

# Section 60: Academic Misconduct Procedures

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## **Definitions**

### Academic Integrity

The basis for ethical decision-making and behavior in an academic context. This is reflected in norms of acceptable academic practice and is informed by the values of honesty, trust, responsibility, fairness, respect, and courage.

### Academic Misconduct

Actions which intentionally or unintentionally are contrary to the values and practices associated with academic integrity.

### Cheating, academic dishonesty and dishonest academic conduct

Acts of dishonesty intended to gain an advantage for oneself or others in academic work. Such dishonesty is the intention to deceive. Examples of actions that are likely to be regarded as cheating can be found in section 2.

### Academic Misconduct Register

A confidential register of proven cases of academic misconduct at Sancta Maria College, used solely for investigating and reporting on academic misconduct.

### Head of Department

For the purposes of these procedures, the Head of Department, or the Teacher in charge for the assessment in which academic misconduct is alleged to have occurred.

### Principal's Nominee

Person within the school that has been directly appointed by the Principal of Sancta Maria College to uphold the practices stated by the New Zealand Qualifications Authority.

## Section 61: General Guidelines

(a) Sancta Maria College shall investigate alleged instances of academic misconduct in a manner which is fair, consistent and transparent.

(b) Sancta Maria College defines three levels of academic misconduct:

- **Level One:** A first instance of academic misconduct where a student's actions may be regarded as unintentional or naïve and contributed to by a lack of understanding of acceptable academic practice.
- **Level Two:** Academic misconduct where a student's actions are perceived to be intentional and where the student could reasonably be expected to understand academic practice, or any repeat instance of academic misconduct.
- **Level Three:** Academic misconduct in which actions are perceived as being intentional and of an extremely serious nature including instances of falsification or fabrication of data, impersonation and/or purchasing of assessment.

(c) Notwithstanding the definitions provided in clause 1(b), any academic misconduct which occurs in a final examination/assessment and from which a student gains a demonstrable academic advantage, shall normally be considered Level Two or Level Three misconduct.

(d) Consistent with the University's Academic Integrity Policy, Level One misconduct will be treated in an educative manner. Level Two and Three misconduct will result in disciplinary sanctions.

## **Section 62: Types of Academic Misconduct (CHEATING)**

### **(1) Plagiarism:**

Plagiarism, which is the copying or unauthorised use of the work of another within a piece of assessment without adequate acknowledgement of the copying or unauthorised use, thereby representing the work as your own. Plagiarism includes copying from such sources as textbooks, journal articles, websites, and the work of another student or person.

### **(2) Unauthorised collaboration or Collusion:**

Collusion is working with another student on an individual assessment and submitting the work as your own. Examples of unauthorised collaboration include receiving professional assistance not from Sancta Maria College; example students who have left Sancta Maria College. Swapping assignments

### **(3) Multiple submissions of single assessment:**

Submitting substantially the same work for multiple assessments; presenting work submitted previously at Sancta Maria College or another educational institution.

### **(4) Impersonation:**

Getting someone else to participate in any assessment on one's behalf, including getting someone else to sit a test or examination on one's behalf.

### **(5) Use of unauthorised materials:**

Using unauthorised material in the completion of an assessment unless expressly permitted to do so. Example: Notes, calculators, translators, computers, or any other electronic devices (e.g. cell phones or tablets, watches)

### **(6) Assisting others in academic misconduct:**

Enabling the academic misconduct of others, which can include giving another student your own work that is then copied and submitted as the work of the other student, giving another student the output of any generative artificial intelligence tool that is the submitted as or otherwise used in the work of the other student, assisting another student to use a generative artificial intelligence tool in a manner that is not expressly permitted for the assessment, completing academic work for another student which is the submitted as the work of the other student, and sharing questions and answers for an active exam.

### **(7) Misrepresentation:**

Feigning disability, temporary illness or injury or exceptional circumstances beyond one's control, and then claiming special conditions and/or special consideration.

### **(8) Purchasing assessment:**

Submitting for assessment material obtained from commercial essays, assignment services, other students, or any other source. Using material obtained from commercial essay or assignment services.

**(9) Falsification/Fabrication:**

Falsifying or fabricating the results of one's research or laboratory assignments; presenting as true or accurate material that one knows to be false or inaccurate. For example, in laboratory reports or publications, or in quotations by interview subjects, or EOTC trips. Presenting data obtained improperly (e.g. data collected without permission and or prior approval of the relevant ethics committee).

