Art
Academy

Academic Misconduct policy and procedure

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This document has been informed by the Competition & Markets Authority's (CMA) guidance for "UK higher education providers- advice on consumer protection law" and the Office of the Independent Adjudicator's (OIA) Disciplinary Procedures Good Practice Framework

1. Introduction

The Art Academy regards any action by a student which may result in an unfair advantage (to themselves or assisting another to gain unfair advantage) in assessment, such as cheating, collusion, falsification, ghosting, personation and plagiarism, or any activity likely to undermine the integrity of scholarship, as a serious academic offence. All students are expected to maintain academic integrity, respect other members of the academic community, both within and outside the Academy, and uphold the ethical values of that community when producing work. Students should be made aware that this extends beyond ensuring that work presented is their own and may include encouraging or enabling plagiarism, including the reporting of any instances of misconduct of which they become aware.

It is the student's responsibility to ensure that all work presented for summative assessment is their own, and that any work (e.g. collaboration) or opinions of others are appropriately acknowledged. Students are required to agree to a declaration of authenticity when submitting work for summative assessment. Students should not submit any coursework which has been previously submitted for another module and fully declare the roles of any other people who might have been involved in the production of collaborative work (regardless of whether they are fellow students or not).

Where a student is found to be in breach of this policy, they will be subject to penalties that will reduce their grade, and in some circumstances subject to further disciplinary action. If a student is unsure of what is acceptable, guidance should be sought from tutor(s) or the Academic Team before proceeding.

1.2. Artificial Intelligence (AI)

Whilst AI is becoming increasingly prevalent and resources like ChatGPT can be valuable tools in many contexts, it is important to recognise the limitations of AI tools and to consider in which contexts they may be inappropriate. AI tools lack understanding; although answers can seem plausible, they can sometimes be inaccurate, poorly argued or entirely fabricated. At present large language models can provide out-of-date information, since they do not search current information on the internet in real time, instead drawing on information accessed at the time of training. And since these models work by analysing and learning patterns of text-based internet content, they can tend to reproduce unwanted biases and specific worldviews.

Students should be aware of the ethical and environmental considerations around AI tools' use of the existing ideas and content of human authors/creators (including artists) without referencing them, which is controversial in itself and considered by some to be a form of plagiarism and copyright infringement.

2. Definitions

Definitions of what may constitute academic misconduct are set out below. Please note this is not an exhaustive list:

Plagiarism

- Representing another person's work or ideas as one's own (including text, data, images, sound, film/video and performance), for example by failing to follow convention in acknowledging sources, use of quotation marks, etc. This includes the 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; the use of Artificial Intelligence (AI) technologies to generate a piece of work, in part or whole, which is submitted as the student's own.

- Reproduction of published or unpublished (e.g. work of another student or the student's own work submitted for a previous module) material without acknowledgement of the author or source.

- Paraphrasing by, for instance, substituting a few words or phrases or altering the order of presentation of another person's work, or linking unacknowledged sentences or phrases with words of one's own.

- Copying directly from a text (book, magazine, internet or printed source) without reference to its author.

- Direct facsimile of an image, a sound or performance without due acknowledgement of its source.

Self Plagiarism
Submitting work, in whole or part, previously submitted for summative assessment.

Encouraging or enabling plagiarism
Making available, selling or advertising for sale student work in any form or by any means (print, electronic, recording or otherwise) so as to enable plagiarism, whether or not the work includes marks, comments or any other materials produced by a tutor, supervisor or other marker, unless prior consent has been given by the Academy. The offence of encouraging or enabling plagiarism includes the act of posting student work on to any public website, whether or not it is done with the intention of enabling or encouraging plagiarism.

Collusion
Collusion occurs when, unless with official approval (e.g. in the case of group projects), two or more students consciously collaborate in the preparation and production of work which is ultimately

submitted by each in an identical, or substantially similar, form and/or is represented by each to be the product of their individual efforts. Collusion also occurs where there is unauthorised co-operation between a student and another person in the preparation and production of work which is presented as the student's own.

