



Academic Misconduct Policy & Procedures

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Academic Misconduct Policy & Procedures

1. Introduction

1.1 This procedure sets out the ways in which the Oxford Business 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 Procedure, the Fitness to Study Regulation, or other relevant OBC regulation or procedure as applicable.

1.2. This procedure should be read in conjunction with Student Conduct (Academic and Non-Academic).

2. Purpose

2.1 This procedure applies to all students from the point that OBC 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 Centres are covered by this Academic Misconduct Procedures Policy (full-time, part-time and those attending short courses).

2.2 The procedure applies at all times and is not restricted to conduct during term time, on OBC premises, or in respect of College or College-related activities.

3. Scope & Coverage

3.1 OBC distinguishes academic misconduct from poor academic practice, which is often the result of inexperience or lack of knowledge. OBC 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.

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

3.3 In exceptional cases OBC reserves the right at any stage of this procedure to vary the process it follows in the interests of fairness and/or health and safety.

3.4 In operating this procedure, OBC 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.

4. General Policy

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

4.2 If a student's conduct may be in breach of the law, OBC 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, OBC 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. OBC's consideration of a matter under this procedure may be resumed at any stage should OBC deem it to be appropriate in the circumstances.

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

4.4 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 of the College, or member of the student Union.

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

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

4.7 OBC 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.

4.8 Where applicable, OBC 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.

4.9 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.

4.10 OBC 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.

4.11 OBC may suspend consideration of a matter of concern under this procedure with good reason.

4.12 OBC 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.

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

5. Definition of Academic Misconduct

5.1 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 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) Obtaining or purchasing work from another person or organisation and submitting it as one's own;

e) Breaches of any OBC rules, regulations, policies or procedures relating to academic activity or assessment.

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

6. Reporting of Concerns

6.1 A concern that a student has committed academic misconduct as defined under Paragraph 5 should first be reported to the Head of Academics.

6.2 The Principal will determine whether the concern falls within the scope of this procedure, and may gather further information in order to do so:

a) Where the concern does fall within the scope of this procedure, they will appoint an independent Investigating Officer to investigate the concern.

b) Where the concern does not fall within the scope of this procedure, they may either dismiss the concern, or refer it for consideration under any other relevant OBC regulation or procedure.

6.3 It may be necessary to temporarily suspend and/or exclude a student from OBC following the report of a concern about non-academic misconduct.

7. Investigation

7.1 The Investigating Officer will first write to the student(s) involved to notify them of the investigation and will normally:

- a) Inform the student of the nature of the concern that has been raised, the purpose of the investigation and will 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/ Head of Department

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

7.3 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 in accordance with Paragraph 4.4 of this procedure.

7.4 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.

7.5 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.

7.6 At the conclusion of the investigation, the Investigating Officer will provide a report and copies of any relevant information to the Principal. The report should be copied to the student.

8. Referral to the Misconduct and Professional Suitability Board

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

- a) Dismiss the concern and take no further action.
- b) 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.
- c) Refer the concern back to the Investigating Officer for further investigation.
- d) Refer the concern to the MPS board for further action.
- e) Refer the concern for consideration under another OBC regulation or procedure.

8.2 Upon receipt of a concern from the Principal, the MPS board will take one of the following actions:

- a) Where it is considered to be less serious, which may include where a student has no previous history of academic misconduct, refer the concern for consideration by the Principal's Representative.
- b) 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.
- c) Refer a case back to the Principal for further investigation.

9. The Principal's Representative (PR)

9.1 The Representative is a senior member of OBC staff appointed to consider concerns relating to academic misconduct.

9.2 Where a concern is to be referred to the (PR), the Head of Academics on behalf of MPS board will first write to the student with the following:

- a) A copy of this procedure
- b) A statement setting out the OBC's case and the allegation of academic misconduct that is being made against the student, with reference to Paragraph 5 of this procedure.
- c) A copy of the evidence and documentation in support of the allegation that will be submitted to the PR.

9.3 The student will normally have 5 working days to respond to the allegation in writing, and to provide written comment on the evidence provided under Paragraph 9.2.

