

Academic Misconduct Policy and Procedure

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Academic Misconduct Policy and Procedure

1. Introduction

- 1.1. The NIoT takes particularly seriously the need to assure the quality and academic standards of its programmes and awards and to uphold Academic Integrity.
- 1.2. Academic Integrity refers to the values and practices of those within our community and includes the expectation that those undertaking assessments, act honestly, in a responsible manner, respect other's ideas and take responsibility for the fair presentation of any work produced for an assessment.
- 1.3. Academic Misconduct is conduct which has or may have the effect of providing you with an unfair advantage by relying on dishonest means to gain advantage and which therefore compromises your academic integrity.
- 1.4. The NIoT will take steps to detect potential breaches of academic misconduct through the use of text-matching and other software.
- 1.5. This policy sets out the process we will follow, and the penalties we may apply, in cases where we believe you may have compromised your academic integrity by committing academic misconduct.

2. Purpose and Scope

- 2.1. The purpose of this Policy and Procedure is to set out how the NIoT will investigate and respond to concerns regarding academic misconduct.
- 2.2. This Policy applies to an individual who is registered as a trainee or apprentice trainee of the NIoT (collectively referred to in this procedure as "student" or "students").
- 2.3. This Policy applies to all assessed work (assessments) required for academic progress or award in relation to QTS or the PGCE apart from those which are formative assessments.

- 2.4. When academic misconduct is identified within formative assessment it will be addressed through feedback from a member of staff rather than as a formal misconduct investigation
- 2.5. If a concern is raised which leads to professional suitability or conduct concerns, the NIoT may follow its Fitness to Practice Policy and Procedure to investigate, consider and determine the outcome rather than following separate policies. However, the NIoT reserves the right to vary the process followed, as appropriate.

3. General Principles

- 3.1. The aim of this policy and procedure is to support you in maintaining your academic integrity, where it is identified that your academic integrity may have been compromised and there is potential academic misconduct we will aim to address this as is appropriate and help you to learn so that you can improve your future academic practice.
- 3.2. In all cases of potential academic misconduct, the NIoT is responsible for determining whether or not misconduct has been committed. Our decisions will be based on the balance of probabilities i.e. the person or panel investigating the case will accept the explanation that is most likely to be true.
- 3.3. Where a 'supporter' is referenced within the procedure this is defined as a member of staff of the NIoT, a Tutor, a member of student support, a trade union representative, a friend or family member of the student or a registered student of the NIoT
- 3.4. Where a student is known to have a disability, the NIoT will make reasonable adjustments to its procedures where this is necessary with a view to avoiding any material disadvantage.
- 3.5. The NIoT will observe data protection principles and the relevant legislation relating to data protection in the handling of cases of academic misconduct.
- 3.6. Any reference to working days within this Policy will not include national public holidays or NIoT closure days.

- 3.7. The National Lead for ITE (or appropriate nominee) will designate appropriate colleagues within the NIoT to act as Academic Offences Officers (AOO).
- 3.8. The NIoT will not normally investigate concerns that have been raised about a student anonymously unless there is some other information or evidence to corroborate the concerns raised. Where anonymous concerns are received by the NIoT, the NIoT will consider the nature and severity of the concern and any corroborating information before deciding whether to commence an investigation.
- 3.9. Staff who are involved in investigating alleged academic misconduct will be impartial and will have had no previous involvement in the case which they are considering.
- 3.10. A student may not normally use other processes e.g. those under Extenuating Circumstances and/or Academic Appeals, to request an outcome that would change the outcome of an Academic Misconduct decision.

4. Types of Academic Misconduct

- 4.1. For the purpose of this policy, examples of Academic Misconduct may include:
 - (a) Plagiarism – the act of a student claiming as their own, intentionally or by omission, work which they have not done. Submitting work and assessments created by someone or something else, as if it was your own, is Plagiarism. Plagiarism would include both direct copying and paraphrasing without citation and intentional and unintentional acts of plagiarism will be construed as offences.
 - (b) Self-Plagiarism – Reuse of previously submitted material and the use of work without appropriate referencing that has been submitted for assessment, whether successful or not, by you at the NIoT or previously for another institution. This will not apply where you are making a resubmission for the same assessment component in the same module, unless specifically prohibited in the module assessment information
 - (c) Collusion - where two or more people have worked together without permission to produce a piece of work which is then submitted for assessment as the work of only one person, which may give an unfair advantage over others. Action may be taken against a student who has allowed their work to be used as well as against a student

who submits work resulting from collusion. This does not include if it is permitted collaboration as part of group work.

