



UNFAIR PRACTICE POLICY

This policy explains how the University of Wales' Unfair Practice Procedure is applied in Spurgeon's College, including in the case of assessments of work not submitted for University qualifications. In any case of doubt, the full Unfair Practice Procedure should be taken as having precedence.

Guidance on good academic practice and avoiding unfair practice is given to all students via the Student Handbook and in the Study Skills sessions taken in the first semester. Students in any doubt about what constitutes unfair practice are urged to seek clarification from their module tutor, reflection group tutor or the Director of Studies.

1 Definition

It is an unfair practice to commit any act whereby a person may obtain for themselves or for another an unpermitted advantage which may lead to a higher mark or grade than their abilities would otherwise secure. Without prejudice to the generality of the foregoing, it is unfair practice to:

- 1 copy or use in any other way the work of any other candidate;
- 2 use the work of any other person(s), such as phrases or passages from books or from the internet, and submit it for assessment as though it were one's own work.

A fuller list of examples of unfair practice is given in the section entitled Plagiarism in Part 4 of the Student Handbook.

2 Unfair practice in work completed under non-examination conditions

2.1 If a tutor has evidence that unfair practice has occurred in relation to work submitted as a piece of coursework or a project, or any other work completed under non-examination conditions, they shall report the matter to the Director of Studies as soon as possible.

2.2 If the work constitutes all or part of the assessment for a module **worth no more than 20 credits, whether at undergraduate or postgraduate level:**

(a) FIRST OCCASION

If this is the first known occasion on which the student has been suspected of unfair practice, after consultation with the Director of Studies the tutor shall then take the matter up with the student directly.

(i). If the student accepts that unfair practice has taken place, but the offence is minor, the tutor shall permit the student to resubmit the piece of work under the normal marking regime. (Online tutors should refer the matter to the Director of Online Learning.) The tutor shall also ascertain whether the student understands the College's policy on unfair practice, explain the potential seriousness of a repeat offence, and report the outcome of the conversation to the Director of Studies who shall record the incident in the student's file.

(ii). If the student does not accept that unfair practice has taken place, the tutor (or Director of Online Learning) shall refer the matter to the Director of Studies, presenting

the relevant evidence. The student will then have the right to defend the allegation before the Director of Studies and another member of staff apart from the module tutor. If the Director of Studies and member of staff wish to uphold the allegation, they shall repeat the procedure of the tutor in 2.2 (a) (i), record the incident in the student's file and permit the student to resubmit the piece of work under the normal marking regime.

(iii). If the offence appears to involve more than minor uses of others' work without acknowledgement, the tutor (or Director of Online Learning) shall refer the matter to the Director of Studies, presenting the relevant evidence. The student will then have the right to defend the allegation before the Director of Studies and another member of staff apart from the module tutor. If the Director of Studies and member of staff wish to uphold the allegation, an oral warning will be issued which will be recorded in the student's file, and the Principal will be informed. The student will be permitted **either** (a) to resubmit the piece of work, but for a maximum of 40%, and on payment of an essay resubmission fee **or** (b) to request that the case be heard by the Standing Tribunal (see 4 below).

(iv). In the above situations the student will normally be seen in College but in case of an Online student who cannot easily come to the College, contact by email of telephone is acceptable.

(b) SECOND OCCASION

(i). If the Director of Studies is aware that an allegation of unfair practice against a student has been upheld on one previous occasion, after discussing the apparent second offence with the module tutor (s) (or Director of Online Learning) he shall speak to the student directly together with another member of staff apart from the module tutor. The student will normally be seen in College, but in case of an Online student who cannot easily come to the College, contact by email of telephone is acceptable. If the student accepts that unfair practice has taken place for a second time, whether the first offence was less or more serious, they will fail the module and be required to submit fresh work for a maximum of 40%. A resubmission fee will be charged for the work for the module. They will also receive a written warning about the potential seriousness of a third offence, a copy of which will be kept in the student's file. Alternatively, the student may request that the case be heard by the Standing Tribunal (see 4 below). In any event, the Director of Studies will inform the Principal in writing of the case.

(ii). If the candidate denies committing unfair practice, the Director of Studies and the module tutor (or Director of Online Learning) shall reconsider the case. If they want to uphold the charge, the Director of Studies shall report the case in writing to the Principal and shall send copies of any relevant supporting evidence both for this case and for the preceding case. The Principal shall then arrange for the Standing Tribunal to meet and consider the case (see 4 below).

In situations in which the Director of Studies and the module tutor (or Director of Online Learning) fail to agree on the action to be taken, they will involve the Director of Training (in the case of undergraduate courses) or the Director of In-service Training (in the case of postgraduate courses), or a substitute for either of these, if the postholder concerned was the module tutor. In the event of continued failure to agree, they shall consult the relevant external examiner, whose opinion shall be decisive.

(c) THIRD OCCASION

If the Director of Studies is aware that the student has already received a written warning as under (b) (i) above, (s)he shall report the case in writing to the Principal, sending copies of any relevant supporting evidence both for this case and for the

previous cases. The Principal shall then arrange for the Standing Tribunal to meet and consider the case (see 4 below).

