

Open University Academic Misconduct Regulations

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Open University Higher Education Academic Misconduct Regulations



1.1 INTRODUCTION

Academic misconduct is an overarching term used in these regulations to cover a range of offences included within the following specified types:

- academic negligence
- academic malpractice
- academic cheating

These regulations are intended to allow the College to determine whether or not academic misconduct has taken place within *summative* assessments. It is expected that academic misconduct suspected in *formative* work will be drawn to the student's attention by staff.

Allegations of academic misconduct within summative assessments will be considered via the following staged procedures.

- Informal Stage
- Academic Misconduct Stage 1 (hereafter referred to as Stage 1)
- Academic Misconduct Stage 2 (hereafter referred to as Stage 2)
- College Academic Misconduct Board Review Stage (hereafter referred to as Review Stage)

The College may revoke an award, and all rights associated with an award, where it is established that a person has obtained the award by committing academic misconduct. In such cases of alleged academic misconduct, the Stage 2 procedure will be followed. If the Stage 2 Hearing concludes that the allegation is proven, then it will recommend to the relevant Award Board that the award be revoked. If the Award Board accepts such a recommendation, then it will report its decision to the Academic Board for information.

The authority of the academic misconduct proceedings is established through a chain of delegation. The College has formal authority to determine the academic progress of students because of delegation of this authority to the College by another Awarding Body. Subject to retaining ultimate responsibility for the exercise of such authority, the College's Board of Governors delegates academic authority to its Senior Leadership and Management Team. In turn, the Senior Leadership and Management Team delegates to each Assessment Board the authority and responsibility for determining the academic progress of students.

1.2 REGULATIONS

2.0 Definition

- 2.1 Academic misconduct is defined by the College as any activity or attempted activity which gives an unfair advantage to one or more students over their peers. Appendix 2 provides illustrative definitions and examples.

3.0 Guiding Principles for the Regulations

- 3.1 The College aims to educate students to develop good academic practice and writing skills. As part of this philosophy to help students avoid academic misconduct - and also warn of the consequences of committing academic misconduct - the College provides the following support:
- Advice and guidance from Programme Teams and course information.
 - The Learning Resource Centre [LRC] provides writing and study skills support.
 - Facility for students and staff to use plagiarism e-detection software using Moodle (see Appendix 1).
- 3.2 The assessment of students as regards their achievement of learning outcomes is based on the principle that, unless clearly stated otherwise in the assessment instructions, the work undertaken by a student for assessment has been carried out by that student and is their own work.
- 3.3 The work submitted by a student for assessment must therefore have been carried out by the student. Work presented in such a way that it fails clearly to identify the work done by others may attract the charge of academic misconduct.
- 3.4 Any essays, dissertations or other assessed work undertaken must be a student's own work and any passages quoted, paraphrased or opinions relied upon must be properly attributed.
- 3.5 Equally, if a student uses images, designs, plans, diagrams, computer code or other such media which have been originated by someone else, the student must specify the source.
- 3.6 The College accepts that a student's work may be inspired by what they have read, but a student must not copy or paraphrase whole sentences, paragraphs or parts of someone else's work without proper acknowledgement.
- 3.7 Where a student reproduces someone else's ideas, but in their own words to a greater or lesser extent (or paraphrasing), they must cite the original source and, in the case of direct quotes, include the page number. If a student is in any doubt as to how to cite reference material, they must consult a member of academic staff.
- 3.8 Where an element of group work is an appropriate part of the assessment methodology, the assessment instructions must make clear the nature, content and extent of such group-based activity.
- 3.9 Staff are required to give students specific instructions on when, how and in what form they should submit/undertake any assessment and students are encouraged to seek clarification.
- 3.10 The conduct of students in an examination setting must be such that there must be no suspicion that the work submitted is not their own, or that they have sought to gain an unfair advantage over other students sitting an examination by committing academic misconduct. The College therefore operates specific instructions relating to the conduct of Invigilators and students in examination settings.

