being not allowed a re-assessment;
- (h) recorded mark of zero for the piece of work or unit(s) in which the malpractice occurred and the student not being allowed a re-assessment or to substitute any other assessed work;
- (i) recorded mark of zero for all examination papers and other assessed work taken during the particular examination period (i.e. end of first semester (January); end of second semester (May/June); resit (August/September)) in which malpractice occurred;
- (j) recorded mark of zero for all examination papers and other assessed work taken during the academic year;
- (k) the examining authority to be required to reduce the class of degree by one or more classes from that which would have been awarded on the basis of the student's academic progress, or to award a lesser qualification;
- (l) suspension from the College for a fixed period, up to a maximum of twelve months. A student who is so suspended will be prohibited from entering College premises and from participating in College activities, although the suspension may be subject to qualification;
- (m) cessation of the student's registration for their accredited course;
- (n) expulsion from the College.

66. In the case of (g) and (h), the penalty may be imposed 'without loss of credit' in circumstances in which it is judged that the penalty would otherwise have a disproportionate consequence.

67. Malpractice Panels may request a candidate to re-sit or resubmit without waiting for a meeting of the Board of Examiners.

## **Communication of outcome**

68. Following the hearing, the decision of the Panel/Tribunal must be communicated to the student in writing within five working days. The communication will summarise the decision and the factors that were taken into account, and clarify the potential consequences for the student's academic progress/achievement. The letter should also inform the student of the appeals procedure (see below), and of their right to appeal.
69. The communication should also suggest sources of study skills advice (where appropriate), and warn about the consequences of a repeat offence.
70. A copy of the letter should be placed on the student's file. The official mark transcript for the student concerned may record the marks only, and not indicate that malpractice has taken place.
71. The Senior Registrar will maintain a record of the number and nature of cases dealt with including the level of penalty imposed and will report periodically on such cases as requested.

## **Appeals**

72. A student who is found guilty of malpractice will have the right of appeal against both the finding of guilt and any penalty imposed on one or more of the following grounds:
  - (a) procedural irregularity;
  - (b) availability of new evidence which could not reasonably have been expected to be presented to the original hearing;
  - (c) the disproportionate nature of the penalty.
73. Appeals will be submitted to the Senior Registrar and directed as follows:
  - (a) to the Malpractice Tribunal when a penalty has been imposed by a Malpractice Panel;
  - (b) to the Malpractice Appeal Board when a penalty has been imposed by a Malpractice Tribunal (except where the Malpractice Tribunal was convened to consider an appeal).
74. An appeal, including a statement of the grounds on which the appeal is being made, will be submitted by the student concerned in writing within fifteen working days of the date on which written notification of the decision is sent to the student. A request for an appeal received after this time with good cause shown for its late submission will only be granted at the discretion of those designated to hear the appeal. Any student who has failed to participate in the original disciplinary hearing when invited or required to do so will be entitled to appeal only by special permission of those hearing the appeal.
75. Those considering an appeal will have the authority to confirm, set aside, reduce or increase the penalty previously imposed. The decision of those hearing the appeal will be final and there will be no further opportunity for appeal against that decision.

76. Those hearing an appeal will not re-hear the case afresh, but will consider whether the initial hearing and outcome were fair by:
- (a) reviewing the procedures followed;
  - (b) establishing whether the appellant has presented any new evidence that could not reasonably have been expected to be presented to the original hearing and that this evidence is material and substantial to the findings;
  - (c) reviewing the penalty imposed.
77. Those hearing an appeal will seek to deal with the case on the basis of documentary evidence and may, at their discretion, call a meeting to which the appellant is invited to present their appeal in person. In such an event, the appellant may be accompanied by a fellow student or Spurgeon's staff member of their own choosing, who may speak on their behalf.
78. The Malpractice Appeal Board will comprise the Principal (or their representative) who will act as convenor/chair, a member of the teaching staff not previously involved in hearing the case, a governor and a student representative.
79. The Malpractice Appeal Board will conduct its business in accordance with the rules of natural justice. Findings will normally be made on the balance of probabilities and decisions may be by a majority. The Chair may vote and will have in addition a casting vote.

### **Completion of procedures and independent review**

80. Once such a student has finished the internal appeals or complaint procedures the College will promptly send a Completion of Procedures letter to the student. This will set out clearly what issues have been considered and the College's final decision.
81. If the appeal is rejected and this procedure has been completed, students registered with validating Universities can request a review of their appeal.
- University of Manchester registered students can request a review of their appeal to the Registrar, Secretary and COO of the University of Manchester.
  - Liverpool Hope University registered students can request a review of their appeal to the Pro Vice Chancellor.
82. If the Student believes the issue has not been appropriately addressed, the student may complain to the Office of the Independent Adjudicator for higher Education. The OIA review will focus on the final decision. The OIA must receive a student's Complaint Form within 12 months of the date of the Completion of Procedures Letter. For further details see: <http://www.oiahe.org.uk/rules-and-the-complaints-process.aspx>

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