



south essex college

SKILLS | EDUCATION | CAREERS

Academic Misconduct Policy and Procedure for Students Studying for The Open University awards 2023-24

Member of management responsible	Adam Fahey
Author of policy/procedure	Matthew Twitchett
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South Essex College Group

Significant changes following review

Academic appeals and complaint procedure for students studying for The Open University awards 2023-24

Page Number or Heading Name	Details of significant change	Changes made by
n/a	No significant changes made	Matthew Twitchett

This policy has been approved by The Open University through its Institutional and administrative revalidation complete in June 2023.

Academic Misconduct Policy and Procedure

Introduction

This policy and procedure relates to students studying for The Open University awards_at South Essex College.

1. Academic Misconduct

- 1.1 Academic misconduct is defined as any improper activity or behaviour by a student which may give that student, or another student, an unpermitted academic advantage in a summative assessment.

Academic misconduct includes:

- plagiarism that is, using or copying the work of others (whether written, printed or in any other form) without proper acknowledgement in any assignment, examination or other assessed work;
- using work previously submitted for another assignment without full acknowledgement;
- unauthorised use of one student's work by another student and the commissioning, purchase and submission of a piece of work, in part or whole, as the student's own
- falsifying data or evidence;
- submitting a fraudulent claim of extenuating circumstances;
- assisting another student to commit an academic misconduct;
- submitting written work produced collaboratively unless this is explicitly permitted;
- copying the work of another candidate or otherwise communicating with another candidate in an examination;
- introducing any written, printed or electronically stored information into an examination other than material expressly permitted in the instructions for that examination;
- attempting to interfere with the assessment process.

This list is not exhaustive.

- 1.2 Any penalties arising from academic misconduct will be levied in line with the AMBeR Tariff (see Appendix 1). In submitting any piece of work (e.g. dissertation, thesis, essay, test or report) a student shall acknowledge any assistance received or any use of the work of others.

General Considerations

- 1.3 A student may be found guilty of academic misconduct whether or not there has been any intention to deceive; that is, **a judgement that negligence has occurred is sufficient to determine guilt.**
- 1.4 Students have a duty to inform themselves of the Academic Misconduct Policy and Procedures and of the academic conventions used in the College for correctly citing and acknowledging the work of others, including the correct use of quotation marks, and the regulations governing examinations. For advice on correct referencing see programme handbooks, referencing handbook and relevant websites.
- 1.5 Depending on their nature and severity, alleged academic misconduct will be dealt with by the relevant department where The OU provision resides, with oversight by the Vice Principal Curriculum (FE and HE)
- 1.6 Plagiarism or cheating in work for a Masters dissertation/project or for a research degree is considered an especially severe misconduct since the explicit aim is to carry out independent investigative work.

- 1.7 When academic misconduct is alleged, a student is required either to attend a meeting arranged to discuss the alleged misconduct with a relevant member of management (which can include a Head of School) from the School where the programme resides ("relevant manager") or if he or she does not wish to attend to submit a written response by the date of the meeting. If the student attends the meeting, he or she may bring a member of the Students' Union or a representative to help him or her in presenting his or her case. A meeting may proceed in the absence of the student (and their representative) provided that the relevant manager is satisfied that due notice has been given to the student.
- 1.8 In some instances, such as allegations relating to collusion or group submissions, it may be necessary and appropriate for a relevant manager to see more than one student at a time.
- 1.9 At any meeting to discuss an alleged academic misconduct, the student will be given an opportunity to make a relevant manager aware of any mitigating circumstances that they wish to be considered in the context of the allegation. Students should ensure that any mitigating circumstances they wish to present are submitted to the relevant adjudicator at the time the case is considered.
- 1.10 If an allegation of an academic misconduct has been proven, the student will be invited to disclose any further cases which they wish to be taken into consideration as part of the same misconduct. Students are warned that all undisclosed misconduct which comes to light will be treated as subsequent misconduct, potentially carrying heavier penalties.
- 1.11 In determining the penalty for an academic misconduct, any previous confirmed academic misconduct will be taken into account. When more than one misconduct is considered at the same time the misconduct will normally all be considered as a first misconduct if the student has not previously been found guilty of academic misconduct. A subsequent academic misconduct may occur from the point at which a student is found guilty of a first misconduct.
- 1.12 If a student is given an opportunity to resubmit work having been found to have committed academic misconduct; any further allegations made about the resubmitted piece of work will be treated as subsequent misconduct.
- 1.13 Students are reminded that the penalties for academic misconduct may be very severe, especially those for any subsequent misconduct (i.e. misconduct identified after any previous misconduct has been confirmed), including requiring a student to withdraw or determining that a degree not be awarded. Where necessary the relevant Professional Body will also be informed.
- 1.14 In relation to penalties occurred during the period of study:
- For a student repeating a year: As the student would be required to produce new evidence for all tasks any previous penalties for late submission or non-submission would not be applied or carried over.
 - For a student returning from intermission: Any penalties applied during the initial tenure would be applied to the final outcome following return from intermission as this would be treated as a continuation of study.
 - Any record of misconduct is kept on the student's record in the event of either repeating the year or intermission. The academic misconduct is recorded on the database and any further instances of misconduct will be classified subsequently.
- 1.15. All information relating to suspected academic misconduct and their outcomes will be recorded on the academic misconduct database and in the student's file.
- 1.16 For students subject to the *Fitness to Practice Procedure*, academic misconduct that affects professional suitability may also be referred to other relevant committees to be handled in accordance with the appropriate procedures.
- 1.17 Where the alleged misconduct involves an alleged breach of the College's behaviour policy, the case must be referred to the Assistant Principal – Student Experience

