

# Academic Misconduct Policy

# ACADEMIC MISCONDUCT

(CHEATING IN ASSESSMENT)

## HIGHER NATIONAL AND COLLEGE HE TAUGHT COURSES

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## Introduction

- 1 Nescot is a community bound by, among other things, a culture of Academic Integrity. Students are continually supported and guided in what constitutes Academic Integrity and why this enriches their experience and bestows benefits intrinsically linked to knowledge acquisition, skills development, and qualification. Academic Misconduct is, in essence, a breach of this norm, and the application of these Regulations is primarily to protect this culture.
- 2 The academic misconduct procedure is an internal procedure designed to examine why a piece of assessment has been judged by the Programme Leader to be the result of academic misconduct, and why the student believes that this is incorrect. It is not a legal process. Should a student wish to pursue a complaint through legal channels then this matter will be treated separately from the Academic Misconduct Procedures. Letters received from solicitors shall be treated as legal matters. In such cases, the matter will be referred to the Deputy Principal.
- 3 The procedures allow both parties to present their viewpoints. Further information relating to accompaniment and representation can be found in paragraphs 40-43.
- 4 A finding that academic misconduct has occurred is a judgement based on available evidence, the standard of proof being the balance of probability. What this means is that, on the basis of the evidence, it is more likely than not that academic misconduct has occurred. Course teams are therefore required to provide evidence that academic misconduct against the definitions provided in this procedure has taken place. The student is not required to prove that it has not.
- 5 The College views academic misconduct very seriously. In the case of programmes which are validated by an awarding University partner, then the allegations will be subject to the relevant regulations of the awarding body. For all other HE programmes<sup>1</sup> this set of regulations apply. It should be noted that these regulations and associated procedures explicitly refer to Higher National Diploma and Certificates and programmes validated by the Open University. The SMT has delegated to its Assessment Boards the authority to impose penalties for academic misconduct that may include the termination of students' registration and expulsion from the College. The possible penalties are outlined in Annex 1.
- 6 These Regulations do not cover matters which have already or are currently being considered by the Office of the Independent Adjudicator for Higher Education (OIA), a court, or a tribunal.
- 7 Student expenses for attending an Academic Misconduct Hearing will not be reimbursed by the College regardless of the subsequent outcome.

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<sup>1</sup> For example Pearson awards

## **Section 1: Definition of Academic Misconduct (Cheating)**

- 8 The College defines academic misconduct (cheating) in assessment as any attempt by a student to gain an unfair advantage in assessments or to aid another to gain such an advantage. Examples of the types of academic misconduct covered by these procedures are provided below, but this should not be regarded as a definitive list. The College reserves the right to include other types of academic misconduct under this procedure.
- 9 The College recognises that there is a difference between Academic Misconduct and poor academic practice. In cases of poor academic practice, the work will be marked according to the relevant grade criteria, and students will be directed to the resources available to help them improve their working methods and avoid potential breaches of Academic Integrity.

## Section 2: Types of Academic Misconduct

10 The College recognises the following types of academic misconduct:

**(a) Plagiarism (including copying)**

The College defines plagiarism as the act of presenting the work of another person (or people) as one's own without proper acknowledgement. This includes copying the work of another student or other students.

The College expects students to take responsibility for the security of their work (i.e., with written work, to ensure that other students do not get access to electronic or hard copy of the work). Failure to keep work secure may result in the same penalty being imposed on all those involved if the origin of the work is in doubt.

Guidelines on plagiarism are available.

The College will not accept a lack of understanding of the requirements for acknowledging the work of others as a legitimate defence for academic misconduct.

In cases where a student resubmits the same plagiarised work for reassessment this is considered a new offence and the procedure as outlined in these regulations must be followed.

**(b) Self-Plagiarism**

The College defines self-plagiarism as the act of presenting part or all of a student's work that has been previously submitted to meet the requirements of a different assessment except where the nature of the assessment makes this permissible.

**(c) Collusion**

The College defines collusion as the act, by two or more students of presenting a piece of work jointly without acknowledging the collaboration.

