

Hull College Group Procedure	Procedure Status: Approved	
Hull College HE Procedure for Unfair Means on HE Programmes	Ref: HE1.17	Next review date:
Brief Description: Key Procedure for ensuring Quality Improvement with reference to the regulatory framework of the Open University		31 August 2019

1. Procedure Introduction

These procedures apply to any student alleged to have employed unfair means in their assessment who is undertaking a HE Programme.

All allegations of unfair means shall be investigated in accordance with these specific procedures

2. Definitions

'Unfair means' shall be defined as any conduct by a student which is intended to gain an illegitimate advantage or benefit for him/herself or another or which may create a disadvantage or loss for another.

This procedure shall apply whether the student acted alone or in conjunction with another or others, and shall include conduct which is attempted, and or attempting to induce or coerce another or others, whether they are students of the College or not.

This procedure applies all methods of assessment including a formal examination, coursework or any other form of assessment.

Examples of unfair means include the following:

Cheating

- Taking unauthorised materials into the examination room;
- Copying or attempting to copy the work of another student,
- Gaining unauthorised access to the examination questions in advance of their release;
- Impersonating another student during an examination or other assessment related event and/or submitting work which has been produced in whole or in part by another person or their behalf;
- Enables another student to copy all of part of his/her own work.

Falsification

- Presenting, data or falsifying information which has not been conducted by the student or has been obtained by unfair means;
- The falsification of references or supporting data.

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Plagiarism

- Presenting work and/or or ideas which purports to be the student's own which is derived from another source without acknowledgement (this applies to a wide range of sources including written, electronic, graphical, diagrams, mathematical proofs and internet sources).

Collusion

- Collaborates with another student or individual for the purpose of submitting work as if it were entirely his/her own or that of the other student.

Other

- Using false statements, or presenting false evidence, in support of a request to withdraw from an examination, obtain an assessment extension, or application for mitigation
- Falsifying a transcript or other official document.

2.1 Under Examination Conditions:

- i. A student suspected of unfair means in a formal examination or timed constrained test will be informed by the Invigilator that the circumstances will be reported to the HE Quality Manager. Such a student may continue with the examination and any subsequent examination(s) without prejudice to any investigation or judgement of the Unfair Means Panel. An Invigilator who suspects a student is engaging in unfair practice must confiscate any relevant material (such as unauthorised notes or equipment), retain any evidence and submit a written report in accordance with the Instructions for Invigilators. The Invigilator will also initial the examination script at the point of the detection of the unfair means.

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3. Stages of Procedure

3.1 INFORMAL STAGE

The purpose of the Informal Stage is as follows:

- i. To inform the student of the allegation
- ii. To allow a discussion about the allegation to take place between the student and tutor

Supporting evidence including a Notification of an Allegation of Unfair Practice and all relevant information relating to an alleged offence must be completed by the tutor and submitted to HE Registry for Stage One Investigation and Panel.

Supporting evidence includes the following:

- The original source material;
- Written statement from the individual making the allegation;
- In the case of suspected plagiarism or collusion, the student(s) work cross referenced against the source material and the results of detection reports (such as a Turnitin report).

3.2 INVESTIGATION AND PANEL

The purpose of the Stage One Investigation and Panel is as follows:

- i. To determine whether or not an assessment offence has been committed and;
- ii. To dismiss the case on the grounds that no offence has been committed and no further action is required or;
- iii. To advise and counsel the student where the case constitutes poor academic practice rather than an assessment offence.
- iv. On receipt of an allegation, the HE Quality Manager or designate must decide whether the student is eligible for a caution. Each student is eligible for a caution during the first level of their academic studies.

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- v. To determine that the student is guilty of an offence and recommend a penalty in accordance with the tariff of penalties detailed in Appendix One.

Composition of the Panel

The Panel will comprise:

The HE Quality Manager (Chair)

Two members of academic staff, one from each Faculty not directly involved in the teaching or supervision of the student who has not already been involved in the case in question.

Note: The Registry will assign a Secretary to the Panel who will be responsible for issuing the notice of the hearing and minuting the meeting.

The student shall be informed in writing of the time, date and venue of the Unfair Means Panel, at least 14 days in advance of the hearing, such notice to include the details of any witness or other party to be called by the Panel and a copy of any relevant statement made by the said witness or other party. The student will be asked to confirm their attendance to the Secretary within five working days from the notification of the hearing.

The student shall have the right to be heard in person by the Panel, and to be accompanied by a 'friend', who shall be a member of the College.

The student shall be entitled to waive the right to attend, by notifying the HE Registry in writing, in which case the Panel shall proceed in the student's absence. If the student admits to the offence and opts not to attend, he/she may submit a statement by way of explanation or mitigation providing it is received within five working days from the notification of the hearing.

If the student responds and provides a legitimate reason for being unable to attend on the specified date, the hearing shall be re-arranged. If no legitimate reason (as determined by the Chair) is given for non-attendance the hearing shall take place on the date notified.

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Proceedings

The Panel will initially meet in private to discuss the nature of the alleged offence, the presentation of evidence and any matters requiring further clarification or elucidation.