**(10) Breach of Ethics:**

A breach of a duty of confidentiality, privacy, or the terms of any ethical approvals.

**(11) Breach of Exam / Test Regulations:**

Student usually obtains and uses work from another source.

- a. Using a cheat sheet, lecture notes and/or textbook folks on a closed book exam.
- b. Talking in a foreign language during an exam.
- c. Accessing digital devices when devices are banded for this assessment.
- d. Looking at appears assessment.
- e. Printing or emailing online test questions when not permitted.
- f. Stealing, copying, taking photos, deliberate sighting of an exam paper. From a teacher's desk. Or other methods of obtaining.
- g. Use of materials obtained by method F. and used in another person's assessment.

**(12) Copying:**

Copying from another person in an examination or other assessment activity.

This type of cheating is typified by the students obtaining work from another source:

- a. Copying from the web.
- b. Sharing ones work with another student.
- c. Taking work left on the computer, photocopier, and network.
- d. Copying from a textbook, USB, articles, and websites.
- e. Stealing someone else's work.

**(13) Ghost Writing:**

Ghost writing or contract cheating, which is causing or allowing another person to complete academic work for you and submitting it as your own.

**(14) Other Academic Misconduct or forms of Academic dishonesty:**

Actions that are deemed to contravene the values and accepted practices associated with academic integrity.

**(15) Use of CHAT GPT or Other Artificial Intelligence tools: Academic Fraud**

The use of generative artificial intelligence tools, including to generate text, code, equations, or other content, except where such use is expressly permitted and is declared or referenced by you in the manner required.

## Section 63: Authority for Dealing with Academic Misconduct

- Schools must have procedures to investigate any conduct by Candidates in internal assessment similar to those outlined in the [Breaches of the Rules - External Assessment](#).
- The Principal's Nominee must investigate any report of a possible breach of the rules by a Candidate in an internal assessment in accordance with the school's written procedure.
- **In the first instance:**
  - a. All instances of academic misconduct in examinations must be referred to the principal's nominee, who will liaise curriculum leader/Head of department.
  - b. Alleged instances of Level One academic misconduct which proceed to an investigation will be dealt with by HOD's and the Principals nominee.
  - c. Alleged instances of Level Two and Level Three academic misconduct, which proceed to a full investigation shall be dealt with by the Principals Nominee and the Deputy Principal (Curriculum).
  - d. Alleged instances of Level Three academic misconduct and extremely serious academic misconduct shall be referred to and dealt with by the Principal and Deputy Principal (Curriculum), if the investigation completed by the Principal's Nominee has determined misconduct occurred recommends that the student concerned be formally disciplined.
- The Principal's Nominee must allow the Candidate an opportunity to provide an explanation and will decide on any disciplinary action to be taken in accordance with the school's written procedures if the explanation does not satisfy the Principal's Nominee that a breach did not occur.
- Where a Candidate has been found to have breached the rules whether *knowingly, fraudulently, or unwittingly*, and the breach undermines the credibility of the assessment, the school must report a "Not Achieved" for the assessment standard.
- Candidates have the right to an appeal to a designated person in a School, of any decision made relating to any possible breach of the rules under the school's documented appeal process.
- All candidates who have been breached authenticity through academic misconduct will be added to a confidential academic misconduct register that only the principal's nominee and data manager manage. The purpose of this document is to monitor and ensure students are not repeatedly breaching authenticity.
- Breach of authenticity in external assessment standards must be guided only by the NZQA [Breaches of External Assessment Rules](#)

## Section 64: Procedural Fairness

- A student shall be presumed innocent unless and until guilt is freely admitted or is determined beyond reasonable doubt.
  
- Sancta Maria College will ensure that:
  - a. The student will have access to information about the allegations of misconduct.
  - b. The student will be given adequate notice of the process and timelines for dealing with the alleged misconduct.
  - c. The student will be offered the opportunity to be heard before a determination is made in relation to the alleged misconduct.
  - d. The process of inquiry and determination will be conducted without bias.
  - e. A determination will be made only based on facts and documentation relevant to the alleged misconduct (this will include the referencing of the academic misconduct register to ascertain whether the student has been involved in previous cases of academic misconduct)
  - f. The student will be notified in writing of the outcome including reasons to explain the outcome.
  - g. The student will be notified of their right of appeal in accordance with clause 10 of the Academic Integrity Procedures.