This is the case even when those involved in the collusion are not aware that their work has been presented.

The College also defines collusion as the act of one student presenting a piece of work as their own independent work when the work was undertaken by a group. With group work, where individual members submit parts of the total assignment, each member of a group must take responsibility for checking the legitimacy of the work submitted in his/her name. If even part of the work is found to contain academic misconduct, penalties will normally be imposed on all group members equally.

**(d) Cheating in examinations or tests**

The College defines cheating in examinations or tests as including:

- taking notes or any unauthorised materials into examinations (whether or not there is evidence that they were used). This includes having notes available in toilets or other areas that may be visited during the examination.
- obtaining an advanced copy of a question paper
- unauthorised communication during an examination (including

- via telephone or other electronic media)
- removing an examination answer book from the examination room
- copying from another candidate
- allowing oneself to be impersonated
- impersonating another candidate.

**(e) Fabricating or falsifying data or using without permission another person's work**

The College defines the act of fabricating or falsifying data to include presenting work that has not taken place. This includes laboratory reports or projects based on experimental or field work. It may also include falsifying attendance sheets for placements where this is part of the assessment requirements.

**(f) Purchasing or commissioning**

The College defines the act of purchasing or commissioning as either purchasing work for an assessment including, for example from the internet, or commissioning someone else to complete an assessment. For taught courses at all levels, the commissioning of proof-reading, whether this is from a commercial provider or a personal contact, falls under this definition and is considered academic misconduct.

Where students are judged to be aiding others outside the jurisdiction of the College or are acting as an agent for a third party, they will be dealt with under the general disciplinary processes, which is available on the College's website.

**(g) Contract Cheating**

When a third party completes work for a student who then submits the work as a piece of their own, where such input is not permitted. These third parties may supply a range of services in addition to essay writing. Contract cheating can refer to situations whereby a previous student, family member or friend completes an assessment whole or in part which may involve a financial relationship (QAA, 2021).

- 11 These examples of academic misconduct are not exhaustive, and the College reserves the right to include other types of cheating under the terms of this procedure.

## Section 3: Procedures for Dealing with Academic Misconduct

### Academic Induction Period

- 12 The College recognises that students who are new to UK higher education may need some time to learn how to acknowledge sources properly. Therefore, it operates an 'academic induction period' during which the focus of the College's response to signs of academic misconduct is to educate students in regard to appropriate academic practice and academic integrity rather than to penalise unacceptable academic practice. This applies to plagiarism and collusion. ***It does not apply to other forms of academic misconduct where penalties will immediately apply.***
- 13 The academic induction period applies to all full-time and part-time students at undergraduate level and is defined as: the first academic year of a student's registration with the College on an undergraduate course at Level 3 and 4 only.

### Informal meeting

- 14 In suspected cases of plagiarism and/or collusion the Module Leader (or other appropriate academic) will invite the student(s) to an informal meeting to discuss the identified work. The aim of an informal meeting is to allow the Module Leader to fully understand how the student has approached the assessment and to allow the student to reflect on their practices. The Quality Office should be kept informed. This meeting should not include notetaking other than to record one of three possible outcomes:
- i) there is no evidence of academic misconduct or
  - ii) the process moves onto the formal steps of the academic misconduct procedure  
or
  - iii) the student admits the presence of academic misconduct in the work.
- 15 The informal meeting should not be used to discuss regulatory issues, such as potential penalties. However, a copy of these procedures should be available to advise students should the meeting lead to the second of these three outcomes.

### Step 1 First Formal Step– actions by the Module Leader

#### **Actions in regard to academic misconduct during the academic induction period**

- 16 If summative assessment completed within the academic induction period evidences possible plagiarism and/or collusion, it may be returned to the student(s) with feedback provided on the unacceptable material for correction and resubmission. The re-submitted work will be capped at the minimum pass mark. This applies to first and concurrent offences only within the academic induction period. A student's failure to correct the work properly will lead to the procedures set out in paragraphs 16 to 38 being invoked. The Quality Office should be kept informed.
- #### **Actions in regard to academic misconduct after the academic induction period**
- 17 If the Module Leader considers that academic misconduct may have occurred after the academic induction period s/he will make a written report and submit the relevant evidence to the Head of Department. When the Module Leader is the Head of Department the relevant evidence will be submitted to a more senior member of academic staff. The Quality Office should be kept informed.
- 18 When the allegation arises from an incident in an examination room, the evidence will include the script, any materials collected in the room and the (suitably redacted) report from the Examination Office. The Quality Office should be kept informed.



