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ACADEMIC MISCONDUCT PROCEDURE

Section	Problem Resolution		
Approval Date	11.09.2019	Approved by	Academic Board
Next Review	11.09.2020	Responsibility	Executive Director – Customer Experience and Excellence
Last Reviewed	22.08.2019	Key Evaluation Question	6

PURPOSE

To ensure that all members of the NMIT community have a clear understanding of the consequences of **academic misconduct**.

To provide the NMIT community with the procedural steps to be taken when **academic misconduct** is suspected, and/or alleged, and/or proven.

SCOPE

Intentional or unintentional academic misconduct involving students in relation to summative assessments and exams (including oral examinations).

NOT IN SCOPE

For students who have allegedly committed a behavioral misconduct breach. Refer to [Student Misconduct Procedure](#).

For students failing to meet academic standards for reasons other than academic misconduct, refer to [Unsatisfactory Academic Progress Procedure](#).

For students wishing to challenge an assessment decision where they have reason to believe that the grade or mark for a particular assessment is incorrect, should first **discuss this with the staff member responsible** within five working days of the return of the assessment. For students wishing to appeal the final grade awarded in any course, refer to [Student Academic Appeals](#).

Please note: Programme Regulations related to exclusions from programmes shall take precedence over the principles identified below.

DEFINITIONS

A list of academic terminology and the glossary of Māori terms – Kupu - are located in [Section 2 of the NMIT Academic Statute](#). The definitions of additional specialist terms relevant to this policy/the relevant programme or business support area are listed below:

Academic Integrity	Academic integrity is a commitment from staff and students to apply the fundamental values of honesty, trust, fairness, respect, and responsibility to all academic matters
Academic Misconduct	<p>Academic misconduct (also variously referred to as ‘dishonest academic practice’ or ‘academic fraud’) includes but is not limited to:</p> <ul style="list-style-type: none"> a) Cheating - any fraudulent response whatsoever by students to any item of assessment, including any action which may otherwise defeat the purpose of the assessment (e.g. using notes in a closed-book examination). b) Plagiarism, defined as the act of taking and using another’s work as one’s own without proper acknowledgment (knowingly or unknowingly) and includes: <ul style="list-style-type: none"> i. copying the work of another student ii. copying any part of another’s work iii. summarising another’s work c) Submitting work for summative assessment which has been jointly prepared for presentation, in circumstances where this has not been communicated to students as legitimate. d) Submitting work for summative assessment which has previously been submitted elsewhere, without the prior permission of the Curriculum Manager (or delegate) e) Misrepresenting identity for purposes of assessment f) Sitting an examination for someone else g) Using unauthorised notes during a closed-book examination h) Purchasing an essay or having it written for you by someone else (ghostwriting) i) Receiving notes by cell phone or other electronic/smart devices, including watches (in an examination) j) Inventing case studies
Advocate	A person who speaks on behalf of a student. e.g. a suitably qualified member of SANITI.
Curriculum Manager	In the context of this Procedure, Curriculum Manager refers to the Curriculum Manager OR delegate approved by the Curriculum Manager
Honesty Declaration	Submitted by students with assignments to declare that they have understood, and will adhere to, the principles of academic integrity.
Intentional academic misconduct	Academic misconduct with the intention to deceive.
Support person	<p>Person or group able to provide support or advice to the student (e.g. student association (SANITI); staff association/union member; friend or family member).</p> <p>A support person’s role is to empower the student to speak for themselves with knowledgeable support.</p> <p>A support person cannot speak on behalf of the student, unless the student chooses for the support person to move into the role of advocate (if this is the case, the student needs to complete the Authorisation to Advocate form).</p>

Unintentional academic misconduct	Academic misconduct resulting from genuine ignorance or misunderstanding.
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RESPONSIBILITIES