- 3.11 Students accused of academic misconduct shall be innocent until judged to be guilty following the process set out below. Normally, students will be allowed to progress with their academic studies until the conclusion of procedures under the Regulations relating to Academic Misconduct. However, where - as a consequence of being found guilty of academic misconduct - a student needs to be re-assessed, this will take place at the next available opportunity but may impose a delay in progression. Any such decisions will be made according to the academic regulations of the awarding body. Students subject to professional body requirements may be required to suspend their studies subject to an outcome under this procedure. The Professional or Statutory, Regulatory Body [PSRB] requirements are referred to in programme approval documentation. See [Section 10.3](#) in the main body of these regulations.
- 3.12 Students accused of academic misconduct shall have the right to be made aware of the accusation and challenge that accusation.
- 3.13 The burden of proof shall rest with the College and must be based on clear, strong and cogent evidence.
- 3.14 Where a student is found guilty of academic misconduct at any stage, then a record will be kept of this and any associated penalty on their record. One complete set of papers relating to each proven case will be retained in a separate file by the HE Development Manager to be referred to only in the event that a subsequent action, for example a request for a review by the student, necessitates reference to this material.
- 3.15 Where a case is not proven or withdrawn at Stage 1 and the student is therefore not found guilty, no detailed record of any sort will be kept. However, anonymous statistical data on unproven Stage 1 and Stage 2 cases will be kept by HE Development Manager in line with current guidance from the Quality Assurance Agency for Higher Education. With reference to unproven or withdrawn Stage 2 cases, one set of papers will be filed separately by the Directorate and referred to only in the event of a subsequent action requiring a judgement to be made about the conduct of the case.
- 3.16 At the commencement of their programme, students must be advised of the College procedure for dealing with alleged academic misconduct and the penalties which may be imposed if they are found guilty of academic misconduct.
- 3.17 Programme handbooks must make reference to the dangers and penalties of academic misconduct, and these references must be reinforced orally by staff.
- 3.18 Staff who suspect that academic misconduct has taken place shall pursue the process outlined in the Regulations relating to Academic Misconduct.
- 3.19 All communication including letters, evidence and invitations will, wherever possible, be sent via email.
- 3.20 Staff who sit as Board members must have had no previous involvement in the student's case.

4.0 Stages of the Process

- 4.1 The College recognises three broad types of academic misconduct offences; academic negligence, academic malpractice and academic cheating. Academic negligence is the least serious, and academic cheating the most serious. Appendix 2 provides a description of each type of offence and guidance for members of staff to assist them in deciding which type of offence has occurred. The member of staff suspecting academic misconduct must first arrange to check the student's records to identify whether the student has been found guilty of a previous academic misconduct offence and thereafter refer back to Appendix 2, as this may determine

which stage should be undertaken. The member of staff should then consult with the Head of School before taking any action whatsoever. Together they will make a decision on the type of alleged offence and determine the stage to be undertaken.

4.2 Decision of Head of School

4.3 If the Head of School is satisfied that academic misconduct has not taken place, no further action will be taken in relation to the case and no formal record of the issue will be kept. The student will be informed of this outcome in writing.

4.4 If the Head of School is satisfied, on the balance of probabilities, that academic misconduct has occurred, one of the following courses of action will apply and the student will be notified of the outcome in writing.

4.5 Courses of action:

1. Referral to Academic Misconduct Board

4.6 Where the student:

4.7 i) Has a previous case of academic misconduct recorded against them where the first instance was not the result of Academic Malpractice (and where the second/subsequent offence has occurred after the procedures for the first offence have been completed. If multiple instances are discovered and investigated at the same time or an instance occurs before the conclusion of the first academic misconduct meeting, this should be considered as one instance).

4.8 ii) Where the Head of School believes an appropriate penalty for the instance is not available to them under these Regulations;

4.9 The Head of School will forward the decision letter and supporting evidence to the Secretary of the Academic Misconduct Board for the case to be heard by a panel of the Academic Misconduct Board. The referral to AMB must be made within two weeks of the student being notified of the final decision.

4.10 Where a case is reported to the Secretary of the Academic Misconduct Committee, the Head of School will inform the relevant Assessment Board. The Assessment Board must defer consideration of the work in question until the AMB has made a decision on the case. The results for modules unaffected by the suspected misconduct should be considered by the Assessment Board and released to the student.

2. School application of penalties

4.11 If the Head of School is satisfied that the academic misconduct came about because of a lack of understanding of good academic practice or convention (subject to the following paragraph), the student will receive a written caution. This will be recorded on the student's record as a case of Academic Negligence and be reported to the Secretary to the Academic Misconduct Board at the same time that the student is notified of the decision. A penalty will not be imposed although the lower standard of the piece of work is likely to be reflected in the mark awarded. The School will provide the student with relevant guidance to enable the student to develop their understanding of good practice. Should a further allegation of academic misconduct occur subsequent to a finding of Academic Negligence, this will be investigated by the Head of School as a first instance.

