

# ITALIA CONTI

## **Academic Misconduct Policy (FE)**

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This policy will be reviewed and approved annually by the Senior Leadership Team.

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## 1. Policy Aims

- a) To identify and minimise the risk that misconduct by learners or staff.
- b) To respond to allegations of misconduct in a timely and objective manner.
- c) To impose appropriate penalties and/or sanctions on learners or staff where:
  - incidents or attempts at misconduct are proven;
  - to protect the integrity of the qualification and Italia Conti.

## 2. JCQ & the Academic Misconduct process

If the suspected academic misconduct takes place on a course whose awarding body is regulated by the Joint Council for Qualifications (JCQ), then the procedures laid out in JCQ's *Suspected Malpractice Policies and Procedures* should be followed. These regulations will take precedence over the measures outlined in this policy. The JCQ guidelines can be found at: [https://www.jcq.org.uk/wp-content/uploads/2020/09/Malpractice\\_20-21\\_v2-1.pdf](https://www.jcq.org.uk/wp-content/uploads/2020/09/Malpractice_20-21_v2-1.pdf).

## 3. Policy implementation

Italia Conti will take the following steps to minimise the risk of misconduct:

- a) to provide an **appropriate induction** which will:
  - inform learners of Italia Conti's policy on academic misconduct;
  - clarify the penalties for actual and attempted incidents of academic misconduct;
  - inform learners of the appropriate formats for acknowledging primary and secondary research in their work so that plagiarism can be avoided;
  - explain (where appropriate) how to submit work via Ouriginal™ (formerly PlagScan™).
- b) to ask learners to sign an **appropriate declaration** that their work is their own and that any sources have been correctly acknowledged.
- c) to remind learners to keep **evidence of their research** in the event that any investigation into academic misconduct is undertaken.
- d) to undertake an **investigation** where academic misconduct has been alleged. This will involve:
  - an appropriate senior member of staff to oversee the investigation;
  - all staff members involved in the incident of academic misconduct.

The investigation will consist of the following **stages**:

- timely communication with the individual(s) concerned to make them aware of the allegation(s) of academic misconduct and the possible consequences if proven;
- provide an opportunity for the individual(s) concerned to respond to the allegations;
- inform the individual(s) concerned of their rights to appeal;
- to document clearly the stages of the investigation.

#### 4. Definition of Academic Misconduct

For the purpose of this policy, the term “academic misconduct” is defined as “action(s) on the part of learner(s) which leads to an unfair advantage over others”.

Although academic misconduct is frequently associated with assessments and the awarding of grades, for the purpose of this policy, it can also refer to **any activity** where the learner is planning to, or has obtained, an unfair advantage over others.

#### 5. Examples of academic misconduct

**Appendix 1** provides examples of academic misconduct by learners (please note that these examples are not exhaustive.)

**Appendix 2** provides examples of academic misconduct by staff (please note that these examples are not exhaustive.)

#### 6. Plagiarism

This Policy does **not distinguish between accidental and deliberate plagiarism**. Learners are expected to follow the guidelines on appropriate referencing provided in their induction programme and will not be subject to an allegation of plagiarism if they follow the recommended procedure(s) for using and citing information sources.

#### 7. The Academic Misconduct process – Italia Conti (learners):

i) if there is an allegation of academic misconduct, an initial investigation will be undertaken by the relevant module/unit tutor. The tutor will interview the relevant people and take appropriate notes and compile any evidence regarding the allegation. The tutor will provide the individuals concerned with a copy (hard copy or soft copy) of this *Academic Misconduct Policy*.

ii) a **concise report** will be submitted in a reasonable time by the module/unit tutor to the Deputy Course Leader for a decision on whether academic misconduct has taken place. (Where the Deputy Course Leader is also the module/unit tutor, the allegation should be referred to another Deputy Course Leader).

iii) if the Deputy Course Leader believes that academic misconduct has taken place, the learner(s) will be informed in writing and told of the appropriate penalty\*. The learner will be given 5 working days to respond. If the Deputy Course Leader believes that there has been **no** academic misconduct, the learner(s) will be notified in writing.

a) **If the learner admits to an instance (or instances) of academic misconduct**, they will be reminded of the proposed penalty\* and be required to confirm (in writing) that they understand they have breached these regulations and will undertake all necessary steps to ensure that they do not do so again. They will also acknowledge their understanding that any further academic misconduct will result in a more severe penalty. The Deputy Course Leader

will notify the relevant staff of the penalty and a record of the incident will be placed on the learner's file.

The learner will also be informed that, should the matter be referred to an Academic Misconduct Hearing, the penalty might be more severe.