If the Chair of the Panel determines that there is no *prima facie* evidence, the matter shall be deemed closed and this shall be reported in writing to the student and the person or persons making the allegation within five working days. In the case of suspected plagiarism or collusion, where it is a first offence and depending on the nature and extent of the unattributed work, the findings may constitute poor academic practice leading to a caution. In such instances, the student should receive appropriate academic counselling. The student will be asked to resubmit the work, ensuring it is correctly referenced and resubmit by a given deadline (Level Four students only), but without the imposition of a capped penalty. Any further alleged assessment offence will not be considered poor academic practice but will automatically proceed to full investigation.

If there is *prima facie* evidence the Panel shall proceed to:

- Summarise the allegation and any supporting evidence;
- Give the student the opportunity to admit or deny the allegations in any such response; and
- Where the allegation is admitted, giving the student the opportunity to make any statement by way of explanation or mitigation;
- Determine the penalty or penalties to be imposed. Any statement by way of explanation or mitigation, submitted with such an admission shall be considered by the Board in determining the penalty.

The Panel shall be empowered to call any witness or other person whom it deems qualified to provide relevant evidence. Other than in exceptional circumstances as defined by the Panel, the student shall be entitled to be present while such evidence is presented, and thereafter to ask the witness fair and relevant questions. Where the Panel deems it inappropriate to allow the student to be present, the student shall afterwards be fully apprised of the evidence given by the witness, and may be permitted to have questions put to the witness by the Panel in his or her absence.

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The Chair will invite the student to present their case if he or she wishes to do so including any circumstances he/she wishes the Panel to take into consideration. The Chair will invite members to raise any questions or seek clarification on any of the information presented by the student.

Once the Panel is satisfied that sufficient evidence has been presented and the student been given fair and reasonable opportunity to respond, the Panel shall consider its decision in private to determine whether or not the allegation has been proved and, if proven, to determine a penalty in accordance with the penalties tariff (Appendix 1).

Adjournment

The Panel may adjourn to enable a student to be present at the hearing or to obtain further information or supporting evidence material to the case.

5. Standard of Proof

The Unfair Means Panel shall be required to determine, by way of unanimous decision, whether the allegation has been proven. The Chair of the Panel shall be the arbiter of whether this standard of proof has been satisfied. If the Panel is satisfied that the standard of proof has been satisfied, it shall determine the recommendation of penalty in accordance with the following tariff of penalties (see Appendix 1).

If the allegation is not proven, the matter shall be deemed closed.

6. Two Allegations in One Assessment Period

If a student has two allegations in one assessment period, for example at the end of the academic year around the Board of Examiners and the allegations are brought to one Unfair Means Panel, the Panel will make the decision to which module/unit has the second penalty applied based on the evidence provided.

In applying a penalty the general principle will be that items of assessment which contribute to the same component mark will be considered as a single item or instance. The reasons for the application of the penalty to a module/unit will be explained to the student by the Chair of the Panel.

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7. Findings

The student shall be informed in writing of the decision made by the Panel, any penalties imposed and any recommendation to be made to the Board of Examiners.

Depending on the nature of the offence, the student shall receive further tutorial advice on good academic practice and acceptable referencing conventions appropriate to the particular discipline.

8. Appeals

The student must notify the Head of HE Quality and Registry within ten days of the Panel decision being served in writing.

The appeal is only eligible on grounds relating to the procedure leading to the decision. There is no challenge to the finding of proof, judgement or penalty.

9. Related Documents

Hull College Group Academic Regulations

Senior Manager responsible:	Head of HE Quality and Registry
College Committee	HE Academic Board
Date of next procedure/policy review	31st August 2019
Date Equality Impact Assessment agreed	August 2014

Appendix 1: Penalties which may be applied for cases of Unfair Means which are found

Level	Type of Offence	First Offence	Second Offence	Third Offence
All Levels	Unfair Means in exam	Exam given 0. Opportunity for retake, mark capped at 40%.	Termination of programme	N/A
All Levels	Collusion	Element given 0. Opportunity for resubmission, mark capped at 40%.	Module given 0. Opportunity for resubmission, module capped at 40%	Termination from programme
All Levels	Falsification	Element given 0. No right to resubmission, retake of full module.	Termination of programme	N/A
Four	Plagiarism	Caution (Level Four students only) Opportunity for resubmission, student must amend work so that it is correctly referenced and resubmit by a given deadline. Access to full range of marks. If work is not resubmitted by the deadline, a mark of zero will be awarded.	Element given 0. Opportunity for resubmission, mark capped at 40%. Guidance and support on academic conventions.	Module given 0. Opportunity for resubmission, mark capped at 40%. Guidance and support on academic conventions
Five and Six	Plagiarism	Module given 0. Opportunity for resubmission, module capped at 40%	Mark of 0 for all elements of assessment previously undertaken at that level and 40% cap on all unit marks within that level.	Termination from programme
All Levels	Ghosting Impersonation/contract cheating	Module given 0. Opportunity for resubmission, mark capped at 40%. Guidance and support on academic conventions.	Termination from programme	Termination from programme

In each situation where a case is found, a letter with the penalty will be sent to the student with a copy of this appendix referred to so that the consequences of further offences are clear.

On some courses where coursework for assessment is not of a written form, e.g. including work of a practical or creative nature, the type of plagiarism, ghosting or impersonation may need to be defined. This will be expected to be recorded as part of this procedure.