Falsification

- Claiming to have carried out any form of research which the student has not carried out.
- Falsification of results or other data.

Ghosting

- Submission of work presented as the student's own which has been purchased, commissioned or otherwise acquired from another person (including internet sellers).
- Submission of work created, in part or whole, by Artificial Intelligence (AI) technologies presented as the student's own.

Personation

- Assuming the identity of another student (of this or any other institution) with the intention of gaining an unfair advantage for that student.
- A student allowing another person to impersonate them in order to gain an unfair advantage.

3. Context

Obviously, art students obtain ideas from other sources during their research and adapt these ideas to their own requirements, making the distinction between this and academic misconduct often quite difficult to define when assessing submissions for Studio Practice modules (which focus on the creation of artwork). In this regard, research/sketchbooks and files are important, because these evidence the development of individual ideas and sources of inspiration, so that tutors can trace the train of thought. Tutors should be aware that the best proof of authenticity is the evidence in sketchbooks or research files, or the progress which has been noticed at tutorials, or during daily studio contact.

3.1 The Law & Copyright

Students need to be made aware of the law around copyright, and although this is recognised as a grey area with regard to the appropriation of images in the creation of works of art, as artists and academics, students need to understand that an author/ creator has the right to control the way their work can be used through copyright and the actions that can be taken against individuals for breach of copyright.

4. Guidance

Guidance and definitions of academic misconduct are also provided in the Student Handbook, along with an outline of the policy, procedure and penalties involved. Module assignment briefs additionally signpost this policy and remind students that academic misconduct will result in penalties. Further to this, students are introduced to the subject, policy & procedure in Study skills sessions at induction and at the start of relevant modules, and taught how to denote ownership of written passages, ideas, images, sound or performance which are not their own. 'How to' guides are also provided on the

Academy's VLE (virtual learning environment, Moodle). Students submit all work digitally via Moodle and are required to confirm that all work produced is their own (by agreeing to a statement).

All written work submitted for both formative and summative assessments will be processed through TurnitIn software to check for plagiarism and AI generated content. Students are immediately issued a copy of the Turnitin report detailing and highlighting sources and percentages of similarities and AI generated content (for both formative and summative assessments).

4.1 Guidance for the use of AI

Using AI tools to help with idea generation or planning may be appropriate in some contexts, depending on the nature of the submission and assessment. AI tools can support and assist learning in the preparatory stages of student work; helping to summarise and analyse complex materials; extract key findings; break writer's/ creative block and highlight grammatical errors.

Students may choose to utilise AI tools during the research phase of practical, studio practice modules. In such cases, use of AI needs to be clearly acknowledged.

AI generated images may be appropriated in the creation of original artwork, as images from other published sources are. In such instances, as with all use of appropriated imagery, students are required to acknowledge sources and satisfactorily rationalise their use.

For most Studio Practice modules students are required to submit a final, original, resolved artwork; Where a student uses AI to create such work for summative assessment they must acknowledge sources, satisfactorily rationalise its use (in the context of the brief) and provide detailed evidence of the developmental stages (of the work) including the range of input parameters used at each step along with narrative rationalising and evaluating decisions.

Using AI to create written submissions, in part or whole, is academic misconduct.

5. Scope of policy

Any serious misconduct offence may be regarded as gross misconduct and may therefore lead to suspension pending a disciplinary hearing and possible expulsion. The Academy's Disciplinary Policy and Procedure may be invoked where gross misconduct is deemed to have taken place. In the event of an allegation/s of academic misconduct being proved after a student has been awarded credit or graduated, any credit, degree or other award that is held by the student may be revoked by the Academy (non-validated pre degree programmes) and/or the Open University (as the Academy's validating partner for degree programmes).

6. Procedure

6.1 Preliminary Investigation

Any cases of suspected plagiarism must be passed to the Quality Manager who will review the case along with the relevant Programme/ Department Leader.

Where it is agreed that misconduct may have taken place, the student will be invited to attend an informal meeting with the Quality Manager and Programme/ Department Leader, by email, within ten working days of the submission, to allow the student an opportunity to justify the work.