9.4 The student will be informed that if they do not respond to the allegations within this timeframe, then the referral to the PR may continue.

9.5 The PR will consider the case, including the student's written response, and may gather additional information, or seek advice or guidance, from the relevant parties either in writing or in person. Where additional information has been gathered by the PR, the student will be presented with a record and invited to comment in line with the procedure set out in Paragraph 9.3.

9.6 Once their consideration of the case is concluded, the PR will normally take one 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 OBC regulation or procedure.
- e) Refer the case for consideration at an Academic Misconduct Panel Hearing.

f) Refer the case to an earlier stage of this procedure.

9.7 Where the PR considers that the student has committed academic misconduct, the PR will determine which, if any, penalty as set out in Appendix 1 should be applied.

9.8 The PR may take into account any extenuating circumstances presented by the student when applying any of the penalties set out in Appendix 1 and will apply a penalty that is appropriate in all the circumstances.

9.9 The Head of Academics on behalf of the MPS Board 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 PR's decision.

9.10 Where the PR applies a penalty under Appendix 1, the student may submit a request for an appeal against the decision in line with all of Paragraph 11 of this procedure.

9.11 The Module Leader/ Head of Department will be informed of the decision of the PR.

10. Academic Misconduct Panel Hearings

10.1 A concern may be referred to an Academic Misconduct Panel Hearing by the Head of Academics to the MPS Board under Paragraph 8.2, or by the PR under Paragraph 9.6.

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

10.3 Where a case involves multiple students, the Head of Academics on behalf of the MPS Board 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.

10.4 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.

10.5 A Panel will be made up of three impartial members. The membership will include a Chairperson and normally one member of OBC Students.

10.6 The Head of Academics on behalf of the MPS Board 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.

10.7 The Secretary to the MPS Board will contact the student normally at least 10 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 Panel members.

b) The student's right to be accompanied to and/or represented at the hearing in accordance with the provisions in Paragraph 4.4 of this procedure.

c) A copy of this procedure

d) A statement setting out OBC's case and the allegation of academic misconduct that is being made against the student, with reference to Paragraph 5.1 of this 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 under Paragraph 10.2.

g) The student's right to call witnesses to appear at the hearing.

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

10.9 The OBC Representative or Principal may submit additional information to the Secretary to the MPS Board in advance of a hearing. A copy of the information should normally also be provided to the student in advance. In accordance with Paragraph 10.4, the admissibility of additional information will be at the discretion of the Chair to the Panel.

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

10.11. A student may request to the Secretary to the MPS Board 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 MPS Board or otherwise. The final decision to postpone a hearing will be taken by the Chair of the Panel.

10.12 Notice of any witnesses to be called by the student and/or OBC's Representative at the hearing should normally be given in writing to the Secretary to the MPS Board at least 5 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 MPS Board will provide a copy of each party's witness notice and statements to the other party normally 3 days in advance of the hearing.

10.13 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.

10.14 A full copy of the evidence and documentation that will be considered by the Panel, including the student's written submission under Paragraph 10.8, will be sent to OBC's Representative.

10.15 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.

10.16 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 OBC Representative to gather further information. The student and the OBC 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.

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

a) The Chair will introduce the proceedings.

b) The OBC 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 OBC Representative and any witnesses will answer any questions from the Panel and the student.

c) The student, or student's representative, may respond to OBC'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 OBC Representative.

d) The OBC Representative will make a closing statement.

e) The student may make a closing statement.

f) The Panel will retire to consider the case.

10.18 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 OBC regulation or procedure.

e) Refer the case to an earlier stage of this procedure.

10.19 Where it considers that the allegation has been proven, the Panel will determine which, if any, penalty as set out in [Appendix 1](#) should be applied.

10.20 The Panel may take into account any extenuating circumstances presented by the student when applying any of the penalties set out in [Appendix 1](#), and will apply a penalty that is appropriate in all the circumstances.

10.21 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.