- 1.18 Where academic misconduct has been alleged and a student has withdrawn, or been required to withdraw, from the College for reasons not related to the allegation; the Academic Misconduct Procedures will be completed. If the student is found to have committed an academic misconduct, a notional penalty will be allocated and a record made of the outcome. The outcome will be communicated to the student in writing.

2. Alleged academic misconduct dealt with by a relevant Manager or Nominee

- 2.1 A relevant manager is responsible for the initial investigation of alleged academic misconduct relating to coursework submitted by any student undertaking a module at the College.
- 2.2 All cases referred to a relevant manager must be investigated and dealt with on a formal basis.
- 2.3 A relevant manager can take decisions about all suspected academic misconduct relating to coursework where:
- the misconduct is a first academic misconduct that if confirmed will result in a penalty that it is within their power to impose see 2.8
 - the student does not request referral to the Head of Quality and Compliance
 - the alleged misconduct does not involve any breach of the College's disciplinary regulations.
- 2.4 All other cases, including all cases relating to formal examinations and any allegation of an academic misconduct after the degree has been conferred, must be referred to the Director of Quality, teaching and learning and Academic Partnerships or nominee at the OU.
- 2.5 Where appropriate, a student is entitled to see a copy of paperwork relating to the alleged misconduct at least five days prior to the meeting with the relevant Manager or nominee.
- 2.6 A relevant manager should not take a student's array of marks into consideration when allocating a penalty.

Relevant manager's powers

- 2.7 A relevant manager, acting on behalf of the OU, shall have the power, taking into account the circumstances of the case, to:
- determine that no misconduct has been committed;
 - determine that misconduct has been committed and issue penalties in line with AMBeR Tariff (see Appendix 1 below)
- 2.8 No person shall perform the functions of a relevant manager in relation to academic misconduct unless approved by the O.U.
- 2.9 Individual members of the academic staff are not permitted to make decisions about any case of suspected plagiarism and must refer these to the relevant manager.
- 2.10. Where a relevant manager is responsible for modules that are being investigated for academic misconduct, the investigation must be passed on to another manager or member of staff where the programme resides who is not responsible for these modules.

Duties of a relevant manager

- 2.11 A member of the relevant manager is required to:
- inform in writing each student whose case has been referred to him or her about the nature of the alleged misconduct;
 - check the Academic Misconduct Records to determine whether there has been any previous confirmed academic misconduct;
 - inform each student in writing of his or her decision and the student's right to appeal

against the decision;

- confirm in writing his or her decision in respect of any case and the grounds for the decision (a copy must be kept both in the student's file and in the central file);
- inform the OU annually of the number of cases dealt with.

