

Maryvale Institute



Disciplinary Policy

1. Maryvale Institute expects its students to conduct themselves in a manner consistent with that normally associated with a community of learning and scholarship, respecting the ethos of the Institute.
2. The Institute defines three categories of misconduct: academic misconduct, misconduct in examinations and behavioural misconduct; definitions for each are found below. Misconduct in any of the three categories is handled through the same processes, as outlined below, dependent on the seriousness of the offence.
3. **Action to be taken**
 - 3.1. Suspicion of misconduct on the part of any student must be reported by the relevant member of staff to the Academic Registrar.
 - 3.2. For misconduct in the examination room, the invigilator will make a report, complete with evidence, to the Examinations Secretary (unless the Examinations Secretary has observed the misconduct, in which case she would draft the report herself). The full report will then be passed to the Academic Registrar.
 - 3.3. Together, the Academic Registrar and the appropriate Programme Director will make an assessment on the nature and seriousness of the offence.
 - 3.4. The student will be notified of the allegation in writing (by email or by 1st class letter from the Academic Registrar), provided with copies of any relevant evidence and advised of how the Institute intends to deal with the case (ie. as minor or major).
 - 3.5. The student will be asked to provide a response to the allegation and evidence within 5 working days, unless he/she can provide a reasonable explanation for any delay.

4. **Minor misconduct**

For example, a first or minor incidence with limited impact, or it is considered that academic misconduct is more a case of poor academic practice.

- 4.1. The Programme Director will consider the report of the allegation, the evidence and the student response. In these considerations the Programme Director may speak to all involved, including telephoning or meeting with the student.
- 4.2. If no case of misconduct is found the Programme Director will inform the Academic Registrar who will issue the student with a completion of procedures letter.
- 4.3. If the Programme Director decides, on the balance of probability, that an offence has been committed he/she will counsel the student, offering advice on how to avoid any repeat offence.

- 4.4. If he/she feels it appropriate the Programme Director may impose penalties as described under the relevant section 9, 10.12 or 11.5.
- 4.5. The outcome and any penalties incurred will be confirmed in writing by the Academic Registrar and a record of the offence, any warning or advice given and any penalties imposed will be held on the student file.
- 4.6. The student will be advised of his/her right to appeal. The appeal should be received within 10 working days, using the process as set out in the Appeals policy (found on the website).
- 4.7. If no appeal is submitted within the time limit the Academic Registrar will issue a completion of procedures letter.

5. **Major misconduct**

5.1. Examples of major misconduct would be (this list is not exhaustive, but intended to provide examples only):

- Repeated incidents of misconduct of any kind;
- Significant, intentional plagiarism;
- Falsification or impersonation;
- Serious breach of regulations;
- Behaviour causing significant disruption.

For serious cases of misconduct or disruptive behaviour the student may be asked to leave the premises. (If the disruption takes place during examinations the student will forfeit any marks to be awarded.)

5.2. In the case of serious disruption, the Programme Director may decide to recommend to the Dean, or the HIRS Director for students of HIRS programmes, that the student should be suspended until the case can be considered.

5.3. The student will be advised by the Academic Registrar that evidence will be presented to the Student Disciplinary Committee for consideration.

5.4. The Student Disciplinary Committee will comprise:

5.5. For academic misconduct

- Two internal members of the Academic Board not associated with the case or with the programme on which the student is studying, one of whom will chair the committee;
- One student rep from a programme other than that of the student in the case;
- The Academic Registrar will act as secretary

5.6 For behavioural misconduct

- One member of the Senior Management Board not previously associated with the case, who will chair the committee;
- One internal member of the Academic Board not associated with the case or with the programme on which the student is studying
- One student rep from a programme other than that of the student in the case (this cannot be the student member of the Maryvale Council;

- The Academic Registrar will act as secretary
- 5.7 The student will be invited to attend the meeting at which his/her case is to be considered to state his or her case and to be heard and may be accompanied by a fellow student, a family member or a friend not otherwise associated with the Institute. It would not be appropriate for the student to be accompanied by a legal representative.
 - 5.8. Should the student decline to attend, or not respond to the invitation to attend, provided that the members of the Student Disciplinary Committee believe that they have sufficient evidence available to consider the case fully, then the Committee may proceed with its deliberations in the absence of the student.
 - 5.9. If no case of misconduct is found the student will be issued with a “completion of procedures” letter.
 - 5.10. If the Student Disciplinary Committee decides, beyond reasonable doubt, that there is a case of misconduct they will consider and agree penalties to be imposed.
 - 5.11. The student will receive the decision of the Student Disciplinary Committee in writing from the Academic Registrar, including sanctions imposed and advising him/her of the right to request a review within a set time limit.
 - 5.12. If the student does not submit the request for review within the required time the matter will be considered closed and the Academic Registrar will issue a “completion of procedures” letter.
 - 5.13. A full record is kept of these proceedings.

