



## **Student Academic Misconduct Policy**

### **Introduction**

1. The Royal College of Art ("RCA") is committed to upholding the academic standards of the College. The RCA is committed to ensuring that the work that students are assessed upon is their own, and that the College's assessment procedures accurately gauge the achievement of the student against defined learning outcomes.
2. The RCA commits to investigating all allegations of academic misconduct against its students in a way that is fair and transparent to all parties and is, as far as possible, independent. Where allegations of academic misconduct are upheld, sanctions shall be relevant and proportionate. All parties to allegations of academic misconduct shall be directed to appropriate, independent, sources of guidance and support throughout the process. Cases will be dealt with in accordance with recognised principles of natural justice.
3. Policy provides for two stages. These are:
  - (a) Stage One: Formal, detailed consideration of the case;
  - (b) Stage Two: Review of the decision made at Stage One and confirmation of the final decision of the College.

### **Scope of the Policy**

4. This policy applies for all students who are currently registered<sup>1</sup> to a programme offered by the RCA. This includes students on an approved leave of absence.
5. Where an allegation of academic misconduct is made against a graduate of the College, then the College reserves the right to invoke this Policy to hear that case. If proven, the College reserves the right to invoke an appropriate sanction, including the annulment of any award.

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<sup>1</sup> See the College's academic regulations for the definition of a registered student.

6. Academic Misconduct refers to any form of academic cheating. Examples of academic misconduct include:
  - (a) plagiarism (presenting the work of others as if it were the student's own);
  - (b) submitting material downloaded from the Internet as if it were original material;
  - (c) commissioning another person to produce a piece of work on your behalf (contract cheating)
  - (d) colluding with others (including translators, friends or family who work with the student, who are unacknowledged) to submit work which is not your own.
  - (e) submission of written work which has been translated into English by another person.
7. Plagiarism is defined as stealing another person's words or ideas and using them as though they were your own. Some examples include:
  - (a) writing – e.g. copying from a textbook, journal article, thesis, essay or website without providing adequate reference to the author
  - (b) artefacts – e.g. reproducing original artwork, designs, film, sound or performance and presenting them as though they were your own
  - (c) data – e.g. copying someone else's programme, database, web page or multimedia presentation without acknowledging the creator.

Students are strongly advised to retain copies of drafts produced while preparing assessed work, as this will be of assistance in demonstrating that the work is their own.

### **Confidentiality and Record Keeping**

8. Where an allegation of academic misconduct against a student is upheld or partially upheld then a record of the offence and sanction shall be kept on the student file. Details shall only be disclosed in accordance with the principles of the Data Protection Act (for example for the protection or detection of crime, or where disclosure is demonstrably in the public interest).
9. Where an allegation of academic misconduct is rejected then no details of the allegation shall be kept on the student file, but kept securely in a separate Academic Misconduct Allegations file held within the Registry. Records shall be retained as required for a reasonable period.

## **Timescales**

10. This Policy outlines timescales within which the RCA aims to work.
11. The RCA shall endeavour to respond to allegations of academic misconduct within the timescales outlined. On occasion it may be necessary to extend these deadlines; it is not possible to gauge, for all cases, how long an investigation into the issues may take, and on occasion there may be circumstances beyond the College's control that prevent the allegations being considered in accordance with the stated timescales. In such cases, revised deadlines will be communicated clearly to all parties.