## **Step 2 – actions by the Programme Leader and Quality Representative**

- (a) The Programme Leader and Quality Representative will determine there is insufficient evidence to proceed. They will then notify the person making the allegation of the reasons for not holding a hearing.
- (b) there is sufficient evidence to proceed to a formal hearing.

19 If the Programme Leader and Quality Representative judges that a formal hearing is justified, the Quality Office will be informed, and the student will be provided with:

- (a) a copy of these procedures.
- (b) written details of the allegation and a copy of all written evidence provided for the hearing by the academic who had made the allegation. This will include specific reference to the assessment in question and the nature of the suspected misconduct. For example:
  - (i) in a case of suspected plagiarism, the student should be provided with a copy of their work with the sections where plagiarism is suspected indicated and a copy of the Turnitin report detailing the identified sources.
  - (ii) in a case of suspected cheating in an examination the student should be provided with a copy of the (suitably redacted) examinations office report and copies of any materials removed from the student in the exam venue (if applicable).
- (c) the date, time, and place of the hearing. The College will try to arrange the hearing at a time that is suitable for the student. Normally the hearing will take place within six weeks of the date that the student is formally notified in writing that an allegation has been made.

20 Where the evidence of misconduct relates to a group of students, the Programme Leader will judge from the nature of the offence and the numbers involved, whether to hold individual hearings or to call the group together in a single hearing. The Quality Office should be kept informed.

21 Where a student has been permitted a reassessment attempt after having been found guilty of academic misconduct and it is suspected that he or she has committed academic misconduct on the reassessment, this must be treated as a new offence and all relevant stages of this procedure must be followed. The Quality Office should be kept informed.

## **Step 3 – actions by the student**

22 At this stage, the student may decide to admit that the allegation of academic misconduct is justified by providing a written statement. In this case no formal hearing will take place. The Director of HE will be informed of the academic misconduct and the student's admission and determine the relevant penalty to be imposed. This will be recommended to the assessment board to ratify the decision or alter it in light of the student's complete profile. A copy of the statement provided by the student will be kept on her/his file.

23 If the student wishes to proceed to a formal hearing, s/he will be asked to confirm attendance to the Programme Leader and to provide the name of any person chosen to accompany the student (see paragraphs 40-43 for further information on accompaniment and representation).

24 If the student fails to attend the hearing without a reason that is deemed acceptable by the College, the hearing will proceed based on the evidence available to the panel. This will include any written submission that the student may have made.

