

## Unfair Practice

### Cheating, Plagiarism and Other Forms of Unfair Practice Policy and Procedure

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## **Cheating, Plagiarism and Other Forms of Unfair Practice Policy (Unfair Practice)**

### **1. Purpose**

1.1. To ensure that there is a consistent and fair approach in all cases of suspected Cheating, Plagiarism and other forms of Unfair Practice.

### **2. Scope**

2.1. This policy and procedure applies to higher education programmes (including any FHEQ Level 4 or above programmes).

### **3. Introduction**

3.1. Deliberately engaging in unfair practice to obtain an unfair academic advantage is academic misconduct and entirely unacceptable at Calderdale College. This policy and procedure defines

- what the College means by unfair practice
- the procedure to be adopted in suspected cases
- the academic penalties which may be enforced in proven cases

3.2. In establishing this policy, the College is seeking to maintain the integrity of its academic awards and procedures. However, it also provides that students suspected of Unfair Practice have a fair opportunity to respond to any allegation of academic misconduct.

3.3. This policy and procedure introduces the Designated Unfair Practice Liaison Officer (DUPLO) who acts in an advisory role for unfair practice. The DUPLO must be a person in a position to administer and make appropriate decisions, with experience of practice in higher education teaching and learning, and a familiarity with the standards and conventions of academic integrity associated with it.

3.4. The outcome of each case will be determined based on its own facts. It may be necessary for the College to seek legal advice in specific cases.

3.5. A student may appeal to the Quality Systems Manager after the final decision of the unfair practice hearing by submitting an appeal form (subject to the Academic Appeals policy). Appeals may only be made on the basis that the policy and procedure have not been followed correctly.

3.6. A version of the Policy – the Student Guide – has been written in user-friendly language. At induction, students will need to read and confirm that they understand the guide and its implications, with the support of staff (see 5. Avoiding unfair practice).

### **4. Definitions**

#### **Cheating**

4.1. Within a dedicated examination room this can be:-

- copying from any other candidate during an examination
- any form of communication with any other candidate or person during an examination, other than an authorised invigilator or another member of staff during an examination
- attain and employ any written or printed materials in the examination room unless expressly permitted by the regulations
- the usage and application of any electronic device that has the ability to transmit, receive or store information in the examination room unless expressly permitted by the regulations
- the use of any form of telecommunication device during an examination

#### 4.2. Actions outside of the examination room

- acquiring access to any form of unauthorised material relating to the examination during or before the examination
- procuring and/or securing any form of duplication of a written examination paper in advance of the authorised release time and date

#### **Plagiarism**

4.3. Plagiarism is the action of attempting to pass off another's original work as the student's own original work. This can mean failure to cite sources adequately, copying the work (with or without the collusion of the work's originator) of a fellow student or gaining the assistance of a third party to complete a piece of work and then passing it off as one's own.

4.4. Other examples of plagiarism include:

- any extract from another person's work within in a student's work without the use of acknowledgement of the source(s)
- the inclusion of a summary of another person's work without acknowledgement
- the substantial and unauthorised addition of an idea/s placed in a piece of work from another person without acknowledgement
- artefacts or products submitted as part or the whole of an assessment

#### **Self-Plagiarism**

4.5. Any work that students submit for assessment must be new work. Students cannot submit the same or partly the same work for more than one assignment, even if the assignments are for different units/courses or different years of study. Where an assessed piece of work has been awarded credit it cannot be submitted for assessment for another purpose. Self-plagiarism is considered to be unfair practice.

4.6. Credit can be given for prior certificated learning (RPCL) or prior experiential learning (RPEL) according to the Guidelines for Recognition of Prior Learning (RPL) 2015-16.

#### **Collusion**

4.7. Unlike collaborative or group project work (see 4.12.), collusion is the collaboration with another student in the completion of work which is submitted as one student's unaided work. Collusion is:

- Any agreement to hide someone else's individual input to assessed work and submit it as their own
- For a student to allow someone to copy their work when they know that the other student intends to submit it as their own

Collusion will lay any implicated students open to a charge of unfair practice.