Substitution will not be allowed for any assessed work to which an academic penalty has been applied.

6.1.1 Informal meeting

The invitation will provide the student with five working days' notice of the meeting, inform them of its purpose and nature and that if they are found to be in breach of this policy, they may be subject to a penalty (reducing their grade) and/ or disciplinary action. The invitation will refer to the report generated by TurnitIn (issued to the student at the time of submission and additionally provided at the time of invitation), where relevant, along with any other evidence considered in the investigation and the procedure outlined in this document. An Administrator will be present at the meeting to record minutes, which, after the student has confirmed the accuracy thereof, will be stored on the relevant confidential area of the student's record and a durable copy issued to the student (via email). The meeting invite will also inform the student of the support available to them throughout the process.

The student is expected to attend the meeting. If a student does not attend and does not attempt to make alternative arrangements, the procedure will move to the formal stage. Where a student has given advance notice of being unable to attend the meeting date set, one further appointment will be made.

6.1.2 Outcome of preliminary investigation

Following discussion and the informal meeting (if applicable), the Programme/Department Leader and Quality Manager will decide if academic misconduct may have taken place.

If it is decided that academic misconduct has not taken place, no further action is required. If it is decided that academic misconduct may have taken place, the formal stage as described in section 6.2 will be followed.

6.1.3 Fitness to Study

Should the meeting highlight any concerns for the student's wellbeing, the Fitness to Study policy should be followed. Whilst any instigation of the Fitness to Study policy and procedure should not disrupt or delay the procedure detailed in this document, the outcome of the Fitness to Study procedure may inform the Academic Misconduct Panel's decision (mitigating circumstances). In such circumstances the Academy will actively encourage and monitor the student's engagement in the support offered throughout the Academic Misconduct procedure.

6.2 Formal Stage

If the Programme/ Department Leader and Quality Manager decide that there may be a case of academic misconduct, the case will be put to the Academic Misconduct Panel for further investigation, and the student notified as such (via email).

The Programme/ Department Leader will present the case to the Academic Misconduct Panel. The Panel will use. TurnItIn report and any other evidence considered at the informal stage to aid their investigation.

6.2.1 Academic Misconduct Panel

Remit

The remit for the Academic Misconduct Panel is:

- To investigate allegations of misconduct and dishonesty, considering evidence presented to it by the staff reporting the alleged academic misconduct and by the student against whom the allegation is made;
- to determine whether misconduct has occurred and, if so, the extent to which a student has attempted to gain unfair advantage (i.e. the severity of the misconduct);
- to determine the penalty which should be applied to the misconduct;
- to consider any mitigating circumstances (significant events affecting the student which directly lead to the academic misconduct);
- to inform the Examination and Progression Board of its findings.

Membership:

- Director of Programmes (Chair)
- A Programme/ Department Leader (of a different programme to which the student is enrolled/ a different department from that responsible for the module in question)
- Quality Manager
- Academic Systems & Support Coordinator (acting as Secretary)

Reports and Documentation

The Examination and Progression Board will receive a report on all cases of academic misconduct for that academic year. The Academic Board will receive annual data on academic misconduct as part of the quality reporting cycle.

6.2.2 Formal Meeting

The Panel may require the student to attend a formal meeting (the student must receive at least five working days written notice) and be notified in writing (by email). The invitation will inform the student of the purpose and nature of the meeting and that if they are found to be in breach of this policy, they may be subject to an academic penalty (reducing their grade) and/ or disciplinary action. The invitation will refer to the report generated by TurnitIn (issued to the student at the time of submission and additionally provided at the time of invitation), if relevant, as well as any other evidence collated during the informal stage of the process and the procedure outlined in this document.

The meeting invitation must also inform the student of the support available to them throughout the process.

At the meeting the evidence will be presented to the student. The Panel will discuss the case to decide on the severity of the misconduct, considering any other prevailing circumstances, including attendance and any extenuating circumstances.