10.22 The Head of the Student's Department will be informed of the outcome of the Academic Misconduct Panel Hearing.

10.23 Where the Panel applies a penalty under [Appendix 1](#), the student may submit a request for an appeal against the decision in line with all of Paragraph 11 of this procedure.

11. Appeals

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

- a) The decision of a Principal's Representative to apply a penalty under Appendix 1.
- b) The decision of an Academic Misconduct Panel to apply a penalty under Appendix 1.

11.2 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.

11.3 A request to appeal should be submitted in writing to the Secretary of the MPS Board within 10 working days of the date of written notification of the decision being appealed.

11.4 In the request to appeal the student should specify the grounds as set out in Paragraph 11.2 that the student wishes to rely on.

11.5 Where a request to appeal is received outside of the timeframe set out in Paragraph 11.3, 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.

11.6 The Head of Academics will consider the request to appeal and may refer to other available documentation where necessary. The Head of Academics may seek the advice of a designated member of staff who shall have no previous involvement in the case.

11.7 The Head of Academics will take one of the following actions:

- a) Determine that one or more of the grounds as set out in Paragraph 11.2 has been disclosed.
- b) Determine that none of the grounds as set out in Paragraph 11.2 have been disclosed, in which case the request to appeal will be dismissed and a Completion of Procedures Letter will be issued.

11.8 The student will be informed of the decision of the Head of Academics in writing, normally within 10 working days of the date of receipt of the appeal request by the Secretary to the MPS Board.

11.9 Where the Head of Academics considers that grounds have been disclosed, the appeal and a copy of the file from any earlier stages of this procedure will be referred to an appointed Director (AD), who will invite the student to submit in writing, within a specified timeframe, their substantive appeal with respect to the disclosed grounds. The AD will normally consider and determine the case based on the available documentation.

11.10. Where the AD considers it appropriate, the AD may invite the student to a meeting to discuss their appeal. An invitation to a meeting will be communicated in line with the procedure set out in Paragraph 7.3.

11.11 Once their consideration of the case is concluded, the AD will determine one of the following outcomes:

- a) Dismiss the appeal, either in whole or in part.
- b) Uphold the appeal, either in whole or in part.

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

- a) Quash the decision of the PR or Academic Misconduct Panel and determine that no further action should be taken against the student.
- b) Apply a different penalty as set out in Appendix 1.
- c) Refer the case back to the original decision maker or decision making body for further consideration.
- d) Refer the case to a new decision maker or decision making body for fresh consideration.
- e) Refer the concern for consideration under another OBC regulation or procedure.

11.13 The AD may take into account any extenuating circumstances presented by the student when applying any of the penalties set out in Appendix 1, and will apply a penalty that is appropriate in all the circumstances.

11.14 The Secretary to the MPS Board 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 AD's decision. Where appropriate, a Completion of Procedures Letter will be issued.

11.15 The Head of the student's Department will be informed of the decision of the AD.

11.16 The decision of the AD is final.

12. The Office of the Independent Adjudicator

12.1 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: Indicative list of penalties for Academic Misconduct

A 1.1 In all proven cases of academic misconduct the decision maker will seek to remove any academic advantage gained by the student through the identified misconduct. The decision maker will normally impose a penalty for proven cases in accordance with the following scheme:

Available To	Type of Misconduct	Penalty
PR + Hearing Panel	First offence or less serious cases	A mark of zero will be assigned to the piece of work in question and to the associated assessment block. Reassessment will be permitted (or a further attempt in the case of an offence that occurs during reassessment), but the maximum achievable grade in the assessment block will be capped at 40 (pass) the relevant threshold grade. The affected assessment block will contribute grade point 0 to the Edexcel calculation for the classification of any award
Hearing Panel	Second offence or more serious cases	The student will be expelled from the College and barred from re-entry. A mark of zero will be assigned to the piece of work in question and to the associated assessment block. The Panel will determine whether the student should retain any credits previously gained. Where credits are retained, the student may be awarded an intermediate award.