#### **Other Forms of Unfair Practice**

4.8. Other forms of unfair practice may include:

- offering a bribe or inducement to any member of staff of the College, or any external invigilator or examiner, who is connected with the student's assessments
- falsifying data in any piece of work
- the assumption by one person of the identity of another person with the intent to deceive or gain unfair advantage
- submitting copies of another person's work stored on an electronic device
- ghost-writing, i.e. paying someone else to do some or all of a piece of work

## **A note on Collaboration and Group Work**

4.9. Collaboration is a perfectly legitimate academic activity in which students are required to work in groups in the preparation of projects and similar assignments. Sometimes, for example, all members of a team may receive the same mark for a joint piece of work, whereas on other occasions, team members will receive individual marks that reflect their individual input.

## **5. Avoiding unfair practice**

It is important that students understand how to avoid all forms of unfair practice. Information is available from a variety of sources including: at induction sessions, course handbooks, the VLE, from tutors in class, from printed and on-line guides at the Learning Resource Centre and from Academic Skills Tutors. In addition Awarding Bodies and Awarding Universities produce their own guidance booklets.

5.1. During induction, students will need to read and confirm that they understand the Student Guide and its implications. Students will confirm that they have read and understood it either by signing and dating a paper copy to be held on file, or by indicating this using the online form provided on the VLE.

5.2. During induction, students will complete a short online referencing course via the VLE, which will indicate that they have an adequate understanding of the correct system and use of the College's referencing system for higher education programmes.

5.3. Non-completion of this online referencing course will not be accepted as mitigation in cases of suspected unfair practice.

5.4. Academic skills support is available to students throughout the academic year on the correct use of referencing and the referencing system used by College higher education programmes.

## **6. Submission of assessed work**

6.1. All work for assessment will be submitted with a cover sheet which will include a statement on plagiarism and unfair practice. The student must indicate that they have read and agreed to this before submission.