\*The penalty might be determined by the regulations of the awarding body for the learner's course of study.

b) if the learner **does not admit academic misconduct** either because believe they have suitable grounds to challenge the decision, or they believe there are unique and particular circumstances, they should notify (in writing) the Deputy Course Leader within 5 working days. If the Deputy Course Leader accepts the learner(s)' submission, then the academic misconduct will be deemed to have not taken place. If the Deputy Course Leader refuses the learner(s)' submission, the learner will be notified in 3 working days that the matter will be referred to an Academic Misconduct Hearing.

v) an Academic Misconduct Hearing will be scheduled to take place no more than 28 days after the initial 5 working day period. The **invitation** should include details of the alleged misconduct and the proposed penalt(ies)\*. Note: if the awarding body has its own procedures for investigating and determining the scope of penalties, these procedures will be followed instead).

vi) the learner is required to provide any additional statements or evidence **10 working days before** the date of the Academic Misconduct Hearing. All paperwork which the Academic Misconduct Hearing will consider should be circulated to the members of the panel **5 working days** before the date of the hearing.

vii) the **Academic Misconduct Hearing** will consist of the following:

a) the learner\*;

b) an accompanying person of the learner (if the learner wishes to have someone supporting them, this can be a relative, friend, colleague. It **cannot** be a professional legal representative who has been employed to act on the learner's behalf, nor can they act in the capacity of a legal advisor; the accompanying person can comment, assist and help to present evidence but cannot answer questions on the student's behalf). Note: The Chair of the meeting can demand that the accompanying person be removed from the meeting if their behaviour is deemed inappropriate.

c) 3 senior members of the teaching staff who should have no knowledge of the learner or the incident (one of whom will act as the Chair), the composition of the staff members should reflect the character of the institution;

e) an official minute taker.

The hearing will determine:

- the facts of the case;
- whether academic misconduct has been proven (on the balance of probabilities);

- any penalties (which might include resubmission of the relevant work; reduction of marks, etc);

\*If, without good reason, the learner fails to attend the Academic Misconduct Hearing, they will be deemed to have accepted the proposed penalty (and will be notified of this in writing). If there are deemed to be valid reasons for non-attendance, e.g. medical grounds, bereavement, etc, which can be supported by the relevant documentation, the Academic Misconduct Hearing shall be adjourned to a later date. This new date shall be determined by the Deputy Course Leader liaising with the learner and the Chair of the Academic Misconduct Hearing.

### **8. Outcomes of the Academic Misconduct Hearing:**

The outcome of the Hearing shall be determined by a majority vote of the 3 senior members of the teaching staff in attendance whether academic misconduct has been proven/not proven. The decision should be communicated to the learner within 10 working days of the hearing.

Should it be determined that Italia Conti member(s) of staff have been involved academic misconduct, staff member(s) should be referred to the Human Resources Department so that the appropriate investigation and measures can be taken.

### **9. Criteria for determining the penalty for academic misconduct:**

The penalt(ies) imposed shall normally be line with the academic misconduct regulations of the relevant awarding body for the qualification.

Where prescribed penalties are not provided by the relevant awarding body, the following factors will be taken into account when determining the penalty to be imposed:

#### **a) premeditation:**

if the act of academic dishonesty was deliberate or intended, then the penalty will normally be greater.

#### **b) previous history:**

where the learner has committed previous acts of academic dishonesty, then the penalty imposed will normally be more serious.

#### **c) work purchased from third parties, falsification or theft of work:**

where the learner has used third parties (essay websites) or has stolen or falsified work, this will be regarded as a more serious example of academic dishonesty than using the authorised, but unattributed, use of another person's work. This will lead to a more serious penalty.

**d) effect on other learners:**

where the learner's academic misconduct has an adverse effect on other learners, this will be regarded as more serious than an act which only affects the learner.

**e) other factors:**

the academic misconduct hearing can take into account miscellaneous other factors as well when determining the level of penalty.

It will be for the three voting members of the Academic Misconduct Hearing to determine the penalty that might be imposed. Any penalty imposed must be **reasonable** and **proportionate**.

### **10. Appealing the decision of the Academic Misconduct Hearing**

An appeal is **not** a rehearing of the case but can only be brought if there is concern that the incorrect procedures were not followed or there is legitimate reason to bring new evidence.

There can be no appeal made against the decision of an academic misconduct hearing **except** where:

- there is new and relevant evidence which the student was for exceptional reasons unable to present to the Academic Misconduct Hearing. This may include evidence for extenuation.
- the procedures were not complied with to the extent that it was questionable whether the outcome would have been different had the procedures been complied with.
- there is documented evidence of bias on the part of the members of staff involved in the Academic Misconduct Hearing process.
- the penalty imposed exceeded that available to the Academic Misconduct Hearing, i.e., that they were not reasonable or proportionate.