## **Stage One: Formal Consideration**

12. Where a member of staff, or a student, suspects academic misconduct he or she should report the suspicion to the Head of Programme or, for Doctoral students, the Head of Research Programmes in which the work was conducted. The Head of Programme or Head of Research Programmes will inform the student, in writing, of the allegation of academic misconduct and conduct an investigation, including discussing the matter with the student. The Head of Programme or Head of Research Programmes will consider the results of the investigation. Where it is concluded that academic misconduct has not taken place, no further action will be taken. Where it is considered that academic misconduct has taken place, a course of action based upon the severity of the alleged misconduct will be determined.
13. Where the Head of Programme or the Head of Research Programmes considers that a minor breach of the Regulations has taken place, they may exercise discretion to address the matter through tutorial advice and support for the student.
14. Where the Head of Programme or the Head of Research Programmes considers that a serious breach of the Regulations has taken place, they will complete a written report and submit it to the Registrar, together with the evidence.
15. Students are advised to seek the support of the RCASU and/or Student Support, who can advise on the procedures and support students through the process.
16. The Registrar will consider the report and evidence and determine an appropriate course of action, based upon the severity of the allegation. If the Registrar considers that there is insufficient evidence for the case to go forward to an Inquiry Panel, the student will be informed, in writing, that the case has been closed.

17. If the student accepts, during the investigation phase, that they have breached this Policy, the Registrar may make a recommendation to the Academic Board for Concessions and Discipline on the severity of the misconduct and an appropriate penalty.
18. If the student contests an allegation of academic misconduct during the investigation phase, or an admitted breach of the Regulations is serious and there is sufficient evidence for an Inquiry Panel to consider the case, then the Registrar will convene an Inquiry Panel Hearing.
19. Where an Inquiry Panel is required, the Registrar shall convene a Panel to hear the case. The Panel shall consist of three academic members<sup>2</sup> of staff of the College at Senior Tutor level or above, one of whom shall be in the Chair. No members of the Panel shall be drawn from the School(s), Research Centres or Directorates with responsibility for delivering the programme to which the parties to any allegation are registered.
20. The Registrar will appoint a Secretary to the Panel, normally chosen from staff of the Registry, Student Support or the Academic Development Office.
21. The Hearing will be convened no fewer than 10, and no more than 20, working days from receipt of the allegation. The subject shall be offered at least three different times for a Hearing, which shall be between 9.30 – 5.30, between Monday – Friday on days when the College is open, and shall take place on the College premises or via remote technology. If the subject does not accept one of these times then the Hearing may proceed in their absence.
22. The Panel shall receive the allegation submitted to the Registrar. In addition, parties to the allegation shall be invited to submit additional documentation, for circulation to the Panel and parties to the complaint no later than 5 working days before the date of the Hearing.
23. The subject and the person making the allegation shall normally be expected to attend the Hearing to give evidence. Any other persons may be asked to attend the Hearing to give evidence, at the discretion of the Chair.

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<sup>2</sup> Defined as a member of RCA staff on an AEF contract

24. The parties to any allegation may be accompanied by another student, member of staff or RCASU representative, but that person will only be permitted to speak on the party's behalf at the discretion of the Chair. The parties must notify the Secretary to the Hearing no later than 5 working days before the Hearing, of the identify of any person accompanying them to the Hearing.
25. Each party's evidence or statement(s) will be given in the presence of the other parties involved in the dispute. Cross-examining by the parties is not permitted, but questions may be permitted through the Chair, at the Chair's discretion.
26. All parties shall be permitted to view all evidence considered by the Panel, and to attend all sessions held as part of the Hearing, with the exception of the introductory meeting and final discussion of the outcome. Neither party shall attend either of these latter sessions. Under no circumstances shall either of the parties view or hear evidence or statements taken as part of the Hearing without the other party present.
27. The Panel may either:
  - (a) Uphold the allegation
  - (b) Partially uphold the allegation
  - (c) Reject the allegation.
28. If the Panel either upholds, or partially upholds the appeal then it may:
  - (a) Take no further action (the allegation of misconduct is upheld but no additional penalties are considered to be warranted);
  - (b) Issue a reprimand;
  - (c) Issue a written warning and/or requirement to give a written undertaking as to future conduct;
  - (d) Make a recommendation to the Academic Board for Concessions & Discipline that the student should be referred, and required to attempt an assessment or assessments again;
  - (e) Make a recommendation to the Academic Board for Concessions and Discipline that the student's registration be terminated. The Panel shall also have the power to impose combinations of the above penalties.
29. The Inquiry Panel may make recommendations following consideration of an allegation, even where the allegation is rejected. Recommendations shall be considered by the appropriate School, Research Centre or Directorate, who shall

submit their response to the Registrar. An annual report, detailing formal complaints, allegations and appeals received, outcomes, recommendations and responses shall be submitted to the Senior Management Team, Academic Standards Committee and Senate, with a summary report to the Council.