3. Academic Misconduct Committee

Membership

- 3.1 An Academic Misconduct Committee is a Committee of the College. Members of an Academic Misconduct Committee must be drawn from the Panel of potential Academic Misconduct Committee members.
- 3.2 An Academic Misconduct Committee shall consist of the Director Performance and Standards in the chair, and two members of staff from outside the student's programme who have no connection with the case in question. The Committee shall be serviced by an Administrator from the respective department.
- 3.3 If the Director Performance and Standards has previously made a judgment relating to the allegation in question, then another relevant manager must chair the Academic Misconduct Committee.

The Secretary of the Committee

- 3.4 The Secretary of the Committee (who should be a member from the relevant department where The OU provision resides), will notify the student in writing of the time and place in which the case will be heard.
- 3.5 The Secretary of the Committee will take notes of the meeting, taking particular care to record the reasons for the decision and the deliberation concerning the imposition of any penalty and the alternatives from the set of possible penalties that were considered.

Student Attendance and Representation

- 3.6 If the student admits to the charge by informing a relevant manager in writing within five working days of notification of the charge, he or she need not attend the Committee and the Committee shall be free to proceed in his or her absence. In such a case a student may submit a statement in mitigation to the Committee.
- 3.7 The student charged will be invited to be present at the Committee whenever oral evidence is being heard by the Committee. He or she may bring a member of the College, or Students' Union to help him or her in presenting his or her case to the Committee.
- 3.8 Where appropriate, a student is entitled to see a copy of paperwork relating to the alleged misconduct at least five days prior to the Academic Misconduct Committee.

Order of Proceedings

- 3.9 The Chair of the Committee shall have the authority to determine the order of proceedings and exclude any material which appears irrelevant to the case.
- 3.10 The usual pattern of proceedings is:
- The members of the Committee have a preliminary discussion without the student, the student's representative or a relevant manager bringing forward the alleged misconduct being present.
 - The student, the student's representative and a relevant manager bringing forward the alleged misconduct enter the room and the Chair introduces all those present.
 - The Chair checks that the student has received details of the alleged misconduct and any supporting documentation.
 - The Chair explains the order of proceedings to the student.

- The evidence relating to the alleged misconduct is then presented by a relevant manager bringing forward the alleged misconduct, and members of the Committee, the student and the student's representative are invited to put questions to the relevant manager concerned.
- The Chair then invites the student to put forward a case orally if he or she wishes to do so including any mitigation, and members of the committee (but not the relevant manager bringing forward the alleged misconduct) are invited to put questions to the student.
- The Chair invites the student's representative to put forward any additional statement.
- The Chair invites the student to make any final response.
- The student, the student's representative and the relevant manager bringing forward the alleged misconduct are then asked to leave the room.
- The Committee then deliberates and comes to a decision as to whether misconduct has been committed.
- The Committee then determines the appropriate penalty from the set of penalties available to it, clarifying the reasons for the choice of penalty.
- The student is then recalled to the room to be told the decision as to whether the alleged misconduct is confirmed and, if so, the penalty and the reasons why this is the appropriate penalty. The relevant manager bringing forward the alleged misconduct may be present during this final stage.

- 3.11. Where the student's case is being heard by an Academic Misconduct Committee because it is a subsequent misconduct this information will be included in the papers given to the Committee in advance of the meeting and they will be given a copy of this policy and asked to apply the AMBeR Tariff accordingly.
- 3.12. An Academic Misconduct Committee should not take a student's array of marks into consideration when allocating a penalty.
- 3.13. Only members of the Committee and the Secretary shall be present while a committee is reaching a decision of innocence or guilt, or on any penalty or other action.

Adjournment

- 3.14. The Committee may adjourn:
- in order to enable the student or the student's representative to be present;
 - where this is necessary to obtain further information.
- 3.15. The Committee shall meet to consider an adjourned case as soon as it is feasible and not later than three months after the adjournment, although the case need not be determined at the resumed meeting. If necessary, the Director Performance and Standards may co-opt additional members to replace any member not able to attend the reconvened meeting, including a new chair. If there are two new members the reconvened meeting shall proceed as a new hearing. If there is one new member the student may request that the meeting proceed as a new hearing.

Powers of the Committee

- 3.16. An Academic Misconduct Committee shall have the power to:
- determine that misconduct has not been committed.
 - determine that misconduct has been committed and impose one of the penalties in line with the AMBeR Tariff (Appendix 1).