No new evidence can be presented as part of the appeal, **unless** it can be proven that there were legitimate reasons for not presenting the evidence at the previous hearing, and that the evidence would have had a material effect on the outcome of the hearing. Any new evidence must be submitted as part of the appeal against the Academic Misconduct Hearing.

Any learner wishing to appeal a decision of the Academic Misconduct Hearing must do so within 20 working days of having received the decision.

The learner should make a written request for an appeal to the Chair of the original Academic Misconduct Hearing. The request should be considered with a response provided within 10 working days.

Providing that there is a legitimate grounds for appeal, the Appeals Panel will be convened as quickly as practically possible, although the time can vary according to the stage of the academic year and should not normally be longer than one calendar month after the first decision.

## 11. The Appeals Panel:

The Appeals Panel should consist of the following members convened by the Course Leader:

- a) the learner\*;
- b) an accompanying person of the learner (if the learner wishes to have someone supporting them, this can be a relative, friend, colleague. It cannot be a professional legal representative who has been employed to act on the learner's behalf, nor can they act in the capacity of a legal advisor; the accompanying person can comment, assist and help to present evidence but cannot answer questions on the student's behalf). Note: The Chair of the meeting can demand that the accompanying person be removed from the meeting if their behaviour is deemed inappropriate;
- c) 2 senior members of academic staff, (one of whom should be the Head of a genre, e.g., Head of Dance), they should not have had any involvement with the academic misconduct process to date, and should, wherever possible, represent the character of the institution. These staff members **must not** have any prior knowledge or involvement with this particular incident of academic misconduct;
- d) a member of the Learning Support or Welfare team and a Quality assurance representative;
- e) an official minute taker.

\*If, without good reason the learner fails to attend the Appeals Panel, they will be deemed to have accepted the proposed penalty (and will be notified of this in writing). If there are deemed to be valid reasons for non-attendance, e.g. medical grounds, bereavement, etc, which can be supported by the relevant documentation, the Appeals Panel shall be adjourned to a later date. This new date shall be determined by the Deputy Course Leader liaising with the learner and the Chair of the Appeals Panel.

The Appeals Panel shall have the power to:

- (a) adjourn the hearing to a future date
- (b) confirm the penalty imposed;
- (c) moderate the penalty imposed to a lesser penalty the Appeals Panel may not impose a greater penalty;
- (d) uphold the appeal and overturn a decision to impose a penalty.

Parties concerned to be notified in writing a minimum of 28 days before the Academic Misconduct Hearing.

Submissions to the Appeals Panel by the learner should be no more than 10 working days before the Appeals Panel.

All paperwork which will be considered by the Appeals Panel to be circulated to attendees 5 working days before.



A learner can elect not to appear in person before the Appeals Panel. In such cases the Appeals Panel will decide the appeal on the basis of written submissions. If, however, a written submission is not clear, the Appeals Panel will arrive at a decision on the basis of the evidence available to it.

The Appeals Panel, having regard to all of the written and oral evidence provided, will decide whether the decision being appealed was fair, reasonable and proportionate.

In the event of the Appeals Panel not being able to reach a unanimous decision, there will be a majority conclusion.

The decision of the Appeals Panel shall be communicated to the learner within 10 working days of the hearing and will be reported as required to the relevant Awarding Body.

The decision of the Appeals Panel will be final and there shall be no further right of appeal to Italia Conti.

## **Appendix 1: Examples of academic misconduct (by learners):**

### **i) Examinations/practical assessments:**

Common examples\* of academic misconduct in exams/practical assessments include:

- failing to comply with the rules or regulations of the exam/practical assessment;
- failing to cooperate with the staff who are supervising the exam/practical assessment;
- taking into the exam/practical assessment room materials or devices which are not permitted (regardless of whether they are used in providing an answer to the exam question);
- refusing to surrender on the invigilator's request any materials or devices;
- copying the work of another exam/practical assessment candidate;
- trying to obtain or obtaining question(s) prior to the exam/practical assessment;
- disrupting the exam/practical assessment;
- offering an inducement to the staff who are connected to the exam/practical assessment.

### **ii) Coursework and assessments:**

Common examples\* of academic misconduct in coursework and assessment activities include:

- submitting another person's work as the learner's own: the work is used without permission and/or appropriate referencing. (Note: the work submitted can be in any medium, e.g. written, visual or aural);
- paraphrasing the work of others, copying and pasting sections of text electronically or in hard copy format, or reusing previously submitted work (which may be the learner's own or the work of others) without acknowledging the source. (Note: learners should not normally resubmit work which has been previously submitted for a different assessment);
- including the work of other learners, with the exception of published works or other forms of output which have been made available in the college library and which have been cited appropriately;
- entering into an arrangement where the work of one learner is submitted as another's;
- submitting work that has been purchased or otherwise obtained from others, including online services such as "essay writing", or using agents or intermediaries to obtain such work;
- copying and pasting work into an assignment without acknowledging the source;
- offering an inducement (which can take a number of forms) to staff involved with the assessment.

