



Academic Misconduct Policy & Procedures

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Audience:	Students, Tutors, Programme Coordinators

Contents

1	Introduction	4
2	Purpose	4
3	Precedence.....	4
4	Scope	4
5	General Policy	5
6	Academic Malpractice Board (AMB)	6
7	Academic Misconduct Panel (AMP)	6
8	Definition of Academic Misconduct	7
9	Reporting of Concerns	7
10	Initial Decision of the AMB	7
11	Investigation	9
12	Referral to the Academic Misconduct Board (AMB)	10
13	Academic Misconduct Panel Hearings	10
14	AMBer Tariff and Points System for Academic Misconduct.....	13
15	Appeals.....	15
16	The Office of the Independent Adjudicator.....	16
	Appendix 1: Academic Misconduct Flow Chart.....	17

1 Introduction

This policy and procedures set out the ways in which the College will consider and respond to concerns about academic misconduct. Concerns about student conduct that are non-academic will be considered under the Student Disciplinary Policy, the Fitness to Study and Practice Policy, or other relevant policy and procedure as applicable. This procedure on Academic Malpractice should be read in conjunction with the Learning Agreement in the General Student Handbook, the section on Unfair Practice – Academic Malpractice in the Programme-specific Student Handbook and Academic Misconduct in the Learning Teaching and Assessment Policy.

2 Purpose

This procedure applies to all students from the point that the College confirms their acceptance of an offer of a place on a programme at the College. A student is considered to be anyone who has signed a Student Declaration with Oxford Business College, and all students at any of the College's campuses are covered by this Policy (full-time, part-time and those attending short courses). The policy applies at all times and is not restricted to conduct during term time, on premises, or in respect of only College-related activities. Students who are members of Oxford Business College are expected to avoid all forms of academic misconduct as described in this policy at all times.

3 Precedence

The Academic Malpractice Policy and Procedures of OBC's university or college partner(s), will take precedence over this policy and procedures where the following applies:

- The alleged Academic Malpractice relates to a student on a course being delivered by OBC in partnership with a university or college such as Bucks New University (BNU), the University of West London (UWL) or the University for the Creative Arts (UCA) or any other university or college that OBC is in partnership with.
- The relevant partner university or college requires OBC to follow their Academic Malpractice policy rather than the OBC policy provided here.

4 Scope

The College distinguishes academic misconduct from poor academic practice, which is often the result of inexperience or lack of knowledge. The College considers this distinction to be one of academic judgement. Students who are found to have demonstrated poor academic practice will be provided with advice and feedback by academic staff. Concerns about academic misconduct will be considered under this procedure.

Where appropriate, the College reserves the right to refer a concern raised under this procedure for consideration either separately or simultaneously under any other relevant College procedure at any time.

In exceptional cases the College reserves the right at any stage of the procedures in relations to academic misconduct to vary the process it follows in the interests of fairness and/or health and safety.

In operating this procedure, the College will remain mindful of its legal obligations including its duty of care, its obligation under the Equality Act 2010 (including to make reasonable adjustments for disabled students), and its obligations under the Data Protection Act 1998.

5 General Policy

The standard of proof applied in operating this procedure is the balance of probabilities.

If a student's conduct may be in breach of the law, the College may at its discretion refer the matter to the police and/or other suitable authorities. In addition, where a police or other external investigation or criminal proceedings have been or may be initiated in relation to an alleged act of misconduct, the College may suspend its consideration of the matter under this or any other regulation (at any stage) until such investigation and/or proceedings have been concluded. The College's consideration of a matter under this procedure may be resumed at any stage should the College deem it to be appropriate in the circumstances.

The College may act against a student under this procedure notwithstanding the student's conviction or acquittal in criminal proceedings. The College is not bound by the outcome of any criminal prosecution although it may at its discretion take any penalty imposed by a criminal court into consideration in determining any outcome to be imposed under this procedure.

Any student subject to this procedure will be entitled to be accompanied by and/or represented at any stage by a staff member, current student at the College, or member of the Student Council.

