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Alternative format

If you require this document in an alternative format, please contact the Student Support Team via [Contact us](#) (phone +44 (0)300 303 5303), or your dedicated Student Support Team via [StudentHome](#) if you are a current Open University student.

If you are a postgraduate research student and require this document in an alternative format, please contact the Research Degrees Office via research-degrees-office@open.ac.uk.

Students living in Wales can speak with a student support adviser in Welsh on 029 2047 1170, should you wish to do so.

Summary of Code

The Open University is more than just a place of learning – it's a community. As members of The Open University community everyone has responsibilities to behave in ways that align with our Student Charter. The Code of Practice for Student Discipline provides a fair and equitable framework for how The Open University will investigate and manage student misconduct that the University considers to constitute an offence and which is contrary to our [Student Charter](#).

The Code defines student misconduct that The Open University considers to constitute an offence and details the procedures The Open University will follow to investigate both academic and non-academic misconduct. If students are found to have committed an offence following an investigation or hearing, the Code provides the framework for fairly and consistently applying penalties that are proportionate to the offence. The Code also defines which individuals and committees from the staff body have responsibility for investigating allegations, conducting hearings, and imposing penalties.

Where an allegation of student misconduct is serious and further risk to the OU community and its members needs to be managed, The Open University may decide to take urgent precautionary action by suspending a student whilst a disciplinary investigation takes place.

The Open University will always seek to act fairly in disciplinary investigations. Formal investigations will be conducted by independent disciplinary authorities with no prior involvement in the case or where there could reasonably be considered to be a perception of bias.

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Any student alleged to have committed an offence where there is a formal investigation, will be given an opportunity to put forward their version of events. If and where a penalty is imposed, students will have the chance to appeal if they consider there have been procedural errors in the disciplinary investigation, the penalty applied is unreasonable or if new evidence not previously available has arisen.

Scope

What the code covers

The Code of Practice for Student Discipline applies to all registered or formerly registered students of The Open University, as defined in the [Academic Regulations](#). The Code also applies to learners studying credit bearing courses on Apprenticeships, Vocational Qualifications or Microcredentials offered by The Open University. This covers the following:

- Undergraduate taught students
- Postgraduate taught students
- Postgraduate Research (PGR) students
- PGCE (Wales) students
- Students on a work-based placement (e.g., nursing or social work qualifications)
- Microcredential Learners
- Vocational Qualification Learners
- Apprenticeship Learners
- Formerly registered students

We recognise that not everyone is classed as a student, however we use this term throughout this document to recognise all of the above learners.

The Code of Practice for Student Discipline should not be read in isolation. It is one of a group of student policy documents containing rules and regulations that apply to all students registered with The Open University. These are contained in the [Student Policies and Regulations](#) website. Students are also governed by qualification regulations and module specific regulations.

In addition, research students should access the list of policy documents contained in the

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What the code does not cover

The Code of Practice for Student Discipline does not apply to students in other institutions following modules that are validated by The Open University. Validated institutions will apply their own policies and regulations.

[Subsidiary Institutions of The Open University](#) will follow their own policies and regulations, in some circumstances discipline cases will be referred to The Open University. The procedure whereby discipline cases are referred to The Open University will be detailed in your institutions policy.

Students on professional courses which require registration (e.g. students of nursing, social work, policing, teaching) are also subject to Fitness to Practise (FtP) requirements; the relationship between this Code of Practice for Student Discipline and the FtP process are set out in The Open University [Fitness to Practise procedure](#).

There are separate procedures concerning Student Complaints, which can be found in the [Student Complaints and Appeals Procedure](#).

The Open University Student Charter Values

The [Student Charter](#) was developed jointly by The Open University and the OU Students Association. It is a declaration of our shared values and the commitments we make to each other. The Student Charter defines the behaviour we expect in our community, and this document details the policy and procedure that The Open University will use to manage behaviour which does not meet these expectations. This document has been developed with the Student Charter values as its foundation.

Introduction

The Code fulfils a requirement of the [University Charter](#) to make sure that the University maintains academic standards and provides an appropriate learning environment (Statute 16(23)). The Open University is authorised by the power invested in the Senate to conduct

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disciplinary investigations and to apply penalties in accordance with this Code of Practice for Student Discipline. The parts of the [University Charter](#) that relate to the Code are Statutes 5 and 16.

Students can access free, independent advice and support through the [Individual Representation service](#), provided by The Open University Students Association Advice Team, during Central Disciplinary cases. This includes accompanying students to any disciplinary hearings as their representative, assisting students with the preparation of evidence and providing support and advice on plagiarism cases. Guidance on how students can get in touch is listed on the [Individual Representation service web page](#).

Students should contact the [Student Casework Office](#) if they wish to discuss any reasonable adjustments or any additional support they may need to fully engage in these procedures to take into account their disability, in order to comply with its obligations under the Equality Act 2010 in England, Scotland and Wales, the Disability Discrimination Act 1995 (Amendment) Regulations (Northern Ireland) 2004, or any other statutory duty or obligation.

1. Purpose

The purpose of the Code of Practice for Student Discipline is to set out a clear, fair and equitable framework for how The Open University will investigate allegations of student misconduct and where appropriate, apply disciplinary penalties.