6. *The format of the Student Disciplinary Committee*

- 6.1 The Student Disciplinary Committee will be provided with all written information, documentation and other pertinent evidence associated with the case. In particular:
 - Any reports and evidence submitted by a member(s) of the Institute staff associated with the case;
 - The student’s response to the accusation and any supporting evidence he/she cares to submit;
 - Any reports and evidence submitted by staff or students asked to bear witness in the case;
- 6.2 The format of the meeting shall normally be as follows:
 - A private meeting of the Student Disciplinary Committee (SDC);
 - Hearing the evidence of the member of staff bringing the allegation, followed by questions from the members of the SDC and the student to clarify points;
 - Hearing the evidence of the student, followed by questions from the members of the SDC and the member of staff bringing the allegation;
 - A summary from each party;
 - A private meeting of the SDC;
 - The Secretary shall take a full record of the proceedings. The formal minute of the Committee shall record those present and the decision of the Committee together with the reasons for that decision.

7. Review

- 7.1A student may request a review of the disciplinary process on the grounds of:
- 7.1.1 a potential error in the formal proceedings;
 - 7.1.2 new material evidence which, for valid reasons, the student was unable to provide earlier.
- 7.2 A request for a review must be submitted in writing to the Academic Registrar within 10 days of the student being informed of the decision of the Student Disciplinary Committee.
- 7.3 The request for a review will be allocated to a designated member of the Maryvale Council. For HIRS programmes it recommended that the matter be referred to a member of the HIRS permanent faculty not previously involved in the case.
- 7.4 The individual will review the procedures, the outcome and any new material; but he/she will not be required to re-consider the case.
- 7.5 If the decision is upheld the outcome should be communicated to the student by the issue of a “completion of procedures” letter.
- 7.6 If the decision is not upheld the student will be advised of how and when any remedial action will be implemented by the Institute and, if requested, will be issued with a “completion of procedures” letter.
- 7.7 A student, having exhausted the Institute’s procedures, has the right to submit an appeal using the relevant validating body’s procedures; for HIRS programmes this would be the HIRS Council, but calling only on those members who had not previously been involved in the case.

8 Academic misconduct

- 8.1 Academic misconduct is defined as ‘the attempt to gain an unfair advantage or assisting another student to gain an advantage by unfair means’. This includes:

Impersonation

- 8.2 Taking an assessment on behalf of another student or allowing another student to take an assessment on one’s behalf.

Plagiarism

- 8.3 Taking or using another person’s thoughts or writing as one’s own including:
- 8.3.1 Making unacknowledged use of someone else’s phrases or sentences;
 - 8.3.2 Paraphrasing someone else’s argument or introducing someone else’s line of thinking as if it were one’s own;
 - 8.3.3 Failing to cite the source for a borrowed thesis or approach.
- 8.4 Study guides in programme handbooks offer guidance on avoiding plagiarism.

Duplication/ Self plagiarism

- 8.5 Submitting work for assessment that is the same as, or substantially similar to, work submitted earlier for academic credit, without acknowledgement of the previous submission.

Collusion

- 8.6 Conspiring with others to produce a piece of work, unless joint work is called for as part of the programme.
- 8.7 Copying or sharing another student's (or ex-student's) work, or lending work to another student in the knowledge that some or all of it will be copied.

Contract cheating

- 8.8 Use of essay mills or essay banks. This is a serious academic offence, attracting severe penalties – see tariff on page 6.

Breach of copyright

- 8.9 Excessive use of quotations in the text (eg. over 400 words).

Falsification

- 8.8 False declarations in order to receive special consideration at an examination board.
- 8.9 The invention of data, quotations and/or references.

9 AMBeR Tariff

Introduction

9.1 From September 2015 the Institute adopted the use of the “AMBeR Tariff”, a national tariff for the application of penalties for plagiarism. The tariff was developed in 2010 by the Academic Misconduct Benchmarking Research (AMBeR) project. It assigns points to history of offence, amount/extent of plagiarised work, level of study and the weighting or value of the piece of work. Maryvale Institute adopted the tariff for the consideration of all academic offences and applies it as follows:

History

First time offence	100 points
First repeat	150 points
Second repeat	200 points

Amount / extent of work affected

Below 5% and less than two sentences	80 points
As above but with *critical aspects plagiarised (*critical aspects are key ideas central to the assignment)	105 points
Between 5% and 20% or more than two sentences but not more than two paragraphs points	105
As above but with *critical aspects plagiarised	130 points
Between 20 and 50% or more than two paragraphs but not more than five paragraphs points	130
As above but with *critical aspects plagiarised	160 points
Above 50% or more than five paragraphs	160 points
Work purchased from an essay mill or ghost writing service	225 points