- 4.12 If the Head of School is satisfied that the student had been provided with the appropriate information and guidance on how to develop skills about such practice and, in all the circumstances, could reasonably be expected to avoid the academic misconduct, a penalty will be imposed, following the AMBeR tariff (Appendix 4)
- 4.13 Where the misconduct relates to work undertaken in a taught module or as part of a taught programme of study, the Head of School will impose a penalty. The matter will be recorded on the student's School record as a case of Academic Misconduct and reported to the Secretary to the Academic Misconduct Board at the same time that the student is notified of the decision. If appropriate, the School will provide the student with relevant guidance to enable the student to develop his or her understanding of good practice. Any penalty that impacts the marks of the assessment will be applied in conjunction with any other penalty (e.g. exceeding the word count). All penalties should be appropriate and proportionate, taking into account the evidence presented by the School and the student and the impact of the penalty.

5.0 Summary of Academic Misconduct Board procedures

- 5.1 Ordinarily, cases will be heard by a panel on behalf of the Academic Misconduct Committee in the form of a formal hearing. The panel will comprise three members, two of whom will be academic staff members of the Academic Misconduct Board. One of the academic staff members will act as Chair. The third member will be a trained student representative or, where no student representative is available, a third academic staff member of the Academic Misconduct Board. The student whose case is being heard may insist that the panel does or does not include a student representative.
- 5.2 ii) Academic Misconduct Board hearing
- 5.3 The School representative(s) are required to attend to present their case. If the student is unable to attend for good reason, they may elect to have a Student Representative attend on their behalf. Otherwise the hearing will take place in the student's absence and the Chair will have a duty to ensure that the members of the panel are fully aware of all the facts including the points made in the student's statement.
- 5.4 The hearing documentation will be circulated in advance of the hearing and will include the Head of School's decision letter and supporting evidence. The student will be invited to submit an additional written statement for inclusion in the documentation.
- 5.5 Panel members, the student and the School representative will all have access to the same documentary and verbal evidence. An exceptional arrangement may be made at the discretion of the Chair, if a student wishes to request that additional evidence be made available to the panel only (e.g. properly certified medical evidence that the student felt unable to share with the School or Department).
- 5.6 If the student has a previous case of Academic Misconduct on their record, the panel will only be told of this after a verdict is reached but before a penalty is decided upon (if appropriate). The only exception to this will be if, in making his or her case to the panel, the student chooses to disclose a previous instance or makes false representation about previous instances of academic misconduct in which case the School may correct matters of fact.

5.7 The student is entitled to bring a supporter to the hearing. The supporter must be either; a Student Progress mentor, a fellow student or a member of staff. The supporter may take notes on the student's behalf, make representations on the student's behalf and ask questions, but may not answer questions on the student's behalf. The student may be asked to choose a different supporter if, for example, it is perceived that the chosen supporter may cause a conflict of interest or if their presence may prejudice the meeting. The supporter cannot attend the meeting in the student's absence.

6.0 Academic Misconduct Review

6.1 Students who consider that the College has failed to carry out its duty to act fairly in the application of the Regulations on Academic Misconduct should submit a Review Request form to the Higher Education Develop Manager to request a review of their case by the Deputy Chief Executive. Dissatisfaction with the outcome alone does not constitute grounds for requesting a review. In order for a review request to be considered the student must establish the following grounds:

- A procedural irregularity occurred in the handling of the AMB hearing
- A compelling argument that the decision and/or penalty was unreasonable and/ or disproportionate.

6.2 Such requests should be made within one month of the student being notified of the decision of the Committee. Where necessary, the Director, or delegate acting on the Director's behalf, may liaise with the Chair of the Academic Misconduct Board in conducting the review and in determining an appropriate outcome.

6.3 The review stage will not usually consider the issues afresh or involve further investigation. The reviewer can:

- Reject the claim and issue the student with a Decision letter
- Uphold the claim and refer to the Chair of the Academic Misconduct Board.

APPENDICIES

Appendix One - Plagiarism E-detection

The College will allow both students and staff the opportunity to make use of software designed to detect the possibility of plagiarism.

The College accepts that such software does not itself prove plagiarism, nor will any single piece of software deal with all types of plagiarism. The software provides information on which judgements have to be made within the existing Regulations relating to Academic Misconduct.

Providing students with the opportunity to make use of e-detection software at an early stage of their learning career and allowing them to make such use thereafter as they wish, is an important part of the process of educating students as to the nature of academic misconduct and in helping them to avoid it.