Academic staff member	<p>Managing authenticity issues for all assessments. Adopting proactive strategies to ensure authenticity, including where possible providing an Assessment Cover Sheet (or similar) for the student to sign and submit as a declaration of originality.</p> <p>Ensuring all students are informed about standards and expectations of academic integrity. See Academic Integrity / Academic Misconduct Policy</p> <p>Meet with student to discuss initial concerns.</p>
Curriculum Manager (CM) (or delegate approved by the CM)	<p>Meeting with the student (and tutor or coordinator if required by the CM) to discuss the allegation of academic misconduct.</p> <p>Deciding on whether the allegation of academic misconduct is valid, and determining the appropriate penalty.</p> <p>Sending out notification of the formal meeting to the student (where no Coordinator available).</p>
Curriculum Director	Ensuring all Curriculum Managers and academic staff members are following best practice in preventing and detecting academic fraud, and that this procedure is followed when it is suspected and/or alleged.
Coordinator	Ensure the procedure is followed, including sending out the initial letter confirming the meeting between the student and the Curriculum Manager (or delegate).

PRINCIPLES

Staff will ensure students are fully informed about assessment and examination practices and expected academic behaviour from students, including clear guidelines regarding group work and jointly prepared assignments; and for explaining what constitutes academic misconduct. This is particularly important for international students who may have a different understanding of what is acceptable.

The Principles of Natural Justice are incorporated throughout this procedure (see APPENDIX 2)

NMIT reserves the right to use electronic systems to detect academic misconduct. Students will be notified where such systems are in place.

If more than one student is implicated or involved in an allegation of academic misconduct, each student should be interviewed separately. They are entitled to support, but the support person must not be someone who is also implicated or involved in the allegation being investigated.

A record of the process and any penalties imposed will be documented and held on the student's personal file.

PROCEDURE FOR SUSPECTED MISCONDUCT IN EXAMINATIONS

When a student is suspected of academic misconduct **in the context of an examination**, refer to APPENDIX 7 of [Examination Guidelines](#).

PROCEDURE FOR SUSPECTED MISCONDUCT IN ASSESSMENTS

Where a suspicion, allegation or complaint of academic misconduct is received or identified **in the context of an assessment**, the following procedure shall apply:

STEP 1 FIRST MEETING

The student's tutor will contact the student for a face-to-face meeting to discuss any irregularities in the student's work. The tutor may have conferred with an academic colleague. The tutor presents their initial thoughts on the suspected academic misconduct. Both the student and the tutor have the option to bring a support person to this meeting. The student has the additional option of bringing an advocate.

If the tutor is satisfied with the student's explanation of the incident, no further action is taken and the student is advised accordingly.

If the matter remains unresolved, the tutor will let the student know there is the need for a formal meeting with the Curriculum Manager (or delegate).

STEP 2 ARRANGING A SECOND MEETING

The allegation of academic misconduct will be recorded in a letter, sent to the student, together with evidence and summary of allegations. The letter ([Template](#) available for NMIT staff) will suggest a time and place to attend a formal meeting with the Curriculum Manager (or delegate). The letter will confirm that an initial discussion took place and will document the original prompts for the tutor's 'cause for concern'. The letter will explain that the student has the opportunity to present their evidence at this scheduled meeting.

The student has the right to bring a support person and/or advocate or an advocate to this meeting, and will be advised of this right. Please use [Authorisation to Advocate form](#).

STEP 3 FORMAL MEETING

Meeting between student and Curriculum Manager (or delegate) to discuss allegation and evidence. If the Curriculum Manager (or delegate) is satisfied with the student's explanation, no further action is taken and the student is advised accordingly. If the student admits academic misconduct, the admission is documented and signed by the student, and the Curriculum Manager (or delegate) will determine the appropriate penalty.

If the Curriculum Manager (or delegate) is **not** satisfied with the student's explanation, they determine the appropriate penalty (see below).

The Curriculum Manager (or delegate) may also ask the student to undertake an additional assessment or challenge test, in order to confirm the integrity of an earlier assessment result; for example, an oral assessment may be used. A re-sit fee may be charged. See [Fees, Charges and Refunds \(Domestic Students\)](#) and [Fees, Charges and Refunds \(International Students\)](#). If the Curriculum Manager (or delegate) is satisfied with the student's explanation, no further action is taken and the student is advised accordingly.