2.3 If the work constitutes all or part of the assessment for a module worth more than 20 credits, for example an undergraduate or postgraduate dissertation, or a Research Degree:

The Director of Studies shall report the case in writing to the Principal, sending copies of any relevant supporting evidence both for this case and for any previous cases. The Principal shall then arrange for the Standing Tribunal to meet and consider the case (see 4 below).

2.4 In any case the Director of Studies has the right to summon a candidate to hand in for inspection any previous pieces of work for the course which had already been marked. If there is a suspicion that unfair practice had occurred in relation to one or more of these pieces of work, the Director of Studies will act as outlined in 2.2c above.

2.5 In the case of candidates on the Equipped to Minister course, which is not a University validated programme, the tutor concerned will report the matter to the Course Director who will then discuss it with the Director of Studies. This will trigger the separate Unfair Practice Procedure applicable to this course.

2.6 In the case of candidates on the Spurgeon's Online course, the tutor concerned will report the matter to the Director of Online Learning who will then discuss it with the Director of Studies, triggering the same procedure as in 2.2 or 2.3 above.

2.7 In the case of candidates on any courses validated by bodies other than the University of Wales, the Unfair Practice Procedure of such bodies shall be the governing procedure.

2.8 In cases where the Director of Studies is the module tutor, his or her role as Director of Studies in the above procedures (and in presenting the case at any tribunal held) shall be taken by another senior member of staff.

3 Unfair Practice in Examination Conditions

If an invigilator or a marker suspects that unfair practice has occurred in an examination, they shall report the matter to the Director of Studies as soon as possible with any relevant evidence.

If the invigilator or marker and the Director of Studies agree that there is a *prima facie* case to answer, the Director of Studies shall report the case in writing to the Principal, sending copies of any relevant supporting evidence both for this case and for any previous cases in which a charge of unfair practice has been upheld. The Principal shall then arrange for the Standing Tribunal (see 4 below) to meet and consider the case.

4 The Standing Tribunal

4.1 The Standing Tribunal for cases of unfair practice – whose actions are governed by the regulations of the University of Wales as these will be from time to time – consists of the Principal and two members of the tutorial staff (not including the Director of Studies). If a regular member of the panel (apart from the Principal and secretary) was the one to make the initial allegation, they will be replaced on this occasion by another member of staff. If the Principal or secretary was the one to make the initial allegation, an extra member of staff will be added to the panel for this occasion. A representative of the University may also be present. This tribunal may take place without the student being present. A written submission may be made on the student's behalf.

The Principal shall arrange for the standing tribunal for cases of unfair practice to be convened as soon as possible in accordance with the Unfair Practice Procedure of the University of Wales, when advised by the Director of Studies as under 2.2, 2.3 or 3 above. The tribunal will follow the procedures laid down in the University's Unfair Practice Procedure, which includes permission for the candidate to be accompanied by a supporter. It will give full consideration to the evidence and determine the penalty in accordance with the University's policy.

- 4.2 Under University regulations, the Standing Tribunal can impose one or more of the following penalties, depending on its assessment of the seriousness of the case, and taking into account the presence or absence of previous offences and any mitigating factors:
- 1 the issue of a formal reprimand to the candidate, a written record of which shall be kept;
 - 2 an instruction to the examiners, when marking, to ignore any plagiarized text, which may result in a reduced mark;
 - 3 the cancellation of the candidate's marks for the whole module, with a recommendation to an Examining Board regarding the possibility of a resubmission and the maximum mark for such a resubmission;
 - 4 the cancellation of the candidate's marks for the year in question (or equivalent for a part-time candidate), with a recommendation to an Examining Board regarding the possibility of a resubmission and the maximum mark for such a resubmission;
 - 5 the reduction of the degree result by one class or the non-award of a distinction, as appropriate;
 - 6 the disqualification of the candidate from any future Spurgeon's College examination, or, in extreme circumstances and on the advice of a University representative, any University of Wales examination.

In cases where resubmission of work is permitted and takes place, an essay resubmission fee will be charged.

- 4.3 The University has a separate list of penalties applicable to unfair practice in Research Degrees.

5 Examination Board

If a case of alleged unfair practice is under investigation at the time of the meeting of the relevant Examining Board, the Board shall defer consideration of the candidate's work until a decision on the case has been made and the decision has been conveyed to the candidate.

6 Allegations not Upheld

In any case in which a charge of unfair practice is made but not upheld, or subsequently withdrawn, the candidate shall be informed by the Director of Studies in writing that the matter is closed.

7 Records

A candidate's record is kept throughout their college career. Thus, for example, an offence committed as an undergraduate would be regarded as a 'second offence' if the first offence had been committed as an Equipped to Minister student. An offence committed as a postgraduate would be regarded as a 'second offence' if the first offence had been committed as an undergraduate.

8 Confidentiality

Any recorded offences shall be kept confidential from all except those who have been involved in the case(s).

9 Appeal

A candidate found guilty of unfair practice may only lodge an appeal on procedural grounds. An appeal shall be dealt with in accordance with the Unfair Practice Procedure of the University of Wales.

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