An Academic Administrator will be present at the meeting to record minutes, which, after the student has confirmed the accuracy thereof, will be stored on the relevant confidential area of the student's record and a durable copy issued to the student (via email) along with the notification of the outcome of the investigation, which must be issued to the student within five working days.

6.2.3 Students' right to be accompanied

Where the student is required or invited to attend a panel meeting, they have the statutory right to be accompanied by a friend, representative of the student council or other suitable individual and they will be informed of this in the meeting invitation. However, it would not normally be reasonable for a student to insist on being accompanied by an individual whose presence would prejudice the meeting. The panel will not re-arrange meeting timings to facilitate companions; where individuals cannot attend original schedules the student is expected to appoint another suitable individual. The companion should be allowed to address the meeting to put and sum up the student's case, respond on behalf of the student to any views expressed at the meeting and confer with the student during the meeting. They do not, however, have the right to answer questions on the student's behalf, address the meeting if the student does not wish it or prevent the Academy from explaining their case.

6.2.4 Student non-attendance of the formal meeting

The student is expected to attend the meeting. If a student fails to attend and does not attempt to make alternative arrangements, the meeting will take place in the student's absence. Where a student has given advance notice of being unable to attend the meeting date set, one further appointment will be made.

6.3 Outcomes of Formal Process

At the end of the investigation, the Panel will write to the student to inform them of the outcome.

6.3.1 Where the panel finds academic misconduct has not taken place.

The student will be informed of the outcome and issued a 'Completion of Internal Procedures Letter'

6.3.2 Where the panel finds academic misconduct has taken place.

The student will be informed of the outcome and the penalty to be applied appropriate to the severity of the academic misconduct. The student will also be informed of their right to appeal, following the appeals process outlined in section 8.

The Panel will also ensure that the appropriate arrangements are put in place, including any resubmissions and additional work deemed necessary.

7. Penalties

Where academic misconduct has been found, the action taken and the severity of the penalty applied will depend on the individual circumstances.

7.1 Open University validated awards (Degrees)

The Academy employs penalties based on the AMBeR Tariff system for penalties for Open University validated awards (the Academy's degrees); see **Appendix A**.

7.2 Internally awarded programmes

Where the student is enrolled on an internally awarded programme (Fine Art Foundation), the penalties outlined in **Appendix B** will apply.

8. Appeals

If the student wishes to appeal against the decision, **the appeal must be made in writing to the Quality Manager within ten working days of the written confirmation of the decision and must specify the grounds on which it is based.**

The Quality Manager may reject an appeal if, in their view, it is out of time and shall report that decision to the student and the Examination & Progression Board. Upon receipt of the appeal, the Quality Manager will respond to the student within five working days, informing them of the procedure and timeline. The Quality Manager will convene an Academic Misconduct Appeal Panel within ten working days.

8.1 Grounds for Appeal

The grounds on which a student can appeal are:

- that a decision made at any stage of the process was unreasonable; or
- that there was a material and/or procedural irregularity in the investigation, which has prejudiced the student's case; or
- additional evidence has come to light since the investigation which could not have been expected to have been produced at the time of investigation of the case. This could include significant events affecting the student which directly lead to the academic misconduct (i.e. mitigation) that had not been previously disclosed.

8.2 Appeals Panel

Membership:

- A Chair (normally a Director, other than those previously involved)
- A Programme/ Department Leader (of a different programme to which the student is enrolled/ a different department from that responsible for the module in question, who did not previously sit on the original panel)
- A Core Tutor (not involved in the delivery or assessment of the module in question).
- Academic Systems & Support Coordinator (acting as Secretary)

8.3 Meeting of the Appeals Panel

The appeals panel will consider original and new evidence (if any), the minutes of previous meetings with the student and the student's written appeal, without the student present.

Should the Appeals Panel consider it important for the student to attend the panel meeting. The student will be given a notice period of five working days and again have the right to be accompanied (as set out in 6.2.3)

8.3.1 Student non-attendance of the appeal panel meeting

Where the panel has requested the student attend the panel meeting, the student is expected to attend. If a student fails to attend and does not attempt to make alternative arrangements, the meeting will take place in the student's absence. Where a student has given advance notice of being unable to attend the meeting date set, one further appointment will be made.