- (d) Artificial intelligence misuse - The submission of AI-generated or AI-assisted content in assessments without explicit permission. AI tools must only be used when the instructions for the assessment expressly permit this and the output of Generative AI (i.e., the content it creates) cannot be used in any assessment, unless explicitly authorised.
- (e) Contracting/purchasing/commissioning – where a student contracts or purchases from someone else, a piece of written work and submits it as their own original piece of written work. This includes instances where there is not a financial transaction involved.
- (f) Breach of research or ethical considerations - Including material in assessed work that is derived from unauthorised data collection. Students must not conduct interviews, surveys, classroom experiments, or any other primary data collection without explicit permission. Failure to secure the necessary permissions before carrying out research would constitute an offence.
- (g) Copying another student's work – where a student copies another student's work, with or without the other student's knowledge, and submits it for assessment as their own work. Action may be taken against a student who has allowed their work to be copied as well as against a student who submits work resulting from copying.
- (h) Cheating: any action before, during or after an assessment or which has the potential for the student to gain an unfair advantage in assessment or assists another student to do so. This includes failure to adhere to any assessment regulations.
- (i) Falsification of information - the presentation of fictitious, fabricated or distorted documents, data, evidence or any other material.

- 4.2. Students are required to act with honesty and integrity in producing work for assessment of their academic progress and the examples provided are not exhaustive. Any action whereby a student attempts to gain an unfair advantage by relying on dishonest means to gain advantage and which therefore compromises your academic integrity will be investigated.

5. Faculty Responsibilities

- 5.1. It is the responsibility of the Faculty to ensure that students on the programme are given the opportunity to understand how to avoid academic misconduct and

how to ensure their academic integrity. The Faculty should ensure that students are provided with guidance on how to avoid plagiarism, appropriate referencing and the acceptable use of any technology which is allowed to support them in their studies.

6. Students Responsibilities

- 6.1. Student are expected to uphold Academic Integrity when undertaking their assessments and familiarise themselves with guidance provided by the Faculty on how to avoid plagiarism, appropriate referencing and the acceptable use of any technology which is allowed to support them in their studies.

7. Procedures for Dealing with Academic Misconduct

Stage One – Informal Resolution

- 7.1. If a concern has been raised regarding the students assessment through the marking process, through text-matching software or through concerns raised by a member of staff it will be reviewed by an AOO to determine if the concern warrants further investigation or if it is a minor academic concern that can be dealt with through the marking process. If the AAO deems that it is a minor issue and is poor academic practice which does not require formal investigation it will be addressed through the marking process and the student will be provided with the relevant feedback. The Student's Tutor or similar, or the AOO will normally follow up with discussions with the Student to offer guidance. The Faculty will determine the appropriate role to follow up with the student and make it clear in a written communication to the student the correct academic practice and how to avoid these concerns in the future. This informal resolution stage is only usually appropriate for a concerns which relate to plagiarism or misuse of AI.

8. Stage Two – Formal Procedure

- 8.1. If a concern has been raised regarding the students assessment through the marking process, through text-matching software or through concerns raised by

a member of staff or a student and it is deemed that Academic Misconduct may have occurred it will be reviewed by an AOO.

- 8.2. The AOO will investigate the concerns which would usually include considering any evidence such as a report from text-matching software, or reviewing any evidence submitted by a marker or moderator. If the AOO has reasonable suspicion that Academic Misconduct has occurred, they will invited the student to attend an Academic Misconduct Meeting.
- 8.3. The student will be provided with information which identifies the concerns and will usually be given at least five working days' notice of the meeting. If the student can not attend they will be allowed one opportunity in which to arrange the meeting
- 8.4. The meeting will usually be undertaken online but can be undertaken in person if deemed necessary by the AOO.
- 8.5. If necessary notice has been provided and the Student fails to attend the meeting, the meeting may proceed in the Student's absence.
- 8.6. The student can be accompanied to the Academic Misconduct Meeting by a supporter and the name of this person should be provided in advance to the Chair of the meeting
- 8.7. The meeting will usually comprise of the Chair and a member of NIoT staff for the purpose of recording the minutes
- 8.8. The student will be given the opportunity to respond to the concerns raised and will also be allowed to outline any mitigating factors which should be considered when determining a penalty.
- 8.9. The student will be asked whether they accept or deny the offence
- 8.10. Following the Academic Misconduct Meeting, the AOO will decide whether the offence is proven and if so determine an appropriate severity and decide on an appropriate sanction.
- 8.11. The AOO may come to one of the following decisions:

- (a) That they are satisfied there is not a case to answer
- (b) That an informal warning be provided and that advice can be given to the trainee regarding their future academic conduct
- (c) That the offence is proven and an appropriate penalty should be applied (as stated in section 11.1)
- (d) That the offence is a repeat offence, a second offence or one which is serious in nature and which is required to be referred to Stage 3. This would usually be the case for all offences which are related to contracting or purchasing.