STEP 4 PENALTY

Where academic misconduct is confirmed the Curriculum Manager (or delegate) determines the appropriate penalty (refer below) and notifies the student of the decision.

STEP 5 DOCUMENTATION AND RECORD ON STUDENT FILE

Throughout the process, the Coordinator will record details of any meetings. Records are to include dates, attendees, allegation, outcome of meeting, actions resulting, and copies of any letters sent. This record will be uploaded onto the Student's file (ebs). If, however, the allegation is not upheld, all records pertaining to the issue must be destroyed.

If the allegation is upheld, in accordance with the [NMIT Records Management Policy](#), NMIT must retain the record for 7 – 10 years depending on the seriousness of the misconduct and the subsequent disciplinary action.

Where a disciplinary hearing results in a finding that the student has committed a minor breach or that no disciplinary action is taken, the minimum retention period is seven years.

Where a disciplinary hearing results in a finding that the student has committed a breach and disciplinary action is taken, the minimum retention period is 10 years.

PENALTIES FOR **FIRST** ACADEMIC MISCONDUCT

If the allegation of academic misconduct is substantiated, any or all of the following penalties may be imposed:

- a) Award a fail grade or a nil mark for the affected event.
- b) Cancel any course credit for a course connected to the misconduct

Where the Curriculum Manager (or delegate) accepts that the student's academic misconduct was **unintentional**, they may prefer to set up an educative process rather than a penalty. The following are possible educative processes:

- 1. facilitated discussion with appropriate academic staff member
- 2. contract with Learner Services for skills development
- 3. formal written warning and/or deduction of marks for the assessment in question
- 4. individual educative process designed for the student in the particular case

PENALTIES FOR **SECOND** ACADEMIC MISCONDUCT

If the second allegation of academic misconduct is substantiated, any or all of the following penalties may be imposed:

- a) Award a fail grade or a nil mark for the affected event.
- b) Cancel any course credit for a course connected to the misconduct
- c) Recommend to the Chief Executive exclusion from any NMIT programme

APPEALS

The student has the right to appeal the determination, and any penalty, of the alleged academic misconduct. The appeal needs to be made to the Chair of the Academic Committee.

REFERENCES

EXTERNAL

[Authenticity \(NZQA\)](#)

[NZQA's Guide to effective Practice in Preventing and Detecting Academic Fraud](#)

INTERNAL

[Academic Integrity / Academic Misconduct Policy](#)

[Academic Misconduct – Meeting Request Letter \[Template\]](#) (for internal use only)

[NMIT Records Management Policy](#)

