

TRINITY LABAN

Procedure for Handling Academic Misconduct

1. Definition of academic misconduct

Academic misconduct is a breach of the Assessment Regulations or “any action by a student which gives or has the potential to give an unfair advantage in an examination or assessment, or might assist someone else to gain an unfair advantage, or that deliberately or unnecessarily disadvantages other candidates, or any activity likely to undermine the integrity essential to scholarship and research.”

Each student is responsible for ensuring that they are not vulnerable to any allegations of breaching the academic misconduct regulations by following good academic practices. It is important to note that offences may lead to serious penalties, even when committed unintentionally.

Academic misconduct is distinguished from poor academic practice in the presentation or referencing of work, which can be addressed within the marking criteria. Markers should respond to a case of poor academic practice by:

- Using the ordinary marking procedures to give the student an appropriate mark for the performance, in accordance with the standard practice of awarding a lower mark for lower levels of achievement;
- giving the student feedback that details how to improve academic practice in the future and, where necessary, warning the student of the need to avoid charges of academic misconduct;
- offering or – where necessary – requiring the student to take training on good academic practice.

1.1 **Examples of breaches of the assessment regulations** (the following list is indicative and not exhaustive). Breaches of the assessment regulations count as offences and are subject to penalty whether committed intentionally or unintentionally.

1.1.1 Cheating and plagiarism

- ‘cheating’ is any attempt to gain an unfair advantage in an assessment, including but not limited to, taking a copy of another student’s work without their permission.
- ‘plagiarism’ is the submission for assessment of material (written, visual or oral) originally produced by another person or persons, without acknowledgement, so that the work could be assumed to be the student’s own. Plagiarism may involve the unattributed use of another person’s work, ideas, opinions, theory, facts, statistics,

graphs, models, paintings, performance, computer code, drawings, scores, quotations of another person's actual spoken or written words, or paraphrases of another person's spoken or written words. Plagiarism is an offence and is subject to penalty whether committed intentionally or unintentionally.

- Plagiarism covers both direct copying and copying or paraphrasing with only minor adjustments.

1.1.2 **Self-plagiarism**

Students are not allowed to re-present any previously assessed material from one assessment component for 'first time' assessment in another assessment component and the 'double counting' of assessed work is not normally allowed. Any student who submits work previously included in another assessment should attribute the section of text from the earlier work, and this may be taken into account by the markers.

1.1.3 **Aiding and abetting**

This is where a student assists another in any form of academic malpractice, including:

- **Collusion:** where a student collaborates dishonestly with another student(s) to produce work which they presents as their own.
- **Commissioning:** where a student approaches a third party (either an individual or an organisation) to produce work (either wholly or in part) which the students intends to or actually presents as his/her own
- **Falsification of data** is where a student includes in their work material that is partly or wholly invented, modified or altered with the intention to cause deception
- **Syndication** is where two or more students collaborate to produce substantially similar pieces of work which they then present as independently produced (at the same or different Institutions).

1.1.4 **Cheating in examinations or in-class tests**

Students must not communicate with other students during written exams or tests. Students may not take into the examination or test room any materials, notes or other aids other than items that are officially authorised under the assessment regulations. A student must not reproduce during an examination material originally produced by another in such a manner that the work could reasonably be assumed to be the student's own. An invigilator will report any student who appears to commit any offence within this category.

1.1.5 **Disruption of assessments**

Students must not disrupt assessments and they are required to co-operate with all reasonable instructions from invigilators, panels, project leaders, and other officers of the Institution during the course of assessments; any failure to do so will be treated as an offence. An invigilator will report any student who appears to commit any offence within this category. It is also an offence when performing in another student's assessment to act in a way that could disrupt or adversely impact the performance.

1.1.6 Breach of the Artificial Intelligence Policy

All students must be aware of the Artificial Intelligence Policy and take steps to ensure compliance when submitting assessments. Students who breach the Artificial Intelligence Policy will be deemed to have committed an academic offence, even if they did not intend to do so.