30. The Panel shall normally advise parties verbally of the outcome of their consideration on the day of the Hearing. A full, written, report of the Hearing will be drafted within 10 working days of the Hearing, and submitted to the parties to the complaint, who will be asked to check for factual accuracy. Any suggested amendments from the parties will be considered by the Chair, who will retain the right to reject these amendments. A final report will be submitted to all parties within 20 working days of the Hearing.
31. If, following receipt of the final report of the Hearing, the subject wishes to appeal the decision of the Panel, they may submit a request for a review of the decision to the Chair of the Academic Board for Concessions & Discipline, in accordance with Stage Two of this Policy.

## **Stage Two – Review**

32. Subjects of an allegation who wish to submit a request to review a decision taken at Stage One of this Policy should submit their request in writing (via email) to the Registrar. The Registrar will arrange for the request to be reviewed by the Chair of the Academic Board for Concessions & Discipline.
33. Any request for review at Stage Two must be made on one or more of the following grounds:
  - (a) That the provisions of this Policy were not correctly applied;
  - (b) That the decision of the Panel cannot be sustained given the evidence;
  - (c) That evidence has become available that could not reasonably have been presented to the Panel at the Stage One Hearing, and that may arguably have led to the Panel making a different decision;

And must be received by the Registrar within 20 days of issue of the final report of the Stage One Hearing.

34. It should be noted, in respect of the provision to review a decision on the basis that the decision of the Panel cannot reasonably be sustained, that a case must be made

that the decision is manifestly unjust, rather than simply that the complainant disagrees with the outcome.

35. The Chair of the Academic Board for Concessions & Discipline will consider the case made by the subject, and may seek additional evidence, either from the parties to the appeal or from any other source. The Chair of the Academic Board for Concessions & Discipline will not normally interview parties to the complaint personally.
36. The Chair of the Academic Board for Concessions & Discipline may either uphold or reject the request to review. If the request is upheld they may either:
  - (a) Refer the appeal back to the original Panel, with guidance, to be heard in accordance with Stage One of this Policy;
  - (b) Require the Registrar convene a new Panel to hear the complaint, to be heard in accordance with Stage One of this Policy.
37. The Chair of the Academic Board for Concessions & Discipline's decision shall be the final decision on behalf of the RCA.

### **Students with Disabilities**

38. The College is committed to fulfilling its obligations under the 2010 Equalities Act. The College is committed to taking positive steps to ensuring that students with disabilities are treated no less favourably than other students within its processes. Reasonable adjustments shall be made throughout the processes to support students with disabilities. These may, for example, include permitting representatives to speak on behalf of students or extending timescales for submitting complaints. Any reasonable adjustment will be proportionate and relevant to the disability, and will be approved by the Registrar.

### **Office of the Independent Adjudicator**

39. Once the Chair of the Academic Board for Concessions & Discipline's decision has been taken, any appeal that is not referred back to Stage One of the Policy shall be considered completed by the College, and a Completion of Procedures letter will be issued. This letter shall confirm the outcome of the process, with any appropriate explanation. The letter shall also give guidance on steps that the student may take to refer the matter to the Office of the Independent Adjudicator ("OIA"), a body

independent of the College established to review unresolved complaints from students in higher education, should they remain unsatisfied. Further information on the OIA can be viewed at their website: [www.oiahe.org.uk](http://www.oiahe.org.uk).

Senate June 2017

Amendments proposed Trevor Pearce July 2022