#### Step 4 – formal hearing – actions of the hearing panel

- 25 The panel established to consider the evidence will comprise a minimum of two members of academic staff. One of these will be designated as Chair of the panel. The Chair of the panel will be chosen from a group of staff designated for this purpose by the College. The panel will be independent, *i.e.*, will not be directly associated with the student's learning and teaching.
- 26 In normal circumstances the Academic Misconduct Hearing must not be digitally recorded. While the College allows audio recordings of lectures for study purposes, hearings may not be digitally recorded, and the written notes taken by the College will constitute the official record of the hearing. The Chair of the panel will make this clear to the student at the beginning of the meeting. If the student records the hearing notwithstanding this advice, they may be subject to action under the Student Disciplinary Procedure. This rule may be waived in cases where reasonable adjustments are required.
- 27 The panel will normally interview:
- the student, who may present documentation and/or supporting evidence.
  - any relevant members of staff (e.g., module leader, or Programme Leader who will present the evidence).
- 28 The student, their representative (where present) and the staff member(s) presenting the evidence will then be asked to leave the hearing whilst the panel considers its decision.
- 29 The panel will decide if:
- a) there is insufficient evidence of academic misconduct.
  - or
  - b) there is evidence of academic misconduct.
- 30 Where it is found that there is insufficient evidence of academic misconduct, the process will be terminated, and no report will be kept on the student's file.
- 31 Where it is found that there is evidence of academic misconduct, the panel shall then be advised of any prior instances of academic misconduct committed by the student to be able to determine a recommendation for the level of penalty to be imposed (see Annex 1: Penalties for Academic Misconduct all non-OU programmes, or Annex 2: AMBeR Tariff (for OU Programmes). In the interests of natural justice this information should not be made available to the panel prior to the decision being made.
- 32 Once a decision has been determined, the student, their representative (where present) and the staff member(s) presenting the evidence will be invited back into the hearing to be verbally advised of the outcome. It is recognised that there are instances where further information may need to be sought prior to the panel making a final decision, for example advice on detailed PSRB regulations. In these instances, the student should be verbally advised of the need for further information to be sought and provided with a date by which the final decision will be advised.
- 33 Following the conclusion of the hearing, a summary report will be presented to the Programme Assessment Board, setting out the nature of the allegations and the recommendation of the panel concerning the level of penalty to be imposed. The student(s) will be provided with a copy of this report and a copy will be placed on the student's file.

- 34 If the outcome of the academic misconduct procedures indicates that a fitness to practice issue additionally arises, the separate Fitness to Practice procedures will be invoked. However, in these instances, it may not be necessary to carry out the initial investigation stage of the Fitness to Practice procedures.

#### **Step 5 – actions by the Assessment Board**

- 35 The student's results together with the report of the formal hearing (including the recommendations of the formal hearing panel for the penalty to be imposed) will be noted by the Assessment Board.

#### **Academic Misconduct found within Partnership Scrutiny**

- 36 As part of NESCOL's robust quality assurance processes assessments completed by NESCOL's partners will be sampled by the quality team in Surrey. Assessments, grades, feedback, and moderation paperwork is reviewed. If a member of the quality team suspects Academic Misconduct is present in students work presented, then they will undertake the informal student meeting under points 14 and 15 of this policy. Points 16 to 18 will be considered in light of the findings. The member of staff in the Quality office will act as the Quality Representative in determining if there is insufficient or sufficient evidence and a decision will be made on the evidence presented (point 20 of this policy).

Due to suspected Academic Misconduct not being found at the partnership it will be down to the Quality Representative only to determine if a formal hearing is justified (point 20) – the student and Programme Leader will be informed of the decision and outcome.

If a formal hearing is justified, then the Academic Misconduct policy will continue from Step 2 – point 20. The Quality Office should be kept informed throughout.

#### **Consistency of treatment**

- 37 The College aims to treat its students consistently across all programmes, but it recognises that some courses lead to both a college qualification and a licence to practice. These courses may have specific codes of conduct of professional behaviour which will be clearly communicated to students. Any record of academic misconduct may result in the termination of a student's registration on one of these courses as the College will be unable to confirm students' suitability to practice.

#### **Accompaniment and representation**

- 38 A student may wish to seek advice however, this is an internal procedure, and it is appropriate for students to represent themselves with any necessary support which is permitted as follows:

#### **Accompaniment**

- 39 Students invited to attend a hearing may be accompanied by a friend or family member. The individual accompanying is not permitted to make representations or ask or answer questions on behalf of the student or attend in any legal capacity.

#### **Non-Legal Representation**

- 40 Non legal representation by any third party will only be permitted where there is a compelling reason, such as ill health and/or disability where support is required to present the case. In such circumstances, representation must be agreed with the staff member responsible for that stage of the process, and the student must provide signed written consent for the representation.

#### **Legal Representation**

- 41 Legal representation will not be permitted at hearings. Legal representation at any other stage of the procedure may only be permitted in exceptional circumstances and

if considered necessary by the College (whose decision is final).

## Section 4: Penalties

- 42 The penalties in Annex 1 have been determined based on the following principles and apply to all programmes which are not validated by the OU or Pearson:
- no student should gain any advantage over another because of academic misconduct for students found guilty of collusion, all students implicated in the case should normally receive the same penalty.
  - for students found guilty of plagiarism or copying group work, all those involved will normally receive the same penalty.
  - mitigating circumstances cannot excuse academic misconduct.