RECORD

- 3.17 A note of the committee's meeting, including the decision and the grounds for it, will be taken by the Secretary.

CHAIR'S DUTIES

3.18 The Chair shall ensure that:

- each student is informed by the respective department in writing of the Committee's decision and of the student's right to appeal against the decision;
- a note is kept on the student's central file of the decision and the reasons for it;
- a relevant manager is informed of the decision;
- the student is provided with a Completion of Procedure (COP) letter, using the College template, by the respective department.

4 Appeals against decisions by a relevant manager, Director Performance and Standards or Academic Misconduct Committee

Right of Appeal

4.16 A student shall have the right of appeal to an Academic Misconduct Appeal Committee against any decision of a relevant manager, Director Performance and Standards or Academic Misconduct Committee (hereafter 'the Initial Adjudicator') on the following grounds:

- that there is material evidence now available which was not previously available to the Initial Adjudicator and of such a nature as to cause reasonable doubt as to whether the result might have been different had the material been available;
- that the Initial Adjudicator departed from the provisions of sections B, C or D in a manner prejudicial to the interests of the student and causing reasonable doubt as to whether the result might have been different had this not occurred;
- that the facts set out in the findings of the Initial Adjudicator do not warrant the resolution that there was an academic misconduct as charged;
- that the penalty imposed by the Initial Adjudicator was unreasonable having regard to all the circumstances of the case.

Lodging an appeal

4.2 A student who wishes to appeal against the outcome of these procedures should write to the Academic Registrar (Open University) within five working days of the date on which notification of the decision was sent to the student concerned by the Initial Adjudicator. The Academic Registrar shall refer to the Pro-Vice-Chancellor (Education) any request to extend the time limit. If the student can show to the satisfaction of the PVC (Education) that circumstances beyond his or her control prevented this time limit being adhered to and that injustice would result from adhering to it, the PVC (Education) may extend the time limit in which an appeal may be lodged up to the period of thirty days from the date on which the notification of the decision was sent.

4.3 The written appeal shall set out in detail the grounds of the appeal.

4.4 The student may withdraw an appeal as of right at any time before the meeting of the Committee.

Duties of the Pro-Vice-Chancellor (education)

4.5 On receipt of an Appeal the Pro-Vice-Chancellor (Education) shall nominate a Dean/Associate Dean who has no previous involvement with the case (hereafter the Appointed Dean/Associated Dean) to deal with the appeal.

Duties of the Appointed Dean/Associated Dean

4.6 The Appointed Dean/Associated Dean shall inform in writing each student who lodges a request for an appeal, normally within ten days of the receipt by him or her of that request, whether or not in his or her judgement the request discloses a proper ground for an appeal.

4.7 If there are proper grounds for an appeal the Appointed Dean/Associated Dean shall request that the Initial Adjudicator against whose decision the appeal is made, write a Statement of the Case, which shall include:

- details of the charge or charges in respect of which the decision was made;
- a brief summary of the evidence and of the relevant findings;
- the decision;
- details of any penalty imposed;
- a brief comment as to the reason for such findings, decision and penalty; and
- any further information which the person or body concerned considers to be relevant.

4.8 The Appointed Dean/Associate Dean must notify the student and the Initial Adjudicator of the time and place at which the appeal will be heard.

4.9 The Appointed Dean must inform the student of his or her right to bring a member of the College, or Students' Union to help in presenting the appeal to the Committee.

4.10 The Appointed Dean/Associated Dean will provide the student and the Initial Adjudicator with a copy of the statement of the case in advance of the meeting of the Academic Misconduct Appeal Committee.

Membership of an Academic Misconduct Appeal Committee

4.11 An Academic Misconduct Appeal Committee is a Committee of Senate. Members of the Committee must be drawn from the University Academic Misconduct Panel.

4.12 An Academic Misconduct Appeal Committee consists of the Appointed Dean/Associate Dean in the chair, and two members of staff from outside the student's department who have had no connection with the case.

4.13 The Appeal Committee will be serviced by a Secretary.

Order of Proceedings

4.14 The Chair of the Committee shall have the authority to determine the order of proceedings and exclude any material which appears irrelevant to the case.