6.2. Online and paper-based versions of the cover sheet are available.

### **Turnitin**

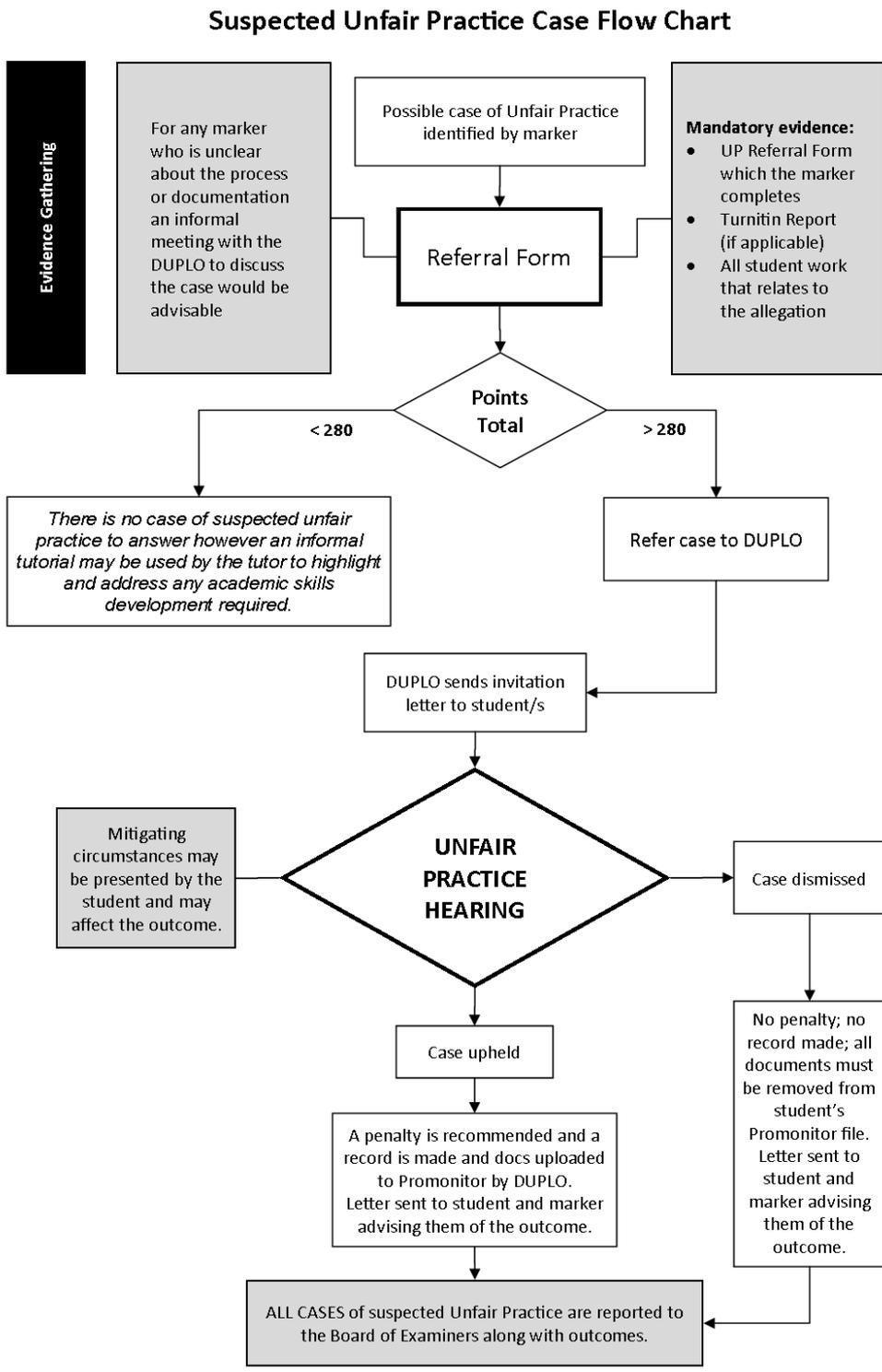
6.3. All written work will be electronically uploaded via the VLE and through Turnitin.

6.4. Turnitin checks for similarity with other sources and creates a report which may be used as evidence in a case of suspected unfair practice.

6.5. Turnitin is not used where physical artefacts or products are submitted as part or the whole of an assessment, although any accompanying written work will be submitted via the VLE and Turnitin.

6.6. In the case that a technical failure prevents submission via the VLE, students will submit a copy of their work via email to the marker's College email address by the date and time of the deadline and must also then submit the same work via the VLE at the earliest available opportunity.

# Suspected Unfair Practice Case Flow Chart



## **7. Investigation**

- 7.1. Before any formal referral takes place, the marker of the work will make an assessment of the suspected unfair practice based on the referral form (appendix 1) and penalties table (appendix 3).
- 7.2. The marker considering the case must refer to Promonitor to check the student/s' referral history.
- 7.3. At this stage it is advisable to have a meeting with the DUPLO to check the documentation is complete and that the referral has been completed in line with the policy and guidelines.
- 7.4. If at this stage, it is decided that there is no case to answer, then no further action is taken: no record is put onto Promonitor and no action is taken against the student/s.
- 7.5. Where there is a clear suspicion of unfair practice the marker will gather all relevant evidence, including:
  - Turnitin report/s (where applicable)
  - The work (including all implicated students' work in cases of collusion), with offending passages highlighted
  - A completed Student Unfair Practice Referral Form (see appendix 1), including the parts of this policy (4.1. – 4.7.) that relate to the suspected case.

