

Higher Education Academic Regulations: Part B

Section: 3: Academic Malpractice and Misconduct

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REVISION HISTORY

Ver	Date	Author	Description
1.0	January 2014	Peter Greenall	Initial Approval of Academic Malpractice
1.1	March 2015	Scott Smith	Update to clarify panel membership
1.2	Sept 2015	Scott Smith	Addition of panel document requirements. Further guidance for cases of cheating with an additional review stage being added prior to a panel being convened.
1.3	March 2016	Scott Smith	Addition of a reference to UoS students and the University's regulations
1.4	July 2016	Scott Smith	Amendment to titles and names
1.5	December 2016	Scott Smith	Relocation of penalties from Part A to B3
1.5.1	February 2017	Scott Smith	Statements added relating to CMI: <ul style="list-style-type: none"> • An individual's right to report malpractice • A requirement to inform CMI of malpractice
1.5.2	September 2017	Scott Smith	Some small iterative updates and changes to penalties
1.6	May 2018	Scott Smith	Substantial re-write relating to operational feedback.
1.6.1	June 2020	Scott Smith	Clarification around the issuing of warning letters as a penalty
1.6.2	May 2021	Scott Smith	Removal of reference to Liverpool John Moores provision
1.6.3	August 2021	Scott Smith	Clarification of reporting criteria and inclusion of poor academic practice letter template Clarity around the supportive role's contribution to a meeting. Correction of minor typographical errors
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APPROVAL

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B3.1 INTRODUCTION

These regulations relate to the provision of higher education programmes delivered at Blackpool and The Fylde College.

B3: Academic Malpractice and Misconduct has been produced following consideration of the UK Quality Code for Higher Education.

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.
- Personal Mitigating 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.

Blackpool and The Fylde College unequivocally condemns academic malpractice and misconduct that may result in a student 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 student individually.
- Copying or closely imitating the work of another student 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 student or apprentice, this could include essay mills or similar services.
- Submitting another student's or apprentice's work whether or not it has been previously submitted by that student 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 student 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 presents the work as if it has been authored by the student 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 students and apprentices will be assessed based on their own work. Students or apprentices should be aware that to ensure that all students 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, students or apprentices may be referred to an Academic Malpractice and Misconduct Panel.

B3.2 DEFINITIONS

B3.2.1 CHEATING

B3.2.1.1 COURSEWORK

- Collusion, where a piece of work prepared by two or more students or apprentices is represented as if it were their own.
- Commission or use of work by the student 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 student or apprentice concerned.
- Submission of work produced by another person,
- Duplication of the same or almost identical work for more than one module
- Submission of another student's or apprentice's work, whether with or without that student's knowledge or consent

B3.2.1.2 EXAMINATION

In addition to any of the above:

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

B3.2.1.3 PERSONAL MITIGATING CIRCUMSTANCES (PMC)

Any student or apprentice found to have submitted a PMC 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.

B3.2.2 FABRICATION OF RESULTS

Fabrication of results occurs when a student 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.

B3.2.3 PLAGIARISM

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. Blackpool and The Fylde College Academic Regulations categorise any such behaviour into one of the two types below.

A clear distinction must be drawn between inexperienced academic study and writing skills (especially among first year undergraduates and international students) and deliberate deception. The former requires remedial teaching and only the latter deserves severe penalties. Intentionality is difficult to establish, so the framework allows a first offence based on “benefit of doubt”, with a relatively light penalty and a requirement that the student or apprentice seeks appropriate study skills advice. Subsequent plagiarism offences are more likely to be deliberate, so the penalty system becomes progressively more punitive.

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

B3.2.3.1 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.

B3.2.3.2 DELIBERATE DECEPTION

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

- Copying multiple paragraphs in full without acknowledgement of the source
- Taking essays from the Internet without revealing the source
- Copying all or much of the work of a fellow student with or without their knowledge
- Submitting the same piece of work for assessment under multiple modules or two or more recorded occurrences of poor academic practice.

B3.3 REPORTING CRITERIA

B3.3.1 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 Programme Leader and Curriculum Manager (or Head of Curriculum Area where the maker is either of aforementioned people) to consider the appropriate action. If all parties agree and believe that the student or apprentice has submitted work that is considered to demonstrate poor academic practice, they must:

- Contact the Student Administration Manager to confirm whether a warning letter has been issued to the student or apprentice previously.
- Meet with the student or apprentice (Module Tutor and Programme Leader) to discuss the poor academic practice and the support mechanisms that will be put in place by the academic team and HE Learning Mentors to assist the student or apprentice.