This is considered serious misconduct

Level / stage

National Qualification Framework (NQF) level 4 & 5 (HE Certificate and HE Diploma)	70 points
NQF Level 6 (Bachelors degrees)	115 points
NQF Level 7 & 8 (postgraduate study and research)	140 points

Value of assignment

Standard assignment	30 points
Large project (eg. final year dissertation)	60 points

Additional

Evidence of a deliberate attempt to disguise plagiarism by changing words, sentences or references to avoid detection 40 points

9.2 Penalties based on the points

Summative work

In all cases a formal warning is given and a record added to the student's file.

280 – 329	assignment awarded a mark of zero, resubmission required with penalty
330 – 379	assignment awarded a mark of zero, resubmission required with penalty assignment awarded a mark of zero, resubmission required and mark capped or reduced
380 – 479	assignment awarded a mark of zero, resubmission required and mark capped or reduced assignment awarded a mark of zero with no opportunity to resubmit
480 – 524	module awarded a mark of zero, resit of module required and mark capped or reduced module awarded a mark of zero with no opportunity to resit but credit still awarded
525 – 559	module awarded a mark of zero, resit of module required and mark capped or reduced module awarded a mark of zero with no opportunity to resit but credit still awarded module awarded a mark of zero with no opportunity to resit and credit lost award classification reduced (eg. Honours reduced to no Honours) expelled from Institute but credits retained expelled from Institute with credits withdrawn
560+	module awarded a mark of zero with no opportunity to resit and credit lost award classification reduced (eg. Honours reduced to no Honours) expelled from Institute but credits retained expelled from Institute with credits withdrawn

NB: Expulsion may only be invoked by the Dean or the HIRS Council.

Formative work

280 – 379	informal warning
380+	formal warning and a record added to the student's file.

10 Misconduct in examinations

Examples: This is not an exhaustive list

- 10.1 Obtaining or attempting to obtain access to an unseen examination paper prior to the start of the examination.
- 10.2 The introduction or use in an examination or test of any crib sheets, revision or other notes, books, paper or devices of any kind other than those specifically permitted in the rubric of the paper. If after the examination has commenced any unauthorised notes (including anything written on part of the candidate's body or clothing) or equipment is found it will be assumed that cheating has taken place.
- 10.3 Failing to comply with the instructions of an invigilator or examiner, or with the printed instructions for candidates.
- 10.4 Removing from an examination or test any script, paper, or other official stationery.
- 10.5 Being party to any arrangement whereby a person other than the candidate fraudulently represents, or intends to represent, the candidate in an examination (impersonation).
- 10.6 Copying or attempting to copy the work of another student - whether by overlooking his/her work, asking him/her for information, or by any other means. Or, knowingly allowing your own work to be copied.
- 10.7 Making false declarations in an attempt to obtain modified assessment provisions or special consideration (e.g. of extenuating circumstances).
- 10.8 Attempting to persuade another member of the University (student, staff or invigilator) to participate in any way in actions which would be in breach of these Regulations.
- 10.9 Being party to any arrangement which would constitute a breach of these Regulations.

10.10 Immediate action

- 10.10.1 Any unauthorised material or equipment will be confiscated and may not be returned until any misconduct case is fully considered.
- 10.10.2 If the candidate's equipment is essential for other purposes a photographic record will be taken for evidence and the equipment returned.
- 10.10.3 If notes are found written on the body or clothing of the candidate a photographic record will be taken for evidence and the notes cleaned off.
- 10.10.4 Suspicion of misconduct on the part of any exam candidate is reported immediately by the invigilator to the Examinations Secretary and a report, with relevant evidence, is provided to the Examinations Secretary after the end of the examination.
- 10.10.5 For serious cases of misconduct or disruptive behaviour during examinations the student may be asked to leave the examination room immediately.
- 10.10.6 Together the Examinations Secretary, the Academic Registrar and the Programme Director will make an initial assessment of the offence.

- 10.10.7 The exam candidate will be notified of the allegation in writing (by email or by 1st class letter from the Academic Registrar), provided with copies of any relevant evidence and invited to respond within 5 working days of the date of the email/letter.
- 10.10.8 Allegations of cheating or misconduct in the examination room are dealt with through the misconduct processes as described in point 3 above.