### **Referral**

- 7.6. All documentation is held by the marker, unless the points total is below 280, in which case an informal tutorial may be used by the tutor to highlight and address any academic skills development required by the student. No further action – under this policy and procedure – is required and no referral necessary.
- 7.7. If the points total is 280 or more then the marker refers the case to the DUPLO for an Unfair Practice hearing.

## **8. Procedure for Unfair Practice Hearing**

- 8.1. If a case of suspected unfair practice at levels 3 or 4 has been identified (after referral by the marker and review of the documentation by the DUPLO), then a hearing will be arranged.
- 8.2. The unfair practice hearing is the opportunity for the student to present mitigation. It should also include a review of the evidence and the documentation.
- 8.3. A letter and the full file of documentation is sent to the student/s, giving at least five College days' notice of the hearing.
- 8.4. An email will be sent to the student/s at their registered email address, with the full file of documentation and a letter inviting them to the Unfair Practice Hearing, giving at least 48 hours' notice prior to the hearing date and time.
- 8.5. The letter asks the student/s to confirm their attendance at the hearing in advance. If a student does not respond then reasonable efforts should be made to contact them – logged as part of the documentation in the case.
- 8.6. If a student responds to say that they can't attend the hearing then if the reason for their non-attendance is significant (ill-health, for example), the date and time can be moved.
- 8.7. If a student does not respond or cannot be contacted, confirms their attendance but does not attend, or responds with an insufficiently significant reason for their non-attendance, then the DUPLO will review the documentation and make a decision based on the evidence alone.
- 8.8. In exceptional circumstances telephone or Skype can be used during the hearing.
- 8.9. The unfair practice panel will include:
  - The DUPLO
  - A notetaker
- 8.10. Where applicable, others may be invited to attend, such as:
  - A subject specialist tutor – not the marker of the work
- 8.11. During the hearing the student must confirm that they:
  - understand the allegation
  - had the opportunity to review the documentation

- accept or deny the allegation
- were offered the opportunity to give mitigating evidence

## 9. Possible outcomes of the Hearing

- 9.1. The Unfair Practice Hearing panel may recommend any of the penalties outlined in the penalties table (appendix 3), according to the findings of the hearing, and at the discretion of the panel.
- 9.2. If the panel is satisfied by an alternative explanation by the student/s then the allegation is not upheld and no further action is taken.
  - NB: In this case any copies of documentation uploaded to Promonitor must be deleted and any redundant documentation disposed of as confidential waste.
- 9.3. If the allegation of unfair practice is accepted by the student/s then the panel will apply the appropriate penalty (see the Penalties Table [appendix 3]).
- 9.4. If the allegation has been accepted but important mitigating information has been offered then the panel might decide on a lesser penalty than prescribed in appendix 3. The panel should consult Promonitor to see whether previous allegations have been upheld when making this decision.
- 9.5. If the student challenges the allegation with an alternative explanation or mitigation but the panel is not persuaded that a lesser penalty should be given, the reasons for this should be clearly documented.
- 9.6. If a student attempts to challenge the allegation by claiming accidental or unintentional unfair practice this cannot be accepted as mitigation and the student/s will be subject to the Penalties laid out in appendix 3.

### For all possible outcomes, the DUPLO must:

- 9.7. Send an outcome letter to the student/s and the marker within five working days. This may be sent as an attachment by email.
- 9.8. For outcome 11.1. ensure that all documentation is disposed of as confidential waste and that all copies of any documentation have been removed from Promonitor, if already uploaded.
- 9.9. For outcomes 11.2. – 11.5. only: Upload a copy of the outcome letter on the student/s' Promonitor record.
- 9.10. Make recommendations based on the outcome/s of the case/s to the Board of Examiners meeting.
- 9.11. Dispose of any redundant documentation as confidential waste.

## 10. Applying penalties

- 10.1. Only the Board of Examiners – on receipt of a recommendation made at an Unfair Practice Hearing – can apply a penalty.

## 11. Right of Appeal

- 11.1. A student may appeal the outcome of a Board of Examiners meeting, according to the Academic Appeals Policy and Procedure.