8.12. At Stage 2 the AOO will determine whether the offence is deemed to be moderate or serious, in determining this they will consider, the proportion of the work submitted for the assessment affected, whether they believe there was an intention to deceive, whether they believe there is a reasonable expectation that the student has received sufficient guidance, whether there has been any previous recorded instances of misconduct, the nature of any irregularity. If it is deemed to be moderate in nature it can be proceeded at Stage 2, if however following consideration it is deemed to be serious it will be referred to Stage 3.

8.13. This outcome should be communicated to the Student in writing normally within five working days of the Academic Misconduct Meeting.

8.14. If a student denies the charge or is unwilling to accept the decision of the AOO and refuses to accept the penalty applied at this stage, they will be provided with the procedure to appeal against the decision they can appeal within 10 working days of the outcome letter provided to them.

8.15. If the case is deemed to be proven at this stage a record of the formal outcome will be recorded and can be considered should a future academic misconduct issue arise. The outcome of any penalty relating to the module outcome will be reported at the next relevant Programme Assessment Board.

9. Stage Three – Academic Misconduct Panel

- 9.1. The NIoT Academic Misconduct Panel has a responsibility for considering a matter that cannot be concluded appropriately at Stage Two or allegations of a serious nature that need to be considered at Stage 3.
- 9.2. The Academic Misconduct Panel will normally aim to hear a case within 20 working days of a matter being referred to this stage.
- 9.3. The Academic Misconduct Panel is convened by the Director of Registry Services (or appropriate nominee)
- 9.4. The membership of the Academic Misconduct Panel is as follows:
 - the Executive Director of Programmes (or their nominee) as Chair; and,
 - two members of NIoT staff, at the invitation of the Chair, who are members of a recognised sub-committee of the NIoT's Academic Board.
- 9.5. A member of NIoT staff will attend the meeting of the Panel to take notes.
- 9.6. Panel members will be independent and impartial.
- 9.7. If a full investigation has previously been undertaken at Stage 2 an investigation would not usually be required to be undertaken and the panel will usually proceed on the evidence obtained through the Stage 2 process.
- 9.8. If an investigation is required the Director of Registry Services will appoint an investigator to review the evidence and make any enquiries as they deem necessary which may involve meeting with the student where necessary.
- 9.9. As part of an investigation if a meeting with the student is required it should be completed at the earliest opportunity and the student will be given notice of the meeting and provided with sufficient information to allow them to respond to the allegation(s), and a copy of this policy and procedure. The student will be told about support and who can accompany them to any meeting.
- 9.10. Following completion of an investigation, the investigator will produce a report for consideration by the Academic Misconduct Panel. This report will also be provided to the student in advance of the Panel.

- 9.11. Should multiple incidents of malpractice arise simultaneously for the same student, the Panel will endeavour to investigate all incidents at the same time (as is realistic).

10. Academic Misconduct Panel – proceedings

- 10.1. Students subject to a hearing by the Academic Misconduct Panel under this Policy, will be notified in writing of the following:
- a clear description of the nature of the misconduct against them;
 - the time, date and place fixed for the meeting which they are expected to attend (they will normally be given no less than five working days' notice of the meeting);
 - the right to be accompanied by a supporter;
 - the right to call witnesses on their behalf, to question these and other witnesses and to submit documentary evidence.
- 10.2. Advance notification of witnesses attending any meeting must be made to the Director of Registry Services and any evidence provided must be submitted by the deadlines outlined in the correspondence sent to the student; and, the content of any documentation which the Panel intends to refer to or make use of during the meeting.
- 10.3. If the case has been investigated and proven at Stage 2, the AOO who undertook the investigation will normally present the case to the Academic Misconduct Panel. If an investigator has been appointed for Stage 3 then the investigator will usually be present. The Director of Registry Services (or their nominee) will ensure that the information collected during the investigation is made available to the Panel members and the student, at least five working days prior to the hearing.
- 10.4. The student accused of misconduct may provide a written statement and evidence in response to the allegations to the Director of Registry Services at least four working days prior to the hearing. The Director of Registry Services (or their nominee) will arrange for this information to be provided to the Panel.