Neither the College nor the student will normally be permitted to be represented by a legal practitioner at meetings or hearings held under this procedure.

The College may disclose the existence of an investigation, or the outcome of a case considered under this procedure to relevant external bodies. This may include, but is not limited to, disclosure to employers, placement providers, sponsors, grant providers, research funding bodies or Professional Statutory and Regulatory Bodies.

Where applicable, the College may withhold granting an award to a student subject to this procedure until its consideration of a matter of concern is complete. This may include withholding information that indicates an award is forthcoming.

Any reference to a specific member of staff under this procedure (for example, the Head of Academics) should be read as including alternate reference to this member of staff's delegate or nominee.

The College may proceed with any steps under this procedure in the absence of the student, if the student withdraws from the College, or if the student does not engage with the procedure.

The College may suspend consideration of a matter of concern under this procedure with good reason.

The College may refuse admission to any programme of the College, or the provision of any other service or facility, to a student until consideration of a matter of concern under this procedure is concluded.

Communications relating to matters of concern considered under this procedure will normally be sent to a student's College email address. Any variations to this policy will be communicated to the student.

6 Academic Malpractice Board (AMB)

The Academic Malpractice Board reports to the Academic Board and is made up of the following members:

- Head of Academics (Chair)
- Head of Exams
- Head of Programme
- Programme Leaders
- Module Leaders
- Head of Admissions

Outcomes of any cases considered under this procedure and a record of the proceedings will be kept by the Administration to the Academic Misconduct Board.

The AMB only meets when there is an allegation or allegations of academic malpractice. The AMB is able to

- a. assess evidence to determine if an allegation is valid and should be pursued
- b. forms an Academic Misconduct Panel (AMP) from four members of the College including a student representative from the Student Council in order to investigate an allegation of academic misconduct
- c. make the final decision about what if any penalty is required if a student appeals against the decision taken by the AMP

7 Academic Misconduct Panel (AMP)

The AMP is formed by three members selected by the AMB and it reports to the AMB. At least one member of the AMP should be a student representative from the Student Council. The AMP is tasked with investigating allegations of academic malpractice, conducting hearings with students who have been accused of academic malpractice and reaching a decision as to whether academic malpractice has occurred and what the penalty should be. If a student appeals against the decision of the AMP, the AMB will review the appeal and make the final decision.

8 Definition of Academic Misconduct

The following is a non-exhaustive list of conduct which where proven will normally constitute academic misconduct:

- a) Plagiarism, which is defined as the knowing or reckless presentation of another person's work or ideas as one's own and includes the use of direct citations or paraphrasing of published or unpublished work without acknowledging the source.
- b) Cheating, which is defined as acting dishonestly or unfairly in order to gain an academic advantage. This includes the falsification of information and cheating in examinations.
- c) Collusion, which is defined as aiding or attempting to aid another member of the College in gaining an unfair academic advantage.
- d) Impersonation,
- e) Obtaining or purchasing work from another person or organisation and submitting it as one's own.
- f) Breaches of any College rules, regulations, policies or procedures relating to academic activity or assessment.

Failure to comply with a decision taken under this procedure may constitute misconduct and may be referred for consideration under the Student Disciplinary Procedure.

9 Reporting of Concerns

A concern that a student has committed academic misconduct as defined above should first be reported to Academic Malpractice Board (AMB). The AMB delegates to the Head of Exams, Head of Programme or Head of Academics the power to determine whether the concern falls within the scope of this procedure and may gather further information in order to submit a report to the AMB.

10 Initial Decision of the AMB

- a) If the concern does not fall within the scope of this procedure, the AMB may either dismiss the concern, or refer it for consideration under any other relevant College regulation or procedure.
- b) If the student has a high similarity score for their first submission, the AMB may decide that this relates to **poor academic practice** rather than plagiarism. In this case, the AMB may send the student a warning and inform them that they may resubmit their work by the required resubmission. The work may be capped at a Pass (e.g., capped for HND students, but not capped for BNU students) depending upon the rules for resubmissions.
- c) If the concern falls within the scope of this procedure, they will decide what action to take using the AMBeR Tariff system described below.
- d) If the matter is considered too complicated for an immediate decision, they may appoint an independent Investigating Officer (IO) to investigate the concern.