## 12. Promonitor

- 12.1. Any record/s and uploaded copies of documentation relating to unfair practice tutorials and hearings will remain on the student's Promonitor profile for as long as that profile exists on the system.
- 12.2. Promonitor records may be used by the College when compiling an academic reference for a student.

## Appendix 1 – UP Referral Form (two pages)

PLEASE READ these guidance notes on the use of this referral form

By filling in both pages of the referral form a total number of points will be accrued, and the following actions apply:

Total points	0 – 279	280+
<b>Action</b>	There is no case of suspected unfair practice to answer however an informal tutorial may be used by the tutor to highlight and address any academic skills development required.	Referral to DUPLO for further action: An unfair practice hearing will take place

If you feel unsure about how to fill in this form or how to apply the tariff and penalties, then contact the DUPLO for an informal meeting to discuss the work.

Multiple pieces of work may be referred on this form, but only within one module. Where there are concerns about work from two or more modules then corresponding separate referrals need to be produced.

For a student's referral history, check Promonitor.

<b>1</b>	<b>Student's Name:</b>		<b>4</b>	<b>Level of study</b> (please circle)	<b>4</b>	<b>70</b>
<b>2</b>	<b>Student's ID:</b>				<b>5</b>	<b>115</b>
<b>3</b>	<b>Course:</b>				<b>6</b>	<b>140</b>
<b>5</b>	<b>Module/Unit Title</b>	<b>Assessments/Components</b>				
	i.					
	ii.					
	iii.					
	iv.					

For more than four pieces of assessed work, please give further information in section 9

<b>6</b>	<b>What is the amount/extent of the unfair practice? (tick appropriate)</b>		
	Below 5% <b>AND</b> less than two sentences		<b>80</b>
	As above but with <b>critical aspects*</b> plagiarised		<b>105</b>
	Between 5% and 20% <b>OR</b> more than two sentences but not more than two paragraphs		<b>105</b>
	As above but with <b>critical aspects*</b> plagiarised		<b>130</b>
	Between 20% and 50% <b>OR</b> more than two paragraphs but not more than five paragraphs		<b>130</b>
	As above but with <b>critical aspects*</b> plagiarised		<b>160</b>
	Above 50% <b>OR</b> more than five paragraphs		<b>160</b>
	Submission purchased from essay mill or ghost-writing service		<b>225</b>

\* *Critical aspects are key ideas central to the assignment*

<b>7</b>	<b>What is the value of the assignment? (tick appropriate)</b>				
	Standard module (20 credits)		<b>30</b>	Large Project (e.g. dissertation – 40 credits)	<b>60</b>

<b>8</b>	<b>Additional Characteristics</b> (please circle)				
Is there evidence of a deliberate attempt to disguise plagiarism by changing words, sentences or references to avoid detection?					<b>40</b>
Is this a first, second or third+ referral?					
	1 <sup>st</sup>	<b>100</b>	2 <sup>nd</sup>	<b>150</b>	3 <sup>rd</sup> +
					<b>200</b>

<b>9</b>	<b>Give a summary of the evidence you have included in this referral and which points of the Unfair Practice Policy (4.1. – 4.8.) apply:</b>		
<b>Completed By:</b>			<b>Date:</b>

Total number of points for this referral	<input style="width: 100%; height: 100%;" type="text"/>
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<b>Next action (tick):</b>	
Refer to DUPLO	<input type="checkbox"/>
<b>Checklist – have you:</b>	
<i>For DUPLO</i>	
Issued an unfair hearing letter to student/s?	<input type="checkbox"/>
Checked all copies of documentation have been uploaded to Pro Monitor?	<input type="checkbox"/>

<b>Completed By:</b>			<b>Date:</b>
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**Important:**  
Please now dispose of any redundant paper-based documentation as *confidential waste*