For students studying 120 credits or more, Programme Teams must identify at least one module early on in a student's study career or during induction where, as part of the module/activity, students will use a feature in Moodle called Ephorus, on an individual or group basis.

Ephorus is an internally used plagiarism tracker that provides a percentage based report on all online submissions from a student.

Programme Teams must decide and inform students where else, within assessment, in a student's programme of study they wish to either make the use of e-detection software a requirement or, alternatively, strongly recommend its use by students. It is expected that at least one piece of assessment per module will be targeted, and where appropriate and dependent on assessment method, 100% will be targeted.

Programme Teams may also decide, from time-to-time, to target specific modules, either as regards all assessed work or via a sampling process. Any suspected cases of plagiarism picked up as a result of such a targeted campaign will be dealt with via the Regulations relating to Academic Misconduct. Over and above this, staff may make use of e-detection software as they wish. Programme Teams must periodically review the intensity of staff usage, with a view to making recommendations on consistency.

Students must be reminded from time-to-time that they are encouraged to make use of e-detection software if they so wish and that staff will make use of it on an ongoing basis.

Programme Teams may specify the form of submission of assignments in such ways as to facilitate submission to e-detection procedures (for example one paper copy and one electronic copy).

Appendix Two - AMBeR Plagiarism Tariff

HISTORY

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

AMOUNT / EXTENT

Below 5% AND less than two sentences	80 points
As above but with critical aspects* plagiarised	105 points
Between 5% and 20% OR more than two sentences but not more than two paragraphs	105 points
As above but with critical aspects* plagiarised	130 points
Between 20% and 50% OR more than two paragraphs but not more than five paragraphs	130 points
As above but with critical aspects* plagiarised	160 points
Above 50% OR more than five paragraphs	160 points
Submission purchased from essay mill or ghostwriting service †	225 points

* *Critical aspects are key ideas central to the assignment*

† *Some institutions may consider this to be a separate form of academic malpractice*

LEVEL / STAGE

Level 1	70 points
Level 2	115 points
Level 3/Postgraduate	140 points

VALUE OF ASSIGNMENT

Standard weighting	30 points
Large project (e.g. final year dissertation)	60 points

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

PENALTIES (Formative Work)

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

HE Regulations Relating to Academic Misconduct

The Regulations relating to Academic Misconduct are written with reference to the majority of cases that are suspected. However, there are cases which do not easily fit within the process defined in these regulations, but nevertheless need to be dealt with insofar as this is possible. In addition, practice and technology continues to evolve.

An example of an exceptional case, is when the marker reasonably believes that the submitted assessment is not a student's own work (for example, so inconsistent with previous performance as to suggest that it has not been produced by the student concerned) but the sources from which the work might have been derived cannot be located. This may be because the student has plagiarised the work from another or purchased/commissioned a piece of work.

As part of the information given to students about academic misconduct, they must be informed of this Exceptional Cases Procedure and advised that it is in their interests to retain materials used in developing a submission, such as would indicate its development and the work done in its preparation.

Appendix Four - **ACADEMIC MISCONDUCT REVIEW REQUEST FORM**

If you have received a formal outcome to an Academic Misconduct Board hearing, but consider that the College has failed to carry out its duty to act fairly in the application of the Regulations on Academic Misconduct, you may be able to request a review on the following grounds:

- A procedural irregularity occurred in the handling of the AMB hearing;
- A compelling argument that the decision and/or penalty was unreasonable and/or disproportionate.

Please complete the form below and email it to academic-misconduct@bacoll.ac.uk

A review request should be submitted within **one month** of notification of the decision of the Committee. The review stage will not usually consider the issues afresh or involve further investigation.

In accordance with the Guide to the General Data Protection regulations, you should only submit data relating to living third parties if it is strictly necessary for the consideration of your case. Please don't include other people's data if it is not relevant to your case. Additionally, please notify anyone whose data you are including in your paperwork that you are doing so in order that, if they wish to do so, they can contact the College to object to that data being held.

Title:	Forename:
Surname:	Student Number:
Address:	Telephone:
	Email:
Date of notification of outcome of your hearing:	
Please state why the handling of your Academic Misconduct Board hearing was either procedurally irregular, or provide clear rationale as to why you believe the decision/penalty was unreasonable/disproportionate in the circumstances.	

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Documentation (Please attach all supporting evidence and list below):	
Signature ¹ :	Date:

¹ In submitting this form, I give my consent for this information to be disclosed to relevant College staff responsible for the consideration of my review request. I understand that the form and associated documentation and correspondence will be kept on my College record.

Revision History		
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1.0	September 2019	