The penalties in **Annex 2** have been determined based on the AMBeR tariff which applies to all Open University programmes.

The following principles apply and are focused on five key areas:

1. **History:** How many times has the student been caught plagiarizing?
2. **Amount/Extent:** How much of the work is plagiarized?
3. **Student Level/Stage:** How far along is the student in school?
4. **Value of the Assignment:** How important was the assignment in terms of the student's grade?
5. **Additional Characteristics:** Did the student attempt to hide the plagiarism and other miscellaneous factors.

From there, the students' scores are tallied, and they are assigned a punishment ranging from blue to black. Blue being a mere formal warning and black being (up to) expulsion.

See below for more detail on the AMBeR tariff.

<https://www.plagiarismtoday.com/2012/08/06/looking-at-the-AMBeR-benchmark-plagiarism-tariff/>

- 43 This judgement is final and not subject to appeal.
- 44 Where the regulations of accrediting Professional, Statutory and Regulatory Bodies (PSRB) require, the Assessment Board will terminate a student's registration for any occurrence of academic misconduct.
- 45 Students will not be permitted further reassessment where an offence of academic misconduct is committed at the final assessment opportunity allowed under the Regulations.
- 46 Registration may be terminated where other penalties in Annex 1 are not possible (e.g., where modules cannot be repeated and where an award cannot be reduced). Note this does not apply to OU validated programmes which are subject to the AMBeR tariff. The academic misconduct penalties apply to a student for the duration of their registration for the qualification aim upon which they were registered at the time of the offence.

### **Concurrent offences**

#### *Within the Academic Induction Period*

- 47 Concurrent offences of academic misconduct will not be considered to be repeat.

#### *After the Academic Induction Period*

- 48 Concurrent offences of academic misconduct will be considered to be repeat offences. Penalties for second, repeat, and concurrent offences are set out in Annex 1.
- 49 Failure due to academic misconduct cannot be compensated.
- 50 In exceptional circumstances the Student Disciplinary Procedure will apply where academic misconduct has brought the good name of the College into disrepute or criminal proceedings are involved or where that misconduct constitutes any other breach of the College's Regulations.

### **Academic Appeals**

- 51 A student can use the procedures set out in the Academic Appeals Procedure to request a review of the decision of the panel if there is evidence that the procedure was not followed.
- 52 A student cannot appeal against the penalty imposed by the Programme Assessment Board.

## Annex 1: Penalties for Academic Misconduct for Higher Nationals and Other College Based Courses (except for OU programmes (please see Annex 2 AMBeR Tariff))

**Note:**

- The College reserves the right to terminate the registration of any student for academic misconduct.
- The academic misconduct penalties apply to a student for the duration of their registration for the qualification aim upon which they were registered at the time of the offence (see paragraph 49 for further explanation).
- Where the regulations of accrediting Professional, Statutory and Regulatory Bodies (PSRB) require, the Assessment Board will terminate a student's registration for any occurrence of academic misconduct.
- Students will not be permitted further reassessment where an offence of academic misconduct is committed at the final assessment opportunity allowed under the course Regulations.
- Any reassessment will be capped at the module or element as appropriate.