## Appendix 2 – UP Reference Tariff

<b>History</b>	
1 <sup>st</sup> Time	<b>100 points</b>
2 <sup>nd</sup> Time	<b>150 points</b>
3 <sup>rd</sup> /+ Time	<b>200 points</b>

<b>Amount/Extent</b>	
Below 5% <b>AND</b> less than 2 sentences	<b>80 points</b>
As above but with <b>critical aspects*</b> plagiarised	<b>105 points</b>
Between 5% and 20% <b>OR</b> more than two sentences but not more than two paragraphs	<b>105 points</b>
As above but with <b>critical aspects*</b> plagiarised	<b>130 points</b>
Between 20% and 50% <b>OR</b> more than two paragraphs but not more than five paragraphs	<b>130 points</b>
As above but with <b>critical aspects*</b> plagiarised	<b>160 points</b>
Above 50% <b>OR</b> more than five paragraphs	<b>160 points</b>
Submission purchased from essay mill or ghost-writing service	<b>225 points</b>

\* Critical aspects are key ideas central to the assignment

<b>Level of study (FHEQ)</b>	
Level 4	<b>70 points</b>
Level 5	<b>115 points</b>
Level 6	<b>140 points</b>

<b>Value of Assignment</b>	
Standard module (usually 20 credits)	<b>30 points</b>
Large project (for example, dissertation or major project, usually 40 credits)	<b>60 points</b>

<b>Additional Characteristics</b>	
Evidence of deliberate attempt to disguise plagiarism by changing words, sentences or references to avoid detection	<b>40 points</b>

### Appendix 3 – Penalties

Points		
		<b>Penalty 1</b>
<b>280 - 329</b>	<b>All actioned by DUPLO at an Unfair Practice Hearing</b>	<ul style="list-style-type: none"> <li>• Formal warning</li> <li>• Assignment task/s awarded 0% - resubmission of assignment task/s required, with no cap on mark</li> <li>• Referral to Academic Skills Team for referencing and plagiarism support</li> <li>• Record made on Promonitor</li> <li>• Copy of outcome letter sent via email to student, marker and Quality Manager</li> </ul>
		<b>Penalty 2</b>
<b>330 - 379</b>		<ul style="list-style-type: none"> <li>• Assignment task/s awarded 0% - resubmission of assignment task/s required but mark capped at Pass</li> <li>• Referral to Academic Skills Team for referencing and plagiarism support</li> <li>• Record made on Promonitor</li> <li>• Copy of outcome letter sent via email to student, marker and Quality Manager</li> </ul>
		<b>Penalty 3</b>
<b>380 - 524</b>		<ul style="list-style-type: none"> <li>• Module awarded 0% - no opportunity to re-sit, and credit lost</li> <li>• Withdrawal from institution but credits retained</li> <li>• Record made on Promonitor</li> <li>• Copy of outcome letter sent via email to student, marker and Quality Manager</li> </ul>
	<b>Penalty 4</b>	
<b>525+</b>	<ul style="list-style-type: none"> <li>• Module awarded 0% - no opportunity to resit, and credit lost</li> <li>• Withdrawal from institution with credits lost</li> <li>• Record made on Promonitor</li> <li>• Copy of outcome letter sent via email to student, marker and Quality Manager</li> </ul>	

## Appendix 4 – Invitation to UP Hearing Letter

[Student Name]

[Address]

Dear [Student Name],

**[Module, Assessment/s]**

I am writing to inform you that you are invited to an Unfair Practice Hearing to consider a case of suspected unfair practice in relation to the above assessment/s.

All the documentation relating to the case is enclosed with this letter.

You are required to attend a hearing on [DATE / TIME] in [ROOM].

Please contact the Curriculum Office on 01422 399330 to confirm your attendance **at least two days** before the date of the hearing. Failure to respond to this letter will result in the hearing going ahead without you and a decision will be made on the basis of the evidence. If the allegation is upheld, the penalty will be applied (for penalties see appendix 3 of the Unfair Practice Policy and Procedure).