- 10.5. Notice of any witnesses to be called by the student and/or the Investigating Officer at the hearing must be given in writing to the Director of Registry Services at least three working days in advance of the date of the hearing, together with a written statement of the contribution that each witness is expected to make. The Director of Registry Services (or their nominee) will arrange for this information to be provided to the Panel.
- 10.6. If a student chooses, without good reason, not to present a response to the allegations for consideration by the Panel and/or not to attend a Academic Misconduct Panel, the Panel may decide to continue with the hearing and to reach a finding in their absence.
- 10.7. The Academic Misconduct Panel determines its findings and reaches a decision in the matter. It may make one of the following decisions:
- the allegation of misconduct is unfounded;
 - the allegation of misconduct is founded but to take no further action;
 - the allegation of misconduct is founded and to impose an appropriate sanction; or
 - the allegation of misconduct is founded and to recommend that the student be suspended, excluded or expelled.
- 10.8. The Academic Misconduct Panel will usually determine whether the allegation is founded before then hearing any appropriate mitigation the student wishes to raise and then determining a penalty. The decision about whether the allegation is founded should not usually take into account previous academic misconduct offences but this information may be used when determining the penalty.
- 10.9. Possible sanctions at Stage Three are detailed in section 11
- 10.10. The Director of Registry Services (or their nominee) will normally notify the student within five working days of the Academic Misconduct Panel of the decision, with reasons, and any actions to be taken. The student will be informed of the procedure to appeal against the decision.

10.11. The NIoT may notify any external organisations of any investigation and/or outcome where it has an obligation to do so.

10.12. If the case is proven, the outcome will be recorded on the student's record.

11. Penalties and Sanctions

11.1. For offences which are considered as moderate which are able to be considered at Stage 2 of the procedure, the following sanctions will normally be applied:

- a) the assessment mark obtained is allowed to stand
- b) to award 0% for the element of assessment with a resubmission opportunity granted if applicable. Any resubmission would be capped in line with the academic regulations
- c) to reduce the assessment mark to an appropriate level, if this leads to failure of the module a further resubmission opportunity would be granted if applicable. Any resubmission would be capped in line with academic regulations
- d) reduce the Assessment mark to an appropriate level, including an award of zero, with no opportunity to resit.

11.2. For offences which are considered at Stage 3 of the procedure, the following sanctions will normally be applied:

- a) Any section as detailed in 11.1 which is available at Stage 2
- b) Exclusion from the NIoT for a specified period of time
- c) Expulsion from the NIoT

12. Appeals

- 12.1. Following a finding of academic misconduct, the student will have the right of appeal against both the finding and any penalty imposed by the NIOT as a consequence on one or more of the following grounds:
- procedural irregularity or administrative error;
 - availability of new evidence which the student was unable, for valid reasons, to provide earlier in the process
 - the perceived disproportionate/unfair nature of the imposed penalty.
- 12.2. The student must submit their appeal in writing to Registry@niot.org.uk, stating the grounds for the appeal, no later than ten days after they receive the formal written outcome.
- 12.3. Appeals (except those against a penalty of expulsion) will be heard by a member of the NIOT Senior Leadership Team who will usually be a member of Academic Board (or appropriate nominee) who will be nominated as the “Appeal Reviewer”. This individual will not have been involved previously in the academic misconduct process in relation to the student.
- 12.4. Appeals against expulsion from the NIOT will be reviewed by the Chair of the Academic Board (or their nominee) and they will be nominated as the “Appeal Reviewer”, provided that they have not been involved previously in the particular academic misconduct process against the student.
- 12.5. In making the decision the Appeal Reviewer will:
- a) review the procedures followed;
 - b) establish whether any new evidence has been presented in the appeal that could not have reasonably been expected to be presented earlier in the process
 - c) review the penalty imposed.
- 12.6. The Appeal Reviewer will first review whether they believe the grounds for appeal are satisfied, if they do not believe they have been satisfied they will reject the request for an appeal. The decision of the Appeal Reviewer is final and a decision letter and a ‘Completion of Procedures’ letter will be issued at this point.

- 12.7. If the Appeal Reviewer believes the appeal is eligible they will review and either reject or uphold the appeal. The student will be notified by the Director of Registry Services of the decision within 10 working days. The decision of the Appeal Reviewer is final and a decision letter and a 'Completion of Procedures' letter will be issued.
- 12.8. The Appeal Review may recommend referral of the case back for consideration at an earlier Stage or by a newly constituted Academic Misconduct Panel.

13. The Office of the Independent Adjudicator (OIA)

- 13.1. The outcome of the appeal is final and you will be issued with a Completion of Procedures Letter as outlined in Section 12 enabling you to submit a complaint to the Office of the Independent Adjudicator (OIA).
- 13.2. The OIA provides a free and independent scheme for the review of student complaints. Upon receipt of a Completion of Procedures Letter, you can make an application to the OIA to review your complaint within 12 months of the date of the letter. More information about the OIA can be accessed at <http://www.oiahe.org.uk/>.