4.15 The usual pattern of proceedings is:

- The members of the Committee have a preliminary discussion without the student, the student's representative or the Initial Adjudicator being present.
- The student, the student's representative and the Initial Adjudicator enter the room and the Chair introduces all those present.
- The Chair checks that the student has received details of the case and any supporting documentation.

- The Chair explains the order of proceedings to the student.
- The evidence relating to the alleged misconduct is then presented by the Initial Adjudicator and members of the Committee are invited to put questions to the Initial Adjudicator.
- The Chair then invites the student to put forward a case orally if he or she wishes to do so including any mitigation, and members of the committee (but not the Initial Adjudicator) are invited to put questions to the student.
- The Chair invites the student's representative to put forward any additional statement.
- The Chair invites the student to make any final response.
- The student, the student's representative and the Initial Adjudicator are then asked to leave the room.
- The Committee then deliberates and comes to a decision as to whether misconduct has been committed.
- The Committee then determines the appropriate penalty from the set of penalties available to it, clarifying the reasons for the choice of penalty.
- The student is then recalled to the room to be told the decision as to whether the alleged misconduct is confirmed and, if so, the penalty and the reasons why this is the appropriate penalty. The Initial Adjudicator may be present during this final stage.

4.16 The Committee may proceed in the absence of the student or the student's representative provided that the Chair is satisfied that due notice has been given to the student.

4.17 Only members of the Committee and the Secretary shall be present while a committee is reaching a decision of innocence or guilt, or on any penalty or other action.

Adjournment

4.18 The Committee may adjourn:

- in order to enable the student or the student's representative to be present;
- where this is necessary to obtain further information.

4.19 The Committee shall meet to consider an adjourned case as soon as it is feasible and not later than three months after the adjournment, although the case need not be determined at the resumed meeting. If necessary, the Appointed Dean/Associate Dean may co-opt additional members to replace any member not able to attend the reconvened meeting, including a new chair. If there are two new members the reconvened meeting shall proceed as a new hearing. If there is one new member the student may request that the meeting proceed as a new hearing.

Powers of an Academic Misconduct Appeal Committee

4.20. An Academic Misconduct Appeal Committee shall have the power to:

- rescind a resolution of a relevant manager/Vice Principal Quality and Compliance/or Academic Misconduct Committee that the student has committed an misconduct and rescind all consequential penalties;
- confirm a resolution of a relevant manager/Vice Principal Quality and Compliance/or Academic Misconduct Committee that the student has committed an academic misconduct;
- confirm or amend (increasing or decreasing) the penalty allocated by a relevant manager/Vice Principal Quality and Compliance/or Academic Misconduct Committee, provided that any amendment is consistent with the powers of the original authority.

4.21 A note of the committee's meeting, including the decision and the grounds for it, will be taken by the Secretary.

4.22 The number of cases dealt with by an Academic Misconduct Appeals Committee under these procedures shall be reported by the Academic Registrar to Senate on an annual basis.

Further Appeals

- 4.23 Any appeal following the formal conclusion of the appeals procedures set out above may be made on the grounds of procedural irregularities in the appeals process only. A student who wishes to appeal against the outcome of these procedures should write to the Academic Registrar within four weeks of the Appeal hearing setting out in detail the nature of the evidence to support the claim that there were procedural irregularities in the appeals process. If *prima facie* there is evidence to support the claim then the case will be reviewed by a Pro-Vice-Chancellor. If the Pro-Vice-Chancellor determines that there were procedural irregularities in the appeals process then the case will be referred to an Appeals Committee for consideration.
- 4.24 The Office of the Independent Adjudicator for Higher Education (OIA) provides an independent scheme for the review of student complaints or appeals. When the University's internal procedures for dealing with complaints and appeals have been exhausted, the University will issue a Completion of Procedures letter. Students wishing to avail themselves of the opportunity of an independent review by the OIA must submit their application to the OIA within three months of the issue of the Completion of Procedures letter. Full details of the scheme are available on request and will be enclosed with the Completion of Procedures letter.

Appendix 1: AMBeR Tariff

Assign points based on the following criteria

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

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**

Award penalties based on the 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

Please Note: Resits can only take place after the meeting of the Board of Examiners or following agreement by the Chair and the External Examiner of the Board