

# Academic Misconduct Investigation in Coursework Procedure

## Section 1 - Introduction

### Purpose and Parent Policy

(1) This procedure sets out the steps to be taken in the event of the detection of suspected academic misconduct outside of a formal examination context. The [Academic Integrity and Good Practice Policy](#) is the parent policy. The detection of suspected academic misconduct may occur at any point prior to the ratification of results at the Board of Examiners.

### Responsibilities

#### Student Responsibilities

(2) Where academic misconduct is suspected, the student must cooperate with the investigation and provide any necessary evidence or supporting documentation.

#### Staff Responsibilities

(3) The Registrar is responsible for overseeing the implementation of this procedure.

(4) All Staff involved in the administration of coursework are responsible for implementing this procedure and ensuring the associated policy is adhered to.

#### Faculty Responsibilities

(5) The detection and reporting of instances of suspected academic misconduct is the responsibility of all members of Faculty and Adjunct Faculty.

(6) The Programme Director, or nominee, is responsible for the investigation of academic misconduct in the first instance and is guided by the Standard Operating Procedures for this. It is the responsibility of all Faculty, Adjunct Faculty and Staff to familiarise themselves with this procedure.

## Section 2 - Procedure

(7) Hibernia College works on the principle of subsidiarity and where possible, issues are resolved at the point they arise before being escalated to the Department of the Registrar if a resolution is not possible.

### Part A - Programme-Level Investigation and Determination of Academic Misconduct

#### Report to the Programme Director

(8) Concerns about a student's academic work or attitudes which do not comply with the [Academic Integrity and Good](#)

[Practice Policy](#) are referred to the Programme Director in the first instance by the member of Staff or Faculty who suspects misconduct.

(9) The Programme Director determines if the matter is sufficiently grave to be referred directly to the Department of the Registrar for the matter to be addressed and, where appropriate, for the convening of an investigation and Discipline Committee.

(10) If the matter is not considered sufficiently grave, it is handled under this procedure. The decision whether to escalate a matter is informed by the guidelines on penalties within the parent policy.

(11) The Programme Director or nominee arranges for:

- a. The nomination of a person to manage the investigation
- b. The investigation of the suspicion including the collation of any relevant evidence
- c. The notification of the student in writing of the suspicion of academic misconduct, including relevant evidence within 10 working days of the matter having been raised with the Programme Director or nominee
- d. A request to the student to respond and provide any relevant evidence by a predetermined deadline

## **Student Response**

(12) The student may respond to the presentation of suspected academic misconduct within the stated deadline.

(13) Where the student does not respond within the specified deadline, the procedure continues without the student's response and the student is advised in writing that this will occur.

(14) Where the student's response is an admission of academic misconduct, the procedure proceeds immediately to the determination of a consequence for the offence.

## **Possible Outcomes**

(15) Following consideration of the collated evidence and student response (if any), the Programme Director or nominee may determine:

(16) No academic misconduct has occurred — the student has satisfactorily responded to the suspicion of an offence.

(17) Academic misconduct has occurred — the student has admitted an offence or the evidence supports the fact that an offence has occurred. An outcome of academic misconduct occurring, is accompanied by a statement of the level of academic misconduct and appropriate sanction.

## **Finding That No Academic Misconduct Has Occurred**

(18) The matter is closed and the student is notified by the person nominated by the Programme Director of the outcome.

(19) Records of the suspicion of academic misconduct are maintained without identifiers and for statistical analysis purposes. Where the evidence is inconclusive and the student is given the benefit of the doubt, a record of the investigation may be maintained with student identifiers if deemed appropriate by the Programme Director.

## **Finding That Academic Misconduct Has Occurred**

(20) Where a first offence of academic misconduct is proven, the Programme Director or nominee:

- a. Determines an appropriate consequence as provided for within the policy
- b. Communicates the finding, the consequence and the implication for progression through the programme to the

student in writing

- c. Notifies the Department of the Registrar
- d. Brings it to the attention of the Board of Examiners

## **Lack of Resolution**

(21) A student who is not happy with the outcome of the local process may write to the Department of the Registrar and request that the matter be investigated under the College's disciplinary procedures.

(22) The Programme Director or nominee who during a process deems it more appropriate that the matter be investigated using the College investigation and disciplinary process may refer the matter at any time to the Department of the Registrar.

## **Right of Appeal**

(23) Students may appeal the outcome of an investigation into suspected academic misconduct through the formal appeals process as set out in the [Appeals Policy](#).

## **Part B - Central Procedure**

### **Matters Referred to the Registrar**

(24) The Programme Director or nominee reports in writing to the Registrar, in a timely manner, providing the following details:

- a. The detail of the allegation(s) around suspected academic misconduct
- b. All relevant supporting information and evidence (if any)

(25) The Programme Director or nominee ensures that this communication is copied to the student(s).

(26) The Registrar, on receipt of the report, arranges for an investigation to take place and nominates an Investigator who is:

- a. Independent of the case to date
- b. Competent

(27) The Registrar will decide if there is a requirement to suspend a student pending the investigation.