11 Investigation

The Investigating Officer will first write to (email) the student(s) involved to notify them of the investigation and will normally take one of the following steps:

- a) Inform the student of the nature of the concern that has been raised, the purpose of the investigation and provide a copy of this procedure.
- b) Inform the student that if they do not engage with the investigation, including attending any meetings when requested, the investigation may continue in the student's absence.
- c) Copy this communication to the student's Module Leader/ Programme Leader.

The investigation may include the gathering of written, oral and other information from relevant sources.

The Investigating Officer may request to meet with the student on one or more occasions during the course of investigation and will normally:

- a) Inform the student of the purpose of any such meetings in advance
- b) Give the student at least 5 working days' notice of any such meetings
- c) Inform the student of their entitlement to be accompanied to and/or represented at any such meetings

Notes will normally be kept of any meetings held with the student during the course of the investigation. A copy of such notes will be made available to the student.

Where appropriate, the Investigating Officer may invite the student to provide a written response to the concerns and to present any supporting information. The Investigating Officer will normally give the student 10 working days to do so.

At the conclusion of the investigation, the Investigating Officer will provide a report and copies of any relevant information to the Academic Misconduct Board (AMB). The report should be copied to the student.

12 Referral to the Academic Misconduct Board (AMB)

Following receipt of the Investigating Officer's report, the AMB will take one of the following actions:

- a) Issue a Penalty following the AMBeR Tariff and Points-Based System
- b) Dismiss the concern and take no further action
- c) Determine that the concern relates to poor academic practice, in which case the concern will be dismissed, and the student will be warned about future practice and directed to sources of guidance and information
- d) Refer the concern back to the Investigating Officer for further investigation
- e) Refer the concern for consideration under another College policy or procedure
- f) Where it is considered to be less serious, which may include where a student has no previous history of academic misconduct, give the student a warning and take no further action
- g) Where it is considered to be more serious, which may include where a student has previous history of academic misconduct, refer the concern for consideration at an Academic Misconduct Panel Hearing.

13 Academic Misconduct Panel Hearings

A concern may be referred to an Academic Misconduct Panel Hearing by the AMB.

The Head of Academics will appoint a member of College staff to act as the College Representative, who will present the concern regarding the student to the Panel.

Where a case involves multiple students, the Head of Academics on behalf of the AMB will determine whether each student's case should be heard at the same or at different panel hearings, and by the same or different panels.

The ruling of the Chair of the Panel on the admissibility of any evidence at a hearing or on any point of procedure relating to the conduct of a hearing will be final.

A Panel will be made up of four impartial members of the College. The membership will include a Chairperson and normally one member will be a College Student from the Student Council.

The Head of Academics on behalf of the AMB will appoint a Panel Secretary to each Panel Hearing, who will act as note taker and advise the Panel on procedural matters. The Panel Secretary will not take part in the Panel's decision making.

The Secretary to the AMB will contact the student normally at least 5 working days prior to the date of the Academic Misconduct Panel Hearing and set out in writing the following:

- a) The date, time and place of the hearing, and the name of the AMP members
- b) The student's right to be accompanied to and/or represented at the hearing
- c) A copy of this procedure
- d) A statement setting out the College's case and the allegation of academic misconduct that is being made against the student, with reference to this policy and procedure.
- e) A copy of the evidence and documentation in support of the allegation that will be submitted to the Panel
- f) The name of the person acting as the College Representative
- g) The student's right to call witnesses to appear at the hearing

The student will be invited to make a written submission in advance of the hearing in response to the College's case and the allegation of academic misconduct. The student will be asked to provide this written submission to the Secretary to the AMB no later than five working days before the scheduled date of the hearing, together with details of any witnesses they are intending to call.