**iii) General Examples:**

Common examples\* of academic misconduct which can occur at any point of the teaching and learning process include:

- plagiarism of any type;  
copying (including the use of ICT or other technology to aid copying);
- colluding with others to produce work that is submitted as an individual learner's work;
- falsifying results;
- falsifying results evidence support activities;
- making a false declaration that the work the learner's own;
- impersonating another learner, or arranging for someone else take the learners place in an assessment.

\*These lists are not exhaustive and other examples of academic misconduct can be considered by Italia Conti at its discretion.

## **Appendix 2: Examples of academic misconduct (by staff):**

Common examples\* of academic misconduct by staff can include:

- providing improper assistance to learners;
- changing or inventing marks for coursework or portfolio(s) of evidence;
- recording assessment marks where there is insufficient and/or inadequate evidence to support the award;
- failing to keep coursework, portfolio or other types of assessment evidence secure and safe;
- claiming certificates fraudulently;
- retaining certificates without authority;
- improperly providing assistance to learners in assessment activities;
- falsifying witness statements;
- allowing work for assessment purposes to be submitted where the staff member knows it is not authentic;
- allowing or facilitating impersonation of learners;
- allowing the misuse of reasonable adjustments for assessment candidates;
- falsifying assessment records on certification claims;

\*These lists are not exhaustive and other examples of academic misconduct can be considered by Italia Conti at its discretion.

### Appendix 3: Academic Misconduct Hearing Process (Timelines)

<b>Investigation Process:</b>	
(i) Relevant module/unit tutor investigates the alleged academic misconduct.	To be undertaken in a reasonable time.
(ii) Module/unit tutor submits a concise report to the Deputy Course Leader.	To be undertaken in a reasonable time.
(iii) Deputy Course Leader reviews evidence.	To be undertaken in a reasonable time.
(iv) Deputy Course Leader believes academic misconduct has taken place. Learner(s) and relevant staff are notified of this decision.	Maximum 5 working days for learner(s) to respond to decision.
(v) If learner(s) do not accept they have committed academic misconduct they must make a formal submission to this effect stating the reasons/grounds. This should be submitted to the Deputy Course Leader.	Maximum 3 working days for learners to be notified that their submission has not been accepted, and that an Academic Misconduct Hearing will take place.
(vi) Parties concerned to be notified in writing of the date of the Academic Misconduct Meeting Hearing, and the proposed penalties.	Date of Academic Misconduct Hearing to be no more than 28 days after the end of the learner's 5 day initial period of time to respond to the allegation (iv).
(vii) Learner submits any additional evidence/paperwork to support their case to the Academic Misconduct Hearing.	10 working days <b>before</b> the date of the Academic Misconduct Hearing.
(viii) All paperwork to be considered by the Academic Misconduct Hearing to be circulated to Hearing attendees.	5 working days <b>before</b> the date of the Academic Misconduct Hearing.

<b>Academic Misconduct Hearing:</b>	
(i) Decision of Academic Misconduct Hearing to be communicated to all parties.	Maximum of 10 working days after the Academic Misconduct Hearing.
(ii) Learner can appeal the decision.	Maximum of 20 working days after receiving notification of the Academic Misconduct Hearing.
(iii) Learner informed whether their request for an appeal to be heard is successful.	Maximum of 10 working days after the learner's written request appeal has been received.
<b>Appeals Panel:</b>	
(i) Appeals Panel should normally convene.	Not normally* more than one calendar month of the original Academic Misconduct Hearing.  *This period may be extended depending on the operational commitments of the Appeals Panel members.
(ii) Parties concerned to be notified in writing of the date of the Academic Misconduct Meeting Hearing, and the proposed penalties.	Minimum 28 days <b>before</b> the date of the Academic Misconduct Hearing.
(iii) Learner submits any additional evidence/paperwork to support their case to the Academic Misconduct Hearing.	10 working days <b>before</b> the date of the Academic Misconduct Hearing.
(iv) All paperwork to be considered by the Academic Misconduct Hearing to be circulated to Hearing attendees.	5 working days <b>before</b> the date of the Academic Misconduct Hearing.
(v) Decision of Appeals Panel to be communicated to all parties.	Maximum of 10 working days after the Academic Misconduct Hearing.

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