### **Investigation Process**

(28) The Investigator will analyse the report provided by the Programme Director or nominee to determine if:

- a. The alleged behaviour is actually in breach of codes of practice or College rules and regulations
- b. There is evidence that academic misconduct took place
- c. The report provides all dates, copies of communication and is focused on the matter of concern only
- d. There is sufficient evidence to warrant the convening of a Discipline Committee
- e. All relevant information has been collated

(29) Where required, the Investigator reverts to the Programme Director or nominee for clarification of any matter in the report.

(30) Normally, the investigation process takes no more than 10 working days from the date of receipt of the report

about the student's behaviour from the Programme Director or nominee. Where the process may take longer, this is clearly communicated to all parties along with a rationale for this.

## **Decision-Making Criteria**

(31) The Investigator provides a separate report to the Registrar, documenting the facts of the case.

(32) The Registrar refers the matter to a Discipline Committee if:

- a. The allegation is a breach of College policy
- b. There is evidence that on the balance of probability the breach took place
- c. The student has been provided with full and timely information about the investigation to date

(33) Where the Registrar deems that there is a case to be heard, this is communicated in writing to the student and to the person who referred the matter for full investigation, including a clear explanation of the rationale for the decision.

(34) The Registrar convenes a meeting of the Discipline Committee drawing on the membership identified by the Academic Board.

(35) The meeting is convened as soon as practicable.

## **Convening a Discipline Committee**

(36) The Registrar ensures:

- a. The student is fully appraised of the detail of the process and the evidence being presented
- b. Due process is followed and the matter is treated with the utmost confidentiality
- c. Communications with the student are timely
- d. A report is prepared and maintained securely and is made available to the student and other relevant parties
- e. The student is offered an opportunity to attend the hearing in person or by videoconference

(37) The student is offered an opportunity to present their case, either in writing, orally or both.

(38) The Discipline Committee is convened as three people in line with the principles outlined in the [Academic Integrity and Good Practice Policy](#).

(39) The role of the Discipline Committee is to:

- a. Consider the evidence presented to it
- b. If appropriate, call witnesses
- c. Establish if on the balance of probabilities, the alleged breach of regulation has or has not occurred
- d. Where relevant, assign a penalty to the student

(40) There are two criteria for the membership of the committee:

- a. Competence to make the decision before the committee
- b. Independence from the matter being considered

(41) The committee members and the student are within their rights to call witnesses.

(42) Names and contact details of witnesses should be established as soon as practicable after a decision to convene a committee has been confirmed.

(43) The details of the witnesses are shared with the committee and with the student, as relevant.

## **Non-Adversarial**

(44) The Discipline Committee is not intended to be an adversarial process, and the College recommends that a student does not engage legal representation during proceedings.

(45) A student is entitled to be accompanied by a friend, colleague or family member who is not a legal representative or advocate and can also interview any material witnesses.

(46) Where a student seeks to bring legal representation to any meeting, the College is required to do so also.

(47) Where a student has a friend or family member who accompanies them who is from a legal profession, that person cannot act in a legal capacity.

(48) At the commencement of the meeting, the chairperson of the committee describes the role of the committee, the possible outcomes and subsequent actions.

(49) Where the student chooses not to attend, the chairperson arranges for the issue of a letter to the student describing the role of the committee and possible outcomes.

## **Discipline Committee Meetings**

(50) The chairperson of the Discipline Committee:

- a. Outlines the procedure to be followed
- b. Outlines the possible outcomes of the committee
- c. Asks the student to confirm the address to which the decision should be sent

(51) The chairperson of the Discipline Committee, in consultation with other panel members, has the power to adjourn the hearing if statements submitted by the student or witnesses suggest other enquiries that need to be made before a decision can be reached.

(52) In the event of a finding that no academic misconduct has occurred, the matter is considered closed and the student is notified in writing that the matter is concluded by the Department of the Registrar.

(53) In the event of a conclusion that academic misconduct has occurred, the decision must be either unanimous or one of consensus.

(54) The Discipline Committee decides what penalty, if any, is imposed in all breaches of regulation in line with those identified in the policy.

(55) The Registrar notifies the student of the decision in writing within five working days. This communication must include the:

- a. Decision of the Discipline Committee
- b. Impact of this decision, including any penalty applied
- c. Student's right of appeal and the timeframe within which the appeal must be lodged

## **Right of Appeal**

(56) Students may appeal the outcome of the Discipline Committee under the [Appeals Policy](#).



## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	19th May 2023
<b>Review Date</b>	19th May 2026
<b>Approval Authority</b>	Quality Assurance Administrator
<b>Approval Date</b>	19th May 2023
<b>Expiry Date</b>	Not Applicable
<b>Enquiries Contact</b>	Eoin Crossen Quality Assurance Administrator <hr/> Quality Assurance

## Glossary Terms and Definitions

**"Academic Misconduct"** - Academic Misconduct is any form of cheating or other attempt to seek an unfair reward for the amount of genuine effort put into an assessment task or an advantage over other students.