## Section 65: Academic Misconduct Procedures

This is the process that is followed when the authenticity of student work is alleged to be compromised:

*Appendix I - Academic Misconduct Form.....At the back of this document*

### **Step by Step Procedure if Academic Misconduct is suspected:**

1. If there is a question about authenticity, then the class teacher shows the suspect work to the Curriculum Leader (Head of Department).
2. The Curriculum Leader (Head of Department) will collect all supporting data and collate and outline areas of discrepancy and gather all possible evidence.
3. Curriculum Leader (Head of Department) will complete academic misconduct form.
4. The HOD or teacher of student will interview the student and decide about whether Academic misconduct has taken place and if so the level/severity of Academic Misconduct.
5. The HOD will give the completed forms to the principal's nominee during a meeting to discuss next steps.
6. The student will meet with the Principal's Nominee and the student will be given an opportunity to explain the HOD's/Teacher's findings and whether there is a fair explanation and the level of intent by the student (intentional or unintentional).
7. The student, Curriculum leader (Head of Department) and parents will be informed of the final decision.
8. Formal letter sent to parents and student if the student has performed academic misconduct.
9. Academic misconduct form is signed by the student, HOD and Principals nominee.
10. Students may use the appeals process if they want to query the decision of the Principal's Nominee. The process will then be completed by SLT and complete an investigation and interview the student.
11. If no appeal or after appeal student is still accused, the students name and type of misconduct will be added to an Academic Misconduct Register (Only seen by Principals Nominee and Data Manager)

The penalties for academic misconduct are scaled on three levels of academic misconduct. Please refer to Academic Misconduct Matrix for full description.

Further penalties may be imposed by the Senior Leadership. The seriousness of the penalty will be dependent on the seriousness of the incident, the level of intent and the impact it had on other students and staff. The appeals process may be used to appeal a decision of punishment also.

## Section 66: Considerations for Principals Nominee and HOD

- An investigation shall be carried out whenever academic misconduct is identified by the Curriculum Leader (Head of Department) and/or Principals Nominee. This should usually occur within seven days or at a time that is reasonable of detection of the alleged offence and should determine either that:
  - a. There is sufficient evidence that the matter should proceed to a full investigation; or
  - b. There is insufficient evidence to proceed; or
  - c. There is no case and the matter should proceed no further.
  
- As regards to an investigation: - Academic Misconduct Register
  - a. If the student has a previous offending recorded on the Academic Misconduct Register and/or there is significant reason to believe the alleged misconduct is deliberate, the Principal's Nominee shall refer the matter to the Deputy Principal (Curriculum), providing a completed *Academic Misconduct Report Form*; or
  - b. If there is reason to believe the alleged misconduct is unintentional or naïve, and the student has no previous record of offending on the Academic Misconduct Register, the Principal's Nominee and Head of Department shall conduct a full investigation as per clause 6 below.
  
- The full investigation shall consider any material from the preliminary investigation (previous history of academic misconduct), any further evidence collected, and shall take account of the following factors:
  - a. The extent of the misconduct
  - b. The student's intention
  - c. Contextual factors including but not limited to:
    - Academic level of the programme (Level 1,2,3)
    - Number and severity of previous offences.
    - Other information relevant to the case
    - The extent to which the misconduct, if undetected, would have resulted in an unfair advantage for the student or any other student.
    - The extent to which the misconduct, if undetected, would have had potential to compromise the integrity of Sancta Maria College's assessment processes.
    - The impact of outcomes on a student's progression of NZQA qualifications Level 1,2,3 or Sancta Maria College achievement.
    - Information provided to the student prior about academic integrity.
    - Information about the student held in the Academic Misconduct Register.

## Considerations for Principals Nominee and HOD

- The student must be given the opportunity to be heard, or in writing, before a final decision is made.
- Following their investigation, the investigating party may:
  - Find that no academic misconduct has occurred.
  - Determine an outcome commensurate with their powers and the level of offending as per Clause 7 of these procedures.
  - For allegations which have been investigated by the Head of Department and Principal's Nominee for which there is evidence of offending above Level One, refer the matter to the appropriate Deputy Principal (Curriculum).
  - For allegations which have been investigated by the Principal's Nominee and Deputy Principal (Curriculum) for which there is evidence of offending at Level Three, refer the matter to the principal if a Level 3 punishment is recommended for the student from Sancta Maria College. The principal may (but is not obligated) consult with members of the board of trustees or seek legal advice or advice from other consultants.
  - In all instances, the outcome or referral should be reported to the Principal's Nominee and Deputy Principal (Curriculum) and Head of department.
- The investigating party must keep a detailed record of their investigation.
- Where possible, investigations should be completed within a three-week timeframe or a timeframe that allows a thorough investigation to take place.