10.11 Penalties

In deciding on penalties the following must be considered

- 10.11.1 The year of study; such incidences occurring in the candidate's first year may, in some circumstances, be a misunderstanding of examination protocols and instructions. Clear instructions are provided however and the candidate would need to provide strong evidence to illustrate how the misunderstanding had occurred.
- 10.11.2 The amount of forethought and preparation; if it is believed that the candidate used considerable ingenuity and forethought in his/her breach of the regulations in the examination room, on the balance of probability the offence can be assumed to be deliberate.

10.12 Range of penalties

- 10.12.1 Exam paper awarded a mark of zero, resit allowed at scheduled resit time with mark capped at a pass.
- 10.12.2 Exam paper awarded a mark of zero, resit allowed at scheduled exam time for the following year with mark capped at a pass; ie. if the incident took place in the summer examinations of 2019, resit would not be allowed until the summer of 2020. Student allowed to continue with other studies as scheduled.
- 10.12.3 Exam paper awarded a mark of zero, no opportunity to resit but credit awarded for the module. Student allowed to continue with other studies as scheduled.
- 10.12.4 Exam paper awarded a mark of zero, resit allowed at scheduled exam time for the following year with mark capped at a pass; ie. if the incident took place in the summer examinations of 2019, resit would not be allowed until the summer of 2020. Student not allowed to continue with other studies as scheduled, ie. temporary suspension (to be invoked only by the Dean or the HIRS Council).
- 10.12.5 Exam paper awarded a mark of zero, no opportunity to resit but credit awarded for the module. Student not allowed to continue with other studies as scheduled, ie. temporary suspension (to be invoked only by the Dean or the HIRS Council).
- 10.12.6 Expulsion from the Institute, credits retained (to be invoked only by the Dean or the HIRS Council).
- 10.12.7 Expulsion from the Institute with no credits (to be invoked only by the Dean or the HIRS Council).

11 Behavioural misconduct

11.1 Definitions

The Institute reserves the right to treat incidences of misconduct as a disciplinary issue, which may result in suspension or expulsion. "Misconduct" may include, but is not limited to:

11.1.1 Wilful failure to comply with regulations.

11.1.2 Although failure to comply with regulations relating to attendance at assessments and submission of work within agreed deadlines is normally dealt with as a matter of progression; if the situation persists the Institute reserves the right to consider disciplinary proceedings for such failure.

11.2 *Disruptive behaviour*

11.2.1 Conduct which disrupts or is likely to disrupt teaching, study, examinations, assessment, research or administration in the Institute, including failure to comply with the instructions of an invigilator.

11.2.2 Conduct which disrupts or is likely to disrupt any student in the pursuit of his/her studies or any employee of the Institute in the performance of his/her duty.

11.3 *Vexatious accusation*

11.3.1 Bringing a charge of misconduct against another without supporting evidence.

11.3.2 Bringing a charge of misconduct against another which is subsequently concluded to be completely unfounded.

11.3.3 Making a formal complaint against a person or the Institute without following Institute procedures.

11.4 *Harassment/bullying*

11.4.1 The Institute expects all relationships among its students and between staff and students to be conducted in a respectful and courteous manner. The following outlines examples of the type of behaviour which the Institute would consider constitutes harassment (this is not an exhaustive list).

- coarse or improper jokes, comments and pranks;
- Display of improper material – written or pictorial;
- Posting of improper material or unauthorised images on webpages;
- attempts to access improper material through the internet whilst on Institute premises;
- Inappropriate familiarity or bodily contact;
- Persistent inappropriate level of personal contact;
- Abusive, insulting, or threatening language;
- Demands or threats to intimidate or obtain favours;
- Threatened or actual violence.
- Falsification of student records
- Behaviour which could constitute discrimination on the grounds of gender, sexual orientation, race, religion, disability or age
- Bribery or attempted bribery of another student or a member of staff

- Theft or misuse of property belonging to the Institute, another student, a member of staff or visitor

11.5 Penalties

The following penalties may be imposed individually or in combination:

11.5.1 Verbal caution

11.5.2 Written caution

11.5.3 An order of compensation for identified and quantified loss

11.5.4 Temporary exclusion from residentials, provided with materials in electronic format

11.5.5 Temporary exclusion from residential and restricted contact with specified person or persons

11.5.6 Permanent exclusion from residentials, provided with materials in electronic format

11.5.7 Permanent exclusion from residentials and restricted contact with specified person or persons

11.5.8 Suspension - temporary expulsion

11.5.9 Permanent expulsion

NB: temporary or permanent exclusion or expulsion may only be invoked by the Dean or the HIRS Council.

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Version Control			
Version	Author [name]	Date	Brief summary of changes
V2	Rita Bannister	May 2020	Change of reference of Institute Director to Dean