Please bring paper copies of any documentation to the hearing if you wish it to be considered as evidence. You must mention any mitigating circumstances that you feel the panel need to know about so these circumstances can be considered.

You may bring a supporter to the hearing who might be: a member of the Students' Union; a member of staff from Learner Services; a member of academic staff, or another student.

Yours sincerely,

Designated Unfair Practice Liaison Officer (DUPLO)

## Appendix 5 – UP Hearing Record

### Unfair Practice Hearing Agenda

*Usually chaired by the Designated Unfair Practice Liaison Officer.*

1. Chair's welcome and outline of purpose of the meeting (including Introducing any other members of the panel):
  - i. Review the allegation.
  - ii. To hear any additional evidence
  - iii. To make a decision based on the evidence.
2. Attendance and any apologies:
  - i. DUPLO
  - ii. Head of HE, Access and Professional Studies
  - iii. Notetaker
  - iv. Student/s
3. Confirm that the student/s received the letter and the documentation and that they understand the allegation.

It is good practice to:

  - i. Ask the student if they have had the opportunity to review the evidence.
  - ii. Run through the referral form, ensuring that the student knows how the points total was calculated and how it might affect the outcome of the case.
  - iii. Make the student aware of the penalties that might apply to them, according to the points total on the referral.
4. Does the student accept the allegation?
5. **If Yes:** does the student wish to present any mitigation which might affect the penalty recommended by the panel?

*At this point – if the student accepts the allegation and mitigation has been heard or not – the panel can consider the penalty they will recommend to the Board of Examiners.*

6. **If No:**
  - i. Review the evidence supplied in the documentation
  - ii. Hear any evidence that the student wishes to present.
7. The panel considers all of the above (where applicable) and will make a decision on the outcome, notifying the student that they will receive a letter confirming the outcome within five days.
  - i. NB: a distinction can be drawn, in cases where there is reasonable doubt about the *intention* of the student, between Unfair Practice and Poor Academic Practice. Poor academic practice may be the result of a lack of understanding or skills and may also result in a lesser penalty being applied.
  - ii. The minutes of the meeting should be available for the student to review, and they can be forward to the student along with the outcome letter on request.

## Appendix 6 – UP Hearing Outcome Letter

[Student Name]

[Address]

[Date]

Dear [Student Name],

[Module, Assessment/s]

I am writing to inform you to confirm the outcome of the Unfair Practice Hearing that **you attended / was held in your absence** on [DATE / TIME].

**[Any detail about the evidence or mitigation that was supplied by the student can be acknowledged at this point]**

The panel's decision is that the allegation against you should be **upheld / dismissed** and that **no penalty will apply / a penalty has been recommended and accepted at the Board of Examiners meeting held on [Date]:**

*[Outline penalty that will be recommended, whether a resubmission is capped or uncapped, and the resubmission deadline date]*

***OR, if dismissed, the following statement:***

All documentation relating to this case will be disposed of securely and any copies held on Promonitor will be deleted from your record.

***Include either of the following:***

***Upheld:***

We have considered the evidence and found that the allegation against you should be upheld. We are satisfied that there is clear evidence that unfair practice / poor academic practice took place and that all details of this decision and the penalty will be permanently held on your Promonitor record and may have an effect on the outcome or penalty that is applied in any further cases of suspected unfair practice alleged against you.

If you wish to appeal this decision then you must contact the Quality Systems Manager, David Ellis [davidel@calderdale.ac.uk](mailto:davidel@calderdale.ac.uk) within 10 working days of the date on this letter.

***Dismissed:***

After discussion and examination of the evidence presented to us at the hearing we have concluded that there is no case to answer. We are aware that this situation may have caused you distress, but we hope that you can understand the need for allegations of this kind to be investigated properly by the College.

Yours sincerely,

Designated Unfair Practice Officer (DUPLO)