## **Section 67: Outcomes where Academic Misconduct is proven.**

### **Level One Academic Misconduct.**

The Principals Nominee in consultation with the Head of Department, or the Departments nominees, shall take one or more of the following actions:

- i. A Not Achieved mark for the assessment affected by the academic misconduct.
- ii. Issue the student with a warning that includes information about our Academic Integrity Policy and resources available to support the policy.
- iii. Require the student to undertake a supplementary, formative reflective assessment on academic integrity.
- iv. Repeat assessment with reduced maximum grade.
- v. Require the student to complete forms of detentions.
- vi. Require the student to complete some form of community work/service that encompasses Sancta Maria College's Catholic Values.
- vii. Award a mark based on the portion unaffected by the academic misconduct with zero/Not Achieved marks awarded for affected portions.

(b) In response to

### **Level Two Academic Misconduct.**

The Principal's Nominee and/or Deputy Principal shall include at least one educational response from Level 1 or take one or more of the following actions:

- i. Submission of a revised version with a maximum of a "pass" for the assessment.
- ii. A Not Achieved mark for the assessment affected by the academic misconduct.
- iii. A reduction in the overall mark for the paper
- iv. A failure grade (Not Achieved) for the assessment standard.
- v. The cancellation of any pass or passes for any other part of the student's course undertaken in the same teaching period as the paper in which academic misconduct occurred, provided that any pass shall only be cancelled with the agreement of the Deputy Principal (curriculum) and Head of Department in which the paper is taught.

(c) In response to

### **Level Three Academic Misconduct**

Including extremely serious misconduct in an assessment, any appropriate penalties or responses listed under clauses (a), (b) and (c) may be imposed by the Principal, Deputy Principal, and Principal's Nominee. In addition, Principal may direct that the student be stood down, suspended, or excluded from Sancta Maria College permanently or for such a period as the principal may determine.

## Appendix A – Academic Misconduct Outcome Matrix

Level 3 Breach	Level 2 Breach	Level 1 Breach
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Recommended exclusion from Sancta Maria College			
Recommended suspension or stand-down from Sancta Maria College			
The cancellation of any pass or passes for any other part of the student’s course undertaken in the same teaching period as the paper in which academic misconduct occurred			
A reduction in the overall mark for the paper			
A zero mark for the assessment affected by the academic misconduct			
Submission of a new or revised version of the assessment with a maximum of a “pass” for the assessment			
Award a mark based on the portion unaffected by the academic misconduct with zero marks awarded for affected portions.			
A failure grade (Not Achieved) for the assessment in which the academic misconduct occurred			
Issue the student with a warning that includes information about the Sancta Maria College’s Academic Integrity Policy and resources that are available to support the policy			
Require the student to complete some form of community work/service that encompasses Sancta Maria College’s Catholic Values			
Repeat the assessment with a reduced maximum grade			
Require the student to complete forms of detentions			
Require the student to undertake a supplementary, formative reflective assessment on academic integrity			

## **Section 68: Notification of the Result**

- (a) Upon conclusion of the investigation, the investigating party shall advise the Head of Department and Student and any other parties directly involved in the outcome.
- (b) In cases of alleged misconduct, the Principal's Nominee will inform the accused student/ parents in writing of the outcome. The Head of Department, Principal's Nominee, Deputy Principal (Curriculum) will receive a copy of this letter.

## **Section 69: Student's Right of Appeal of Academic Misconduct Procedures**

A student may appeal an academic misconduct decision made by:

- Principal's Nominee whose decision on the matter shall be final.
- Deputy Principal (Curriculum)
- Principal

### **Appeals Board**

1.1. Each appeal brought under this Statute shall be heard and determined by an Appeals Board appointed by the principal on a case-by-case basis.

1.2. Each Appeals Board shall comprise of three members including the principal, one member of the senior leadership team and the Head of the Board of Trustees.

1.3. Each member of an Appeals Board shall have one vote.

### **Right of Appeal**

2.1. A student may appeal under this Statute against:

(a.) Decisions in respect of which a right of appeal to the Appeals Board is provided under the Academic Misconduct Procedures Policy.