2. Investigation of suspected assessment offences

- 2.1 The Registry will co-ordinate the investigation of suspected assessment offences, in line with the assessment regulations and any programme-specific assessment regulations. The Registrar will oversee investigations, assisted by a nominee.
- 2.2 The Registrar or his nominee may allow the consideration of a suspected offence through stage 1, 2 or 3 of the procedure according to:
 - The severity of the offence
 - Whether the offence is a first offence
 - The student's level of study
- 2.3 Where an internal or external examiner suspects a candidate of having breached the regulations in relation to assessed work, the examiner will notify the Registrar's nominee, through the Module Leader.
 - 2.3.1 The Registrar's nominee will check the records to confirm whether the alleged incident is the student's first case of a reported offence and advise the examiner accordingly.
 - 2.3.2 The examiner will send details of the alleged offence, with the candidate's work and all other relevant papers, to the Registrar's nominee, within five working days of the initial notification.
 - 2.3.3 Where an offence has come to light following the use of plagiarism detection software, the marker must still make an academic judgement to determine whether an offence appears to have been committed and report the case accordingly.
 - 2.3.4 Where the examiner suspects that a student has committed plagiarism but is unable to identify the source of the plagiarised work, they should advise the Registrar's nominee. The Registrar may allow a period of up to fifteen working days for an investigation to allow the source to be discovered, taking account of the significance of the potential offence, the likelihood of discovery of the source and the pressures on the student resulting from the delay. In case it does not prove possible to

identify a source, the suspected offence may still be considered, as appropriate, under stage 1, 2 or 3.

2.3.5 The Registrar or nominee may convene a Viva Voce examination to verify the authenticity of the student's work. The following procedures will be followed:

- Two members of teaching staff (at least one of whom must be a subject specialist) must attend. Where possible, at least one member of the panel should be an independent marker who has not previously taught the student
- The student must be advised of the reason for the viva
- Staff must record the discussions and the notes may be used as part of the evidence base for any further investigation
- The viva should take place in student term time or during the reassessment period, unless agreed by all parties
- In case the student has been offered three separate dates for the viva and either does not reply within ten working days or declines all three dates, this will be treated as non- submission and a mark of zero will be recorded for the component of assessment. The decision must be reported to the Registrar's nominee

2.4 The Registrar or his nominee may decide to refer the case to a Assessment Misconduct Panel (stage 3), where:

- i the facts of the case are not clear;
- ii where the student has previously been found guilty of two or more offences (obligatory referral to stage 3).

2.5 At each stage of the procedure, any penalties will be set depending on the circumstances of the case including, for example:

- The number of instances of misconduct by the student
- The severity of the offence
- Implications of the penalty in the context of the individual programme assessment regulations
- The student's level of study
- The nature of the module affected by the misconduct (number of credits, structure, aggregation formula)

2.6 Where a student is suspected of multiple assessment offences within the same assessment period and it is their first offence, the Registrar's nominee may treat each offence as a first offence under Stage 1 or Stage 2 or refer it to Stage 3.

2.7 The reasons for decisions must be clearly recorded, including the rationale for any deviations from penalties that are the norm for a given type of misconduct.

- 2.8 Penalties for offences are imposed by delegated authority from the assessment board; in this case, any penalty overrides a decision of an assessment or a mitigating circumstances panel.
- 2.9 Evidence of mitigating circumstances will not normally be considered under any stage of the academic misconduct procedure, although the Registrar may exceptionally allow the consideration of mitigating circumstances. Any penalty will override any decision of a mitigating circumstances panel.
- 2.10 Where the outcome of the process is that the case is not upheld, the Registrar's nominee will ensure that the record of the allegation is removed from the student's file. Where a penalty has been imposed, the Registrar's nominee will retain a record of the offence on the student's file (for a period of six years, in line with JISC Records Retention Policy). The Registrar's nominee will also retain a confidential register of reported offences and alleged offences and their outcomes to provide the basis for an anonymised annual report to institutional committees.