If no letter has been issued previously and the student or apprentice is content to accept a warning:

- The programme team will complete the warning letter and provide it to the Student Administration Manager who will issue the letter to the student or apprentice and note the offence on their record.

If a warning letter has been issued previously or the student or apprentice is unwilling to accept a warning, the procedure set out below will be initiated.

B3.3.1.1 POTENTIAL ACADEMIC MALPRACTICE OR MISCONDUCT

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

B3.4 ACADEMIC MALPRACTICE AND MISCONDUCT PANEL

The panel will consist of:

- From another curriculum area, an independent Head of Curriculum as Chair.
- An Assistant Academic Registrar or trained nominee.
- An academic colleague unrelated to the assessment.

In attendance will be:

- The academic colleague asserting malpractice or misconduct, presenting the case. Where the academic colleague is unavailable a nominee will present the case. This will usually be the Curriculum Manager for the relevant curriculum area.
- The Student Administration Manager to minute the meeting and maintain records of all decisions and outcomes.
- The student or apprentice suspected of academic malpractice or misconduct.

Panels will, wherever possible, be arranged to allow the student 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 student 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.

Students 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 student or apprentice is to provide pastoral support and not to contribute to the deliberation between the panel and the student or apprentice. Students 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 student or apprentice to have legal representation at an Academic Malpractice and Misconduct Panel.

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

B3.4.1 DOCUMENTATION AVAILABLE TO THE PANEL

The Student Administration Manager is responsible for providing any relevant paperwork to the panel and the implicated student(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 student's or apprentice's submission(s)
- The TurnItIn report (where appropriate)

B3.5 PROFESSIONAL OR REGULATORY BODY REQUIREMENTS

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 Blackpool and The Fylde College's regulations.

B3.6 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:

At its discretion and where poor academic practice is identified the panel should issue an advisory/warning letter. If, however, the student 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.

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.
 - i. Award zero or equivalent for the assessment in question and permit its reassessment without restricting the mark awarded.
 - ii. 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.
 - iii. 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.
 - iv. Award zero or equivalent for the assessment in question and permit its reassessment. The module in such cases **will** be capped.
 - v. 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.

- vi. Record the student or apprentice as an academic failure and, if applicable and where timing warrants, withdraw them from their programme of study; in such cases a student 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 these regulations.

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

- Any academic writing support a student or apprentice has received
- A student'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

B3.7 SUBSEQUENT REASSESSMENT

Please note that in all circumstances, where a penalty has been applied, and following the resubmission there is no further opportunity for reassessment.

B3.8 THE PANEL OUTCOME LETTER

For each offence the Academic Malpractice and Misconduct Panel will send the student 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 student 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.

B3.9 ACADEMIC APPEAL

Where a student 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 section B9 Academic Appeals.

B3.10 GENERAL DATA PROTECTION REGULATION

Students 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 student or apprentice prior to its use.

Under General Data Protection Regulations, Retaining Personal Data (Principle 5), 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 student's or apprentice's programme of study has completed, unless a complaint or appeal in relation to academic malpractice and misconduct is ongoing.

Students or apprentices should make every effort not to provide details that relate to a third party. Where such information is provided, under UK GDPR Article 14, 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 Student Administration Manager will redact personal information immediately following its presentation to a panel.

Colleagues at Blackpool and The Fylde 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 B3 - A – TERMS OF REFERENCE

Terms of Reference Academic Malpractice and Misconduct Panel	
Chair	Independent Head of Curriculum
Membership	<ul style="list-style-type: none"> • An Assistant Academic Registrar (or nominee). • An academic colleague not associated with the assessment.
In attendance	<ul style="list-style-type: none"> • The academic colleague asserting malpractice / misconduct or their nominee. • The student suspected of academic malpractice or misconduct.
Minuting	HE Student Administration Manager
Frequency	As required
Summary of purpose	<p>As an impartial body to judge cases of alleged academic malpractice, based upon the evidence brought before it.</p> <p>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 student's or apprentice's progression or award, failure and reassessment.</p>
Terms of Reference	<ul style="list-style-type: none"> • To consider the evidence as presented. • To interview the student 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 student or apprentice a formal letter outlining the outcome of the panel.
Date of last review	May 2023