The College Representative may submit additional information to the Secretary to the AMP in advance of a hearing. A copy of the information should normally also be provided to the student in advance. The admissibility of additional information will be at the discretion of the Chair to the Panel.

Where a student chooses not to acknowledge the date of a hearing or provide a written submission in advance, the hearing may still proceed.

A student may request to the Secretary to the AMP that a hearing is postponed and should provide a good reason for the request supported by evidence. The Chair may also determine that a hearing should be postponed, either on the recommendation of the Secretary to the AMP or otherwise. The final decision to postpone a hearing will be taken by the Chair of the Panel.

Notice of any witnesses to be called by the student and/or the College's Representative at the hearing should normally be given in writing to the Secretary to the AMP at least 3 working days in advance of the date of the hearing together with a written statement prepared by the witness setting out the contribution that they will make. The Secretary to the AMP will provide a copy of each party's witness notice and statements to the other party normally 3 days in advance of the hearing.

A Panel cannot compel a witness to appear at a hearing. It is the responsibility of the party calling the witness to ensure that they attend.

A full copy of the evidence and documentation that will be considered by the Panel, including the student's written submission, will be sent to the College's Representative.

If a student chooses not to attend a hearing held under this procedure, having previously been given due notice of the date of the hearing, the hearing may proceed in the student's absence. The decision to proceed in the student's absence will be taken by the Chair.

Where a Panel considers that it has insufficient information to reach a decision, the Chair may adjourn the hearing, for a defined period, to allow either the student or the College Representative to gather further information. The student and the College Representative will be informed of the date, time and location of the reconvened hearing with a notice period of not less than 2 working days.

The order of proceedings at a hearing will normally be as follows:

- a) The Chair will introduce the proceedings
- b) The College Representative will present the College's case and the allegation of academic misconduct that is being made against the student; and may call and question witnesses. The College Representative and any witnesses will answer any questions from the Panel and the student.
- c) The student, or student's representative, may respond to the College's case and the allegation of academic misconduct and supporting evidence; and may call and question witnesses. The student and any witnesses will answer questions from the Panel and the College Representative.
- d) The College Representative will make a closing statement
- e) The student may make a closing statement
- f) The Panel will retire to consider the case

Once its consideration of the case is concluded, the Panel will normally take one or more of the following actions:

- a) Dismiss one or more of the allegations, either because the student had no case to answer or because the allegation has not been proven and determine that no further action should be taken
- b) Determine that one or more of the allegations has been proven and that the student has committed academic misconduct
- c) Determine that the allegation relates to poor academic practice, in which case it will be dismissed, and the student will be warned about future practice and directed to sources of guidance and information
- d) Refer the case for consideration under another College policy or procedure
- e) Refer the case to an earlier stage of this procedure

Where it considers that the allegation has been proven, the Panel will determine which, if any, penalty as set out in the AMBeR points-based tariff system should be applied.

The Panel may consider any extenuating circumstances presented by the student when applying any of the penalties set out in the AMBer Tariff and Points System below and will apply a penalty that is appropriate in all the circumstances.

The Panel Secretary will inform the student in writing, normally within 5 working days of the decision, of the outcome of the case and will set out the reasons for the Panel's decision.

The student's Programme Leader will be informed of the outcome of the Academic Misconduct Panel Hearing.

Where the Panel applies a penalty under AMBeR points-based tariff system, the student may submit a request for an appeal against the decision following the appeals procedure below.

14 AMBeR Tariff and Points System for Academic Misconduct

If the AMB or its member with delegated powers is satisfied that plagiarism, cheating or academic misconduct has taken place, then s/he determines what penalty will be applied to the student with reference to the AMBeR Tariff, set out below.

The basis of the AMBeR tariff is a points-based methodology used to grade plagiarism offences according to certain criteria. It operates by assigning a number of points to each offence. The number of points is aggregated up and penalties are assigned according to a table which range from no penalties awarded to being expelled from an Institution without any award no matter what unchallenged credit has been accumulated.