A 1.2 A PR and Hearing Panel may, in addition or as a substitute to the above scheme, apply the following penalties:

- Issue a formal written warning.
- Require the student to attend a relevant training programme.
- Require the student to apologise to the aggrieved party.
- Ban the student from attending graduation.
- Require the student to pay compensation for the damage or loss caused (value to be specified by OBC).
- Exclude the student from specified areas of the College or from specified OBC activities (including placements), services or facilities (including residences) for a defined period.

A 1.3 A Hearing Panel may, in addition or as a substitute to the above scheme, apply the following penalties:

- Require the student to pay compensation for the damage or loss caused.
- Exclude the student from the whole College for a defined period.
- Suspend the student's studies, in whole or in part, for a defined period.
- Permanently expel the student from OBC (with or without credit or award already achieved)

Appendix 2: Temporary Suspension and Exclusion

A2.1 Circumstances can arise where it is necessary for OBC to take precautionary action in order to manage risk to the College, its members, and/or to the wider community. This Appendix sets out how this risk will be managed.

A 2.2. OBC may in appropriate cases use its powers to temporarily suspend and/or exclude a student for a defined period of time (which may be extended) or until a matter is considered under the relevant OBC procedures.

A 2.3 Where a concern is raised relating to a student's conduct, whether on or off campus, which represents a potential or actual threat to the safety, security, health, wellbeing, good order, or reputation of the College, its members, an external organisation or placement provider, or members of the public, a member of staff may make a recommendation to the Director or delegate that the student should be temporarily suspended and/or excluded.

A 2.4. Where the Director's delegate determines that such a risk exists, the delegate may take one or both of the following precautionary actions until such time as the matter is considered under the relevant OBC procedures:

a) Temporarily suspend a student from all or part of their studies or research. This may include suspension from placement or any other OBC activity, including examinations, receiving information about results or progression, and re-enrolment.

b) Temporarily exclude a student from using all or particular College services or facilities and/or entering the OBC premises. This may also include temporarily withdrawing or amending a student's OBC computer account access privileges.

A 2.5 The decision to impose a temporary suspension and/or exclusion will not affect a student's legal rights under any license agreement with OBC's Accommodation Services.

A 2.6 The imposition of a temporary suspension and/or exclusion is precautionary; it is not a penalty and does not indicate that OBC has concluded that the student has breached its rules.

A 2.7 The Director's delegate may impose conditions on a temporary suspension and/or exclusion, and where practicable and appropriate will make arrangements to mitigate the impact of a temporary suspension and/or exclusion on a student, such as allowing students to sit examinations in isolation or to study remotely using online resources.

A 2.8 Where a student who is temporarily suspended and/or excluded requires access to the OBC premises for any reason, the student should write to the Secretary to the MPS Board to ask for permission, giving at least 1 working day's notice.

Procedure for Temporary Suspension and/or Exclusion

A 2.9 The Director's delegate may take urgent action to temporarily suspend and/or exclude a student with immediate effect prior to providing the student with formal written notification.

A 2.10 The Director's delegate will formally notify a student in writing that the student is being/has been temporarily suspended and/or excluded, and will notify the student of any relevant conditions. A temporary suspension and/or exclusion will apply for a defined period of time (which may be extended).

A 2.11 Where a student is temporarily suspended and/or excluded under this Appendix, the delegate will review at regular intervals whether it is reasonable for the suspension/exclusion to continue or whether it should be revoked or extended for a further specified period of time, and whether its terms should be maintained or varied.

A 2.12 The student may request a review by the delegate under Paragraph A 2.11 by making written representations in respect of the terms of the temporary suspension and/or exclusion should there be a material change in the student's circumstances.

Appeals

A 2.13 The student will have the opportunity to appeal to the Head of Academics within 10 working days of the communication of the decision taken by the Director's delegate to temporarily suspend and/or exclude a student.

A 2.14. An appeal to the Head of Academics should be made on the following grounds:

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

A 2.15 The Head of Academics will consider the student's appeal and will:

- a) Maintain the terms of the temporary suspension and/or exclusion.
- b) Vary the terms of the temporary suspension and/or exclusion.
- c) End the temporary suspension and/or exclusion.