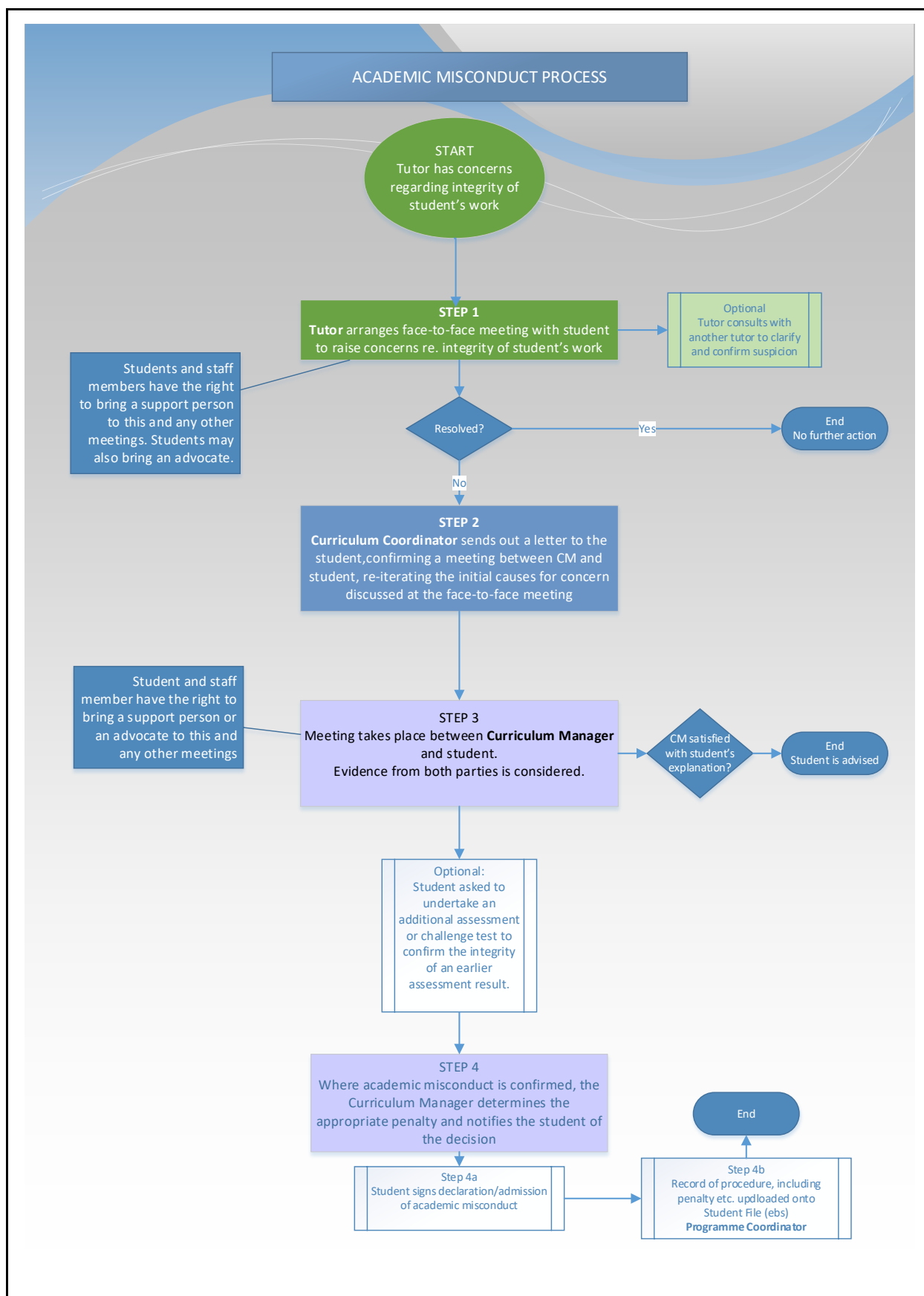
[Student Academic Appeals](#)

[Student Misconduct Procedure](#)

APPENDICES

[APPENDIX ONE: ACADEMIC MISCONDUCT PROCESS MAP](#)

[APPENDIX TWO: The Principles of Natural Justice](#)



PRINCIPLES OF NATURAL JUSTICE (TAKEN FROM THE STATE SERVICES COMMISSION)

- Freedom from bias on the part of the person making the decision/judgement; and
- Transparency and fairness of the procedure

Guidelines for a fair process include:

- Take an allegation seriously and act on it immediately
- Students meet attendance requirements while the investigation is underway.
- Maintain confidentiality
- Give the misconduct procedure priority and respond in a timely manner
- Inform the student of the allegation of academic misconduct
- Give the student the opportunity to respond to the allegation
- Do not ask irrelevant questions
- Keep both parties informed about progress of an investigation
- Ensure the parties' safety is protected during an investigation, including protection from retaliation or victimisation
- Give both parties a full opportunity to read/see and respond to all evidence collected in an investigation before a decision is made
- Consider all the evidence and weigh it carefully before deciding whether there is substance to the allegation of academic misconduct
- Provide all parties with a copy of the decision and the reasons for the decision, and their options in terms of settlement, review etc.
- Ensure any disciplinary action is proportionate to the level of behaviour complained of; and
- Offer the right of appeal or review.