(b.) Any other decision of Sancta Maria College affecting the student against which the Appeals Board grants leave to appeal under the provisions of this policy.

### **Powers of Board**

3.1. The Board shall have the power to hear and determine:

(a). Appeals to which clauses 2.1(a) and (b) apply; and

(b). Applications for leave to appeal.

### **The Appeal Board**

4.1. The appeal board may:

(a). Exercise its powers without confirmation by the Principal's Nominee and Deputy Principal (Curriculum).

(b). In its absolute discretion, consult with the Principal's Nominee and Deputy Principal (Curriculum) regarding the academic misconduct investigation.

(c) Dismiss any appeal after considering the written grounds of appeal and any written submissions without hearing the parties if in its opinion the appeal is frivolous or discloses no sustainable grounds of appeal or for any other reason ought not to be proceeded with.

## **5. Notice of Appeal**

5.1. Appeals may be commenced, and applications for leave to appeal made, within 5 working days of the communication to the student of the decision appealed against or sought to be appealed against provided that the Appeals Board may, if it thinks fit, agree to extend the relevant time period.

5.2. Appeals are commenced by completing the appeal academic misconduct form and given to the Principal's Personal Assistant with reasonable particularity:

(a). The decision or decisions appealed against; and

(b). The grounds of the appeal, including, where appropriate, any factual or procedural errors. Which the student considers having occurred.

(c) Any submissions that intending appellant wishes to make in support of the application for leave to appeal.

5.3. Every Notice of Appeal and every application for leave to appeal shall provide communication with the student's parents or caregivers in relation to the matter.

5.4. On receiving a Notice of Appeal or an application for leave to appeal, the Principal and Board of Appeal shall first ensure that the decision being, or being sought to be, appealed against has, or has had, an opportunity of reviewing its decision.

5.5. In the case of appeals or applications for leave to appeal which relate to academic matters, the principal shall arrange for one or more members of the Appeals Board to consider the circumstances and to report on the matter making any such recommendations to the whole Appeals Board as may be appropriate.

5.6. Prior to the hearing of an appeal, the Board may make directions in relation to the conduct of the appeal, including directions in relation to the advance circulation of evidence and submissions by any party and in relation to any other matters that may promote the fair and expeditious resolution of the appeal.

## **6. Consideration of Applications for Leave to Appeal**

6.1. An applicant for leave to appeal shall have no right to be heard in person by the Appeals Board, which shall consider applications for leave to appeal on the assessment in question of academic misconduct.

6.2. If the Appeals Board intends to consider any material in addition to that provided by the applicant for leave, such material shall be provided to the applicant who shall then have five working days within which to respond to that material.

## **7. Procedure for Appeals**

7.1. Subject to the provisions of this policy, the Appeals Board shall regulate its own procedure and appeals may be conducted without procedural formality where this is consistent with fairness and efficiency. The Appeals Board may receive, or call for, from any party any material which it considers relevant to the fair determination of the appeal.

7.2. Hearings before the Board shall be conducted in private. The Appeal Board shall provide full copies of its written decisions to the Principal's Nominee, Deputy Principal (curriculum) and the relevant Head of Department on a confidential basis but any other reports of the proceedings of the Appeals Board shall be such as to prevent disclosure.

7.3. The respondent in an appeal shall be the principal.

7.4. The appellant, the respondent (Principal) and any other member of Sancta Maria College who, in the opinion of the Board, has a special interest in the proceedings shall be entitled:

(a) To be represented by counsel or some other appropriate person.

(b) To be supported during the hearing by any appropriate person or persons.

(c) To be present throughout the hearing, except when members of the Board may wish to confer in private.

7.5. The principal shall within a reasonable time beforehand inform the appellant of the time and place fixed for the appeal hearing and of any directions the Appeals Board may have made as to the conduct of the appeal.

7.6. If the appellant or respondent fails to attend the hearing the Board may proceed and determine the appeal.

7.7. Following the conclusion of an appeal hearing the Appeals Board may:

(a) Dismiss the appeal; or (b) Allow the appeal by:

(i) Referring the matter back to the decision-maker for reconsideration, with recommendations or without recommendations; or

(ii) Substituting its own determination on any matter arising in the appeal, including any findings and the imposition of any penalty or outcome.7.8 The decision made by the appeal board will be final and no further right of appeal will be allowed. 7.9 The student accused of academic misconduct will be notified in writing of the appeal board's decision.