History of identified plagiarism offences

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

Amount / Extent of plagiarism identified

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

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 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 ghost-writing service	225 points

Level

Level 4	70 points
Level 5	115 points
Level 6	140 points
Level 7	140 points

Value of Assignment

Standard weighting	30 points
Heavy weighting (e.g., end of year dissertation / independent study)	60 points

Additional Characteristics

Evidence of deliberate attempt to disguise plagiarism by changing words, sentences or references to avoid detection	40 points
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The penalty (for summative work) will be awarded at the discretion of the Chair of the Examination Board, based on the points accrued and the seriousness with which the offence is viewed. In all cases a formal warning is given, and a record made contributing to the student's previous history. For the available penalties, see the table below.

Points Accrued	Penalties (select one)
Less than 280	A minor offence (see below) <ul style="list-style-type: none"> • an informal warning reinforced with development activity and additional support for the student
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 <p>NB. Resubmissions in some programmes e.g., HNDs always require a cap of Pass on Mark</p>
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 re-sit the assessment, and credit lost • Award classification reduced • Qualification reduced (e.g. Honours -> no Honours) • Expelled from institution but credits retained

Minor offences may be characterised as poor academic practice such as inadvertently inaccurate description of methods, data collection and/or analysis, poor referencing, unattributed quotations, inappropriate paraphrasing, incorrect or incomplete citations, particularly where there is reason to believe that the student had not yet fully grasped the normal academic conventions in these regards. In these cases, the offence may be dismissed with a warning to the students by the AMB.

15 Appeals

A student may submit a request to appeal against the following decisions made under this procedure:

- a) The decision of the AMB or a member of the AMB with delegated powers to apply a penalty
- b) The decision of the Academic Misconduct Panel Hearing to apply a penalty

A student may request to appeal on one or more of the following grounds:

- a) That there has been a procedural irregularity
- b) That there was bias on the part of the decision-maker or decision-making body
- c) That the decision is unreasonable and/or that the penalty is disproportionate
- d) That there is new material evidence which the student can demonstrate was for good reason not previously available

An appeal should be submitted in writing to the Head of Academics within 10 working days of the date of written notification of the decision being appealed.

In the appeal the student should specify the grounds that the student wishes to rely on.

Where appeal is received outside of the timeframe of 10 working days, and no evidence of a good reason for the delay is presented by the student, the Head of Academics may dismiss the appeal and issue a Completion of Procedures Letter.

The Academic Malpractice Board will consider the appeal and may refer to other available documentation where necessary. The AMB may seek the advice of a designated member of staff who shall have no previous involvement in the case.

The AMB will take one of the following actions:

- a) Where the AMB considers it appropriate, the student may be invited to a meeting to discuss the appeal
- b) Dismiss the appeal, either in whole or in part
- c) Uphold the appeal, either in whole or in part

Where an appeal is upheld, either in whole or in part, the AMB will take one or more of the following actions:

- a) Quash the decision of the Academic Misconduct Panel and determine that no further action should be taken against the student

- b) Apply a different penalty as set out in the AMBer Tariff and Points System above
- d) Refer the case to a new decision maker or decision-making body for fresh consideration
- e) Refer the concern for consideration under another College policy or procedure

The AMB may consider any extenuating circumstances presented by the student when applying any of the penalties set out in AMBer Tariff and Points System and will apply a penalty that is appropriate in all the circumstances.

The Chair of the AMB will inform the student in writing, normally within 5 working days of the decision, of the outcome of the case and will set out the reasons for the AMB's decision. Where appropriate, a Completion of Procedures Letter will be issued.

The decision of the AMB is final.

16 The Office of the Independent Adjudicator

Decisions taken under this procedure may be eligible for review by the Office of the Independent Adjudicator for Higher Education (OIA), which is an independent body set up to review student complaints. More information about the OIA can be accessed at <http://www.oiahe.org.uk/>. The OIA can be contacted at 0118 959 9813 or enquires@oiahe.org.uk. Where applicable, students will be provided with a Completion of Procedures Letter and information about how to apply to the OIA for a review of a decision taken under this procedure.

Appendix 1: Academic Misconduct Flow Chart