<b>TABLE OF PENALTIES</b>		<b>Applicable to all taught programmes with the exception of Open University programmes</b>	
<b>Module Level</b>	<b>Type of academic misconduct</b>	<b>1<sup>st</sup> offence:</b>	<b>2<sup>nd</sup>, repeat or concurrent offence:</b>
3	Plagiarism or collusion	Element of assessment awarded a mark of zero. Additional learning support will be provided. (a)	Module awarded a mark of zero (b) An opportunity to retake the module will be offered. Module mark to be capped at bare pass
3	Other type of academic misconduct	Module awarded a mark of zero. Additional learning support will be provided. (b)	Module awarded a mark of zero (c) Reassessment by repeating in next academic year. For any further incidents, the Assessment Board will terminate the registration. (d)
4	Plagiarism or collusion	Element of assessment awarded a mark of zero. (a) Additional learning support will be provided.	Module awarded a mark of zero. (b) An opportunity to retake the module will be offered. Module mark to be capped at bare pass
4	Other type of academic misconduct	Module awarded a mark of zero. (b) Additional learning support will be provided.	Module awarded a mark of zero (c) Reassessment by repeating in next academic year. For any further incidents, the Assessment Board will terminate the registration. (d)
5	Plagiarism or collusion	Module awarded a mark of zero. (b) Additional learning support will be provided	Module awarded a mark of zero. (c). Reassessment by repeating in next academic year. For any further incidents, the Assessment Board will terminate the registration. (d)
5	Other type of academic misconduct	Module awarded a mark of zero (c) An opportunity to repeat the module will be offered.	Module awarded a mark of zero. (d). No reassessment will be permitted The Assessment Board will terminate the registration.

**Penalty a** - Element of assessment awarded a mark of zero Additional learning support will be provided. Module mark not capped (penalty a)

**Penalty b** - Module awarded a mark of zero. Additional learning support will be provided. Module may be reassessed by retake within the same academic year. Module mark capped at bare pass.

**Penalty c** - Module awarded a mark of zero.

An opportunity to repeat the module will be offered for the next academic year (so a new fee for the module will be levied). Reassessment by retake will not be permitted. Module mark capped at bare pass.

**Penalty d** - Module awarded a mark of zero.

No further reassessment will be offered.



## Annex 2: Penalties for Academic Misconduct for Open University Validated Programmes (AMBeR Tariff)

### HISTORY

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

### AMOUNT / EXTENT

Below 5% <b>AND</b> less than two 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.*

### LEVEL / STAGE

Level 1	<b>70 points</b>
Level 2	<b>115 points</b>
Level 3/Postgraduate	<b>140 points</b>

### VALUE OF ASSIGNMENT

Standard weighting	<b>30 points</b>
Large project (e.g., final year dissertation)	<b>60 points</b>

### ADDITIONAL CHARACTERISTICS

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

**40 points**

## PENALTIES (Summative Work)

In all cases a formal warning is given, and a record made contributing to the student's previous history.

Points	Available Penalties
280 -329	<ul style="list-style-type: none"> <li>Assignment awarded 0% - resubmission required, with no penalty on mark</li> </ul>
330 -379	<ul style="list-style-type: none"> <li>Assignment awarded 0% - resubmission required, with no penalty on mark.</li> <li>Assignment awarded 0% - resubmission required but mark capped or reduced</li> </ul>
380 -479	<ul style="list-style-type: none"> <li>Assignment awarded 0% - resubmission required but mark capped or reduced.</li> <li>Assignment awarded 0% - no opportunity to resubmit</li> </ul>
480 -524	<ul style="list-style-type: none"> <li>Assignment awarded 0% - no opportunity to resubmit.</li> <li>Module awarded 0% - re-sit required, but mark capped or reduced.</li> <li>Module awarded 0% - no opportunity to re-sit, but credit still awarded</li> </ul>
525 - 559	<ul style="list-style-type: none"> <li>Module awarded 0% - re-sit required, but mark capped or reduced.</li> <li>Module awarded 0% - no opportunity to re-sit, but credit still awarded.</li> <li>Module awarded 0% - no opportunity to re-sit, and credit lost.</li> <li>Award classification reduced.</li> <li>Qualification reduced (e.g., Honours -&gt; no Honours)</li> <li>Expelled from institution but credits retained.</li> <li>Expelled from institution with credits withdrawn</li> </ul>
560+	<ul style="list-style-type: none"> <li>Module awarded 0% - no opportunity to resit, and credit lost.</li> <li>Award classification reduced.</li> <li>Qualification reduced (e.g., Honours -&gt; no Honours)</li> <li>Expelled from institution but credits retained.</li> <li>Expelled from institution with credits withdrawn</li> </ul>

## PENALTIES (Formative Work)

280 -379	Informal warning
380+	Formal warning, with record made contributing to the student's previous history