3. Stage 1: first or minor offences

- 3.1 The Registrar's nominee will – in consultation with the examiner and the module leader – determine whether the matter should be conducted locally within stage 1 of the regulations. The Registrar's nominee will exercise discretion to use stage 1, taking into account whether it is the student's first alleged offence and the severity of the offence.
- 3.2 The Registrar's nominee will determine the outcome in consultation with the Module Leader with the following options:
- No further action.
 - The issue of a formal warning to the student.
 - Minor first instance: marking work with appropriate mark reductions for affected sections (which may mean marking the work excluding the affected sections). A written warning may be given, in addition.
 - The student may also be required to undertake tuition or seek guidance from a member of the teaching staff.
- 3.3 Where the imposition of a penalty results in the student failing the assessment, and the student is offered the opportunity to resubmit work, the mark awarded, and the mark for the module or the component as a whole, will be capped at the pass mark in accordance with the Assessment Regulations.
- 3.4 The Registrar's nominee will write to the student stating the details of the allegation, the proposed outcome including any penalty and the reasons for the decision. The letter will also inform the student that;
- they have the right to contest the offence and to have the case heard under stage 2 at an interview with the Registrar and his nominee; and that the student may be accompanied by a friend. A friend is defined as a registered student of the Institution; an officer of the Students' Union or a

member of staff of the Institution). Legal representation is not allowed at any stage of the proceedings for the student or the Institution

- the penalty will take effect unless the student notifies the Registrar's nominee in writing within ten working days of the date of the letter of a request for a hearing. If a request for a hearing is made and the student is offered three separate dates and either does not reply within 10 working days, or declines all three dates, the Registrar or his nominee may confirm the outcome of the case in the student's absence.
- the student will be subject to further disciplinary action under stages 2 or 3, as appropriate, if they are charged with a subsequent offence.

3.5 The Registrar's nominee will send notification of the outcomes to the Programme Leader and to the Assessment Board.

4. Stage 2: Institutional investigation of a suspected assessment offence

4.1 The Registrar may determine that an alleged offence may be considered through stage 2 or stage 3, where it is not a first offence and/or where he considers the allegation to be of a serious nature (This stage carries a wider range of penalties than stage 1).

4.2 The Registrar or his nominee will investigate the case (the Registrar will normally nominate a representative to conduct the investigation, including where he or she judges that he or she has a connection with the student or the case which may create a conflict of interest).

4.3 The Registrar or his nominee will, in determining an appropriate outcome, bear in mind the implications of the penalty within the assessment criteria for the programme and seek to enable the student's progression as appropriate.

4.4 Where the finding of the investigation is that the student has committed an offence, the Registrar and his/her assistant may determine the following outcomes:

- (To be used when reviewing a Stage 1 case outcome) No further action:
- The issue of a formal warning to the student:
- (To be used when reviewing a Stage 1 case outcome) Minor first instance: marking work with appropriate mark reductions for affected sections (which may mean marking the work excluding the affected sections). A written warning may be given in addition. Major first instance or subsequent minor instance: a fail (0%) for the assessment component with the right to remaining resit(s) retained (where the number of resits normally permitted has not already been exhausted)
- Major first instance or subsequent instance (major or minor): a fail (0%) for the module with the right to remaining resit(s) retained (where the number of resits normally permitted has not already been exhausted)
- Major first instance or subsequent instance (major or minor): a fail (0%) for the assessment component or module with the right to remaining resit(s) retained (where the number of resits normally permitted has not already

been exhausted) ; however, although the student can gain the credit for the component or module s/he will not be given any marks

- Additionally, the student may be required to undertake additional tuition or to seek guidance from a member of the teaching staff.

4.5 Where the student disputes the allegation from Stage 1, they will have an opportunity to present the case in person in an interview with the Registrar and his nominee under Stage 2. The Registrar will be able to use the full range of outcomes listed for Stage 2. Following the review, the Registrar's nominee will inform the student of the outcome within 10 working days.

4.6 The Registrar's nominee will write to the student stating the details of the allegation, the proposed outcome including any penalty and the reasons for the decision. The letter will advise the student that:

- The student has the right to ask for the case to be considered at stage 3, and must write to the Registrar's nominee within fifteen working days of the letter of notification in order to take up that option.
- The penalty will take effect unless the student notifies the Registrar's nominee in writing as noted above.
- The student would be subject to further disciplinary action under stage 3 if they are charged with a subsequent offence.

4.7 The Registrar's nominee will send notification of the outcomes to the Programme Leader and to the Assessment Board.

5. Stage 3: Assessment Misconduct Panel

5.1 The Registrar may refer the case for consideration through an Assessment Misconduct Panel where:

- It is a first or second offence considered to be of a serious nature: for example, such cases could involve instances where the majority of the assessment is alleged to have been plagiarised; where a serious breach of the assessment allegations is alleged to have occurred; or where the case appears unusual or has the potential to set a precedent.
- the stage 2 investigation has concluded that the facts of the case are not clear.
- the student wishes to have a further investigation of a case considered at stage 2.
- the Registrar has decided that a case considered under stage 2 requires a more severe penalty.
- the student has previously been found guilty of two or more offences (obligatory referral to stage 3).