8.3.2 Appeals panel report

The Appeals Panel will produce a report of its deliberations and the rationale for the decision. This will be sent to the student along with the notification of the decision within ten working days of the panel meeting. It will also be stored in the relevant section of their student record.

8.3.3 Appeals upheld

Where the panel upholds an appeal, the student will be notified in writing (via email) within ten working days.

8.3.4 Appeal rejected (for students on OU validated programmes)

If the panel conclude that there is no case for appeal, they will issue a 'Completion of internal Procedures Letter', which concludes the Academy's appeals procedure and provides the student with formal confirmation that the student has exhausted all available stages of the internal appeals procedures and advises them of their right to take their appeal to the OU.

Students who are not satisfied with the outcome of the appeal may take their appeal to the Academy's validating partner, The Open University. An appeal will not be considered unless it is initiated and progressed by the student personally. No substantive correspondence or discussions will be entered into by the Open University with a third party unless the student specifically requests this in writing. The Open University procedures state that they must receive appeals as soon as possible and within three months of the outcome of the Academy's internal procedures. A copy of the Open University formal appeals and complaints procedure for students is available on request from the Quality & Standards Office. Alternatively, complaints should be addressed to: *The Vice-Chancellor's Delegate, Academic Services, Student Casework Office, The Open University, Walton Hall, Milton Keynes, MK7 6AA, United Kingdom.*

8.3.5 Appeal rejected (for students on internally awarded programmes)

Where the appeal has been rejected, the 'Completion of Procedures Letter' concludes the Academy's appeals procedures

8.3.6 Reports and Documentation

A summary of appeals is reported to the Examination and Progression Board, Academic Board and Trustees for monitoring purposes.

Any notes made during an appeal are not disclosable to the student.

9. Academic Misconduct penalties for internally awarded programmes

Where an offence of Plagiarism has been committed the following academic penalties may be applied:

a. Disallowing any piece of assessed work, in whole or in part, to be counted for assessment purposes; or

b. awarding any piece of assessed work a 'capped' mark ('capped' means that an upper limit is imposed on the mark); or

c. for an assessment that has been approved to be included in the examinable assessment component, allowing 'resubmission but with a 'capped' mark.

Policies and documents that supplement and reference this document:

Quality Handbook
Student Handbook
Tutor Handbook
Student Disciplinary policy and procedure
Regulations for validated awards of the Open University

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Approved by	Academic Board	Date of approval	(AQSSEC)

Appendix A - Academic Misconduct Penalties (AMBeR Tariff)

For all Open University validated programmes the AMBeR Tariff for penalties must be applied. *Points are assigned based on the following criteria:*

History

1st time	100 points
2nd time	150 points
3rd or more 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
** This may be considered to be a separate form of academic malpractice

Level

Level 4	70 points
Level 5	115 points
Level 6	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 are awarded based on points as below

Penalties (Summative Work*)
In all cases a formal warning is given and a record made contributing to the student's previous history.

280 – 329	No further action beyond formal warning Assignment awarded 0% - resubmission required, with no penalty on mark
330 - 379	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	Assignment awarded 0% - resubmission required but mark capped or reduced Assignment awarded 0% - no opportunity to resubmit
480 - 524	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	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+	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

** Summative work is that which is submitted to published deadlines as part of a module and forms part of your overall grade or the award of credits.*

Formative work doesn't contribute to final grades or credit, but rather is work that is assessed for developmental purposes (ie draft essays)

Appendix B - Academic Misconduct Penalties (Internally awarded programmes)

Where an offence of Plagiarism has been committed the following academic penalties may be applied:

a. Disallowing any piece of assessed work, in whole or in part, to be counted for assessment purposes;or

b. awarding any piece of assessed work a 'capped' mark ('capped' means that an upper limit is imposed on the mark); or

c. for an assessment that has been approved to be included in the examinable assessment component, allowing 'resubmission but with a 'capped' mark.