5.2 Membership of the panel

The panel will normally include:

- Deputy Director (Learning & Teaching) or Head of Undergraduate or Postgraduate Programmes (not previously involved with the case):
- two members of the teaching staff who have not taught the student: (nominated by the Registrar)

The Registrar will also nominate a secretary for the committee. The committee will not include any member of staff involved in the earlier investigation of the alleged offence as a member or an observer.

5.3 Outcomes

Where the panel agrees that an offence has been committed, the panel may agree the following outcomes.

- Minor first instance: marking work with appropriate mark reductions for affected sections (which may mean marking the work excluding the affected sections). In addition a written warning may be given.
- Major first instance or subsequent minor instance: a fail (0%) for the assessment component with the right to remaining resit(s) retained (where the number of resits normally permitted has not already been exhausted)
- Major first instance or subsequent instance (major or minor): a fail (0%) for the module with the right to remaining resit(s) retained (where the number of resits normally permitted has not already been exhausted)
- Major first instance or subsequent instance (major or minor): a fail (0%) for the assessment component or module with the right to remaining resit(s) retained (where the number of resits normally permitted has not already been exhausted); however, although the student can gain the credit for the component or module they will not be given any marks
- Major first instance or subsequent major instance: a fail (0%) for the assessment component or module with no right to resit; the student may be required by the assessment board to retake the module or to withdraw from the programme due to academic failure.

5.4 Fitness to study

The committee may – in addition to the imposition of penalties – refer the student to the Fitness to Study Procedures where appropriate. This is not a penalty but a systematic and formally documented means of providing support for a student.

5.5 Additional sanctions

In severe cases, the panel may decide:

- To recommend to the Principal the suspension of the student from their studies for a period not normally exceeding one academic year
- To recommend to the Principal the expulsion of (as defined in appendix three) the student from the Institution and, where relevant, to evict the student from the Student Residence.

For Research students, the Panel may ask City to consider the case under its Student Discipline Regulations and may recommend a sanction for consideration by the University Disciplinary Panel.

- 5.6 The secretary to the Academic Misconduct Panel will inform the student within 10 working days of the Stage 3 outcome. The student will be informed that;
- they have the right to appeal against the decision of the Academic Misconduct Panel by emailing to complaints@trinitylaban.ac.uk within fifteen working days of the letter of notification in order to take up that option;
 - the penalty will take effect unless the student notifies their intention to appeal by emailing complaints@trinitylaban.ac.uk as noted above.
 - the student would be subject to further disciplinary action under stage 3 if they are charged with a subsequent offence.
- 5.7 The Registrar's nominee will send notification of the outcomes to the Programme Leader and to the Assessment Board.

6. Appeal against the decision of an Academic Misconduct Panel

- 6.1. Only the student who is subject to a decision of the Academic Misconduct Panel may make an appeal. An appeal may not be presented by a member of staff or relative or a friend on a student's behalf, nor by more than one student acting together.
- 6.2. The appeal letter must include:
- The student's name and address;
 - The decision against which the appeal is made;
 - The grounds for appeal (clearly and succinctly).
- 6.3. An appeal may be based only on:
- a challenge to the findings of fact;
 - a claim that the penalty was excessively severe in relation to the nature of the offence;
 - a claim that the procedure for handling academic misconduct was not implemented properly; or
 - significant new evidence, which was not available to the Academic Misconduct Panel at the time of the hearing.
- 6.4** The Principal and/or Registrar & Director of Academic Services will nominate a senior member of staff to receive the appeal and acknowledge receipt in writing. For cases in which there are grounds for appeal, that nominee will arrange a panel to hear the appeal. Where applicable, the written acknowledgement will state the date and time of the appeal hearing, remind the student of the availability of advice, assistance, and their right to be accompanied to any meeting by a member of the Student Services team or an officer of the Trinity Laban Students' Union..

That nominee will be responsible for the co-ordination of the appeal. The panel should normally meet within twenty working days of the receipt of the appeal.

6.5 Membership of appeals panel

6.5.1 Cases that do not involve suspension or expulsion

The Panel will consist of:

- The Principal (or nominee)
- A Programme Leader of a programme other than that of the student
- Another member of the teaching staff

6.5.2 Cases involving suspension or expulsion

The panel will include:

- An independent governor in the chair
- Two senior members of the teaching staff

No-one involved in the case at any previous stage may sit on the panel and, if possible, no member of the panel should be known directly to the student in question.

6.6 Conduct of hearing

6.6.1 The student may submit any further written information in support of their appeal no later than seven working days in advance of the meeting of the panel. The student is entitled to attend, and has a right to be accompanied by a member of the Student Services team or an officer of the Trinity Laban Students' Union. The student must notify the Secretary to the Panel of the name of the student or member of staff at least seven days in advance of the meeting.

6.6.2 Where the student has chosen to attend the meeting and is prevented from attending owing to substantial and demonstrable good reason, the Chair and the Secretary of the Panel may use discretion to rearrange the meeting. The absence of the student from the hearing does not invalidate the proceedings, where the panel has good reason to decide that the student has been given a reasonable opportunity to attend.

6.6.3 The Hearing will have discretion to regulate its own procedures, aiming for a fair, reasonable and timely investigation. ***The Hearing will normally be conducted as follows:***

- The Chair of the Academic Misconduct Panel will attend as a witness to present the conclusions of the hearing;
- The student and the person accompanying them will ask questions of any other individual called to present information and evidence;
- The panel may question any party
- The student will have the opportunity to sum up
- The panel will deliberate in private

- The panel chair will advise the student(s) that the conclusions and recommendations will be forwarded to them in writing normally within ten working days of the hearing.
 - The panel may impose time limits on oral addresses and submissions, bearing in mind the need for fairness to all parties.
- 6.6.4 The panel will normally only hear the student or their representative, and the Chair of the Academic Misconduct Panel. The Chair may, however call for other papers, examine witnesses and conduct whatever other investigations the Hearing may consider appropriate. The panel may postpone a decision to clarify evidence or allow further investigation.
- 6.6.5 The Academic Misconduct Appeals Panel may uphold the decision of the Academic Misconduct Panel or uphold the appeal and substitute such other decision as it thinks fit within the prescribed list of options (listed in section 5.3). The Academic Misconduct Appeals Panel may not impose a penalty more onerous than that originally imposed. The panel should attempt to agree a unanimous decision, but it may agree an outcome on the basis of agreement from a majority of the members. The decision of the Academic Misconduct Appeals Panel shall be final.
- 6.6.6 The Secretary to the Panel will inform the student of the decision in writing, normally within ten working days of the hearing, with a copy to the Registrar, the Chair of the Academic Misconduct Panel; or other relevant members of staff (as appropriate). The letter will include a statement of the reasons for the decision and for any change to the penalty to be imposed. The letter will also inform the student that the internal procedures have been completed, adding details of the student's rights of appeal to the validating partner (where appropriate) and then to the Office of the Independent Adjudicator (OIA). The records will remain on the student's file unless the case is dismissed.

7 Appeals to City, University of London for Research Degree Programme students (as approved by the University Senate May 2020)

Students on programmes validated by City, University of London may appeal to City after Trinity Laban's own procedures have been completed and the final institutional decision made; The case will be considered as an appeal through City's disciplinary code. This right of appeal applies only to academic misconduct relating to a programme of study leading to an award in City's name. Details of the procedure are available on the City web site (Senate Regulation 13: Appendix A)

8. The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. Trinity Laban is a member of this scheme. If a student is unhappy with the outcome of their Academic Misconduct case they may be able to ask the OIA to review the case. Students can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right here: <https://www.oiahe.org.uk/students>.

Students normally need to have completed the Academic Misconduct procedures before a complaint to the OIA can be made. A "Completion of Procedures Letter" will be sent when a student has reached the end of the processes and there are no further steps to be taken internally. If an appeal is not upheld the student will be issued with a Completion of Procedures Letter automatically. If the appeal is upheld or partly upheld the student can ask for a Completion of Procedures Letter if they want one. Students can find more information about Completion of Procedures Letters and when they should expect to receive one here: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.