1.1. The objectives of the Code are:

1.1.1 To maintain The Open University's academic standards and to provide an appropriate learning community.

1.1.2 To define misconduct that is considered a disciplinary offence.

1.1.3 To clearly set out a fair and consistent policy and procedure for investigating allegations of misconduct, conducting disciplinary hearings, applying penalties following confirmed offences and conducting appeal hearings.

1.1.4 To set out the rights and duties of Open University staff who have responsibility for investigating allegations of misconduct, conducting disciplinary hearings, applying penalties following confirmed offences and conducting appeal hearings.

1.1.5 To outline how, after the internal procedures have been exhausted, students can refer a complaint about the outcome of a disciplinary investigation to the Office of the Independent Adjudicator (OIA) for an independent review.

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1.1.6 To operate in accordance with the [OIA's Good Practice Framework: Disciplinary Procedures](#).

2 Offences

2.1 The Open University regards the following sections [2.3](#) and [2.4](#) as disciplinary offences for which penalties may be imposed by the appropriate authority under this Code. Please note that the examples listed under each of the disciplinary offence headings ([2.3.1](#) to [2.4.5](#)), are illustrative and not exhaustive; other misconduct or behaviours which fall under the broad offence heading may also be considered as disciplinary offences.

2.2 Any of the offences may be considered to have been committed if they are attempted, even if unsuccessful and/or detected early. This also includes individuals who assist or encourage others to commit an offence.

2.3 Academic Offences

2.3.1 Academic Misconduct

Misconduct that undermines the academic integrity of The Open University including, but not limited to, the following:

a. Misconduct that breaches The Open University's [Academic Conduct Policy](#), including:

i) [Plagiarism](#)

ii) [self-plagiarism](#)

iii) [enabling plagiarism](#)

iv) [collusion](#)

v) [contract cheating](#)

vi) [unauthorised use of generative Artificial Intelligence or automated tools](#)

vii) [falsification](#)

viii) [misconduct in an exam](#)

b. Serious academic misconduct, where an offence under [Section 2.3.1\(a\)](#) has been committed and either:

i) a penalty has been applied on one or more previous occasions; and/or

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- ii) the circumstances of the offence involve dishonesty (such as a deliberate intent to deceive), coercion, financial gain, damage to the reputation of The Open University or other serious misconduct.
- c. Serious misconduct of research students and/or conduct that breaches The Open University's [Academic Regulations for research qualifications](#) and/or the [Conditions of Registration for Postgraduate Research Students](#).

2.4 Non-Academic Offences

2.4.1 Reputational Damage

Misconduct that undermines or damages the reputation of The Open University including, but not limited to, the following:

- a. revealing confidential information without permission, including:
 - i) information about the proceedings of a university body;
 - ii) personal information about applicants, other students, graduates, clients or staff.
- b. condemnation of The Open University in any media, including social media, where this is based on assertion or personal opinion rather than evidence or personal experience.

Note this is not intended to prevent valid "[whistleblowing](#)", or inhibit valid comment where the performance of The Open University falls short of that which would be considered acceptable by The Office of the Independent Adjudicator (OIA) (the ombudsman body for the Higher Education sector), and other regulatory bodies such as the Office for Students.

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2.4.2 Operational Obstruction

Misconduct that disrupts or interferes with the teaching, learning, research or administration of The Open University, whether on University premises, elsewhere, or in virtual environments such as forums, social networks or electronic correspondence including, but not limited to, the following:

- a. misconduct that obstructs or improperly interferes with the functions, duties or activities of any student, member of staff of The Open University, agent or associate acting on behalf of The Open University, or any authorised visitor to The Open University and which is likely to cause injury or jeopardise safety during any Open University activity or on Open University premises.
- b. misconduct that involves misuse or abuse of Open University computing services, including online services, systems and networks that are, in breach of The Open University [Student Computing Policy](#) including:
 - i) misconduct that involves using The Open University computing services for purposes other than as part of a student's studies, such as storing material unrelated to study and using online storage space The Open University has provided.
 - ii) misconduct that breaks any software licensing agreement or breaches the [Copyright, Designs and Patents Act 1998](#). This includes any non-study use of University software, website content, study materials or other information provided by the University as well as storing copies of copyright material on any online space provided. This also includes breaches of the policies of our partners where students are using their services.
 - iii) misconduct that breaches the requirements of the [Computer Misuse Act \(1990\)](#), the [Criminal Justice and Public Order Act 1994](#), data protection legislation or other relevant acts.
 - iv) misconduct that involves promoting any product or service via The Open University's computing services for a reward financially or in kind.
- c. misconduct on premises provided by another institution for the use of Open University students that breaks the regulations of that institution, including health and safety matters. These premises include any that are used for a tutorial, residential or day school, or as a study or examination centre, or as the location for a graduation ceremony. They also include any library, laboratory, research or other facility.

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2.4.3 Unacceptable behaviour

- a) Violent, indecent, disorderly, discriminatory, or threatening behaviour or language that is intended to or has the effect of creating an intimidating or hostile environment for others during any Open University activity or on Open University premises.
- b) Failure to treat others with Dignity and Respect, contrary to Value 1 and 2 of the [Student Charter](#) and which breaches The Open University's policy on [Dignity and Respect](#).

2.4.4 Acts of Dishonesty

Misconduct that is dishonest either through act or omission and which is intended to secure a benefit, service or facility to which a student is not entitled. This includes [Fraud](#), [Corruption](#), and [Bribery](#), in breach of the [Fraud Act 2006](#) and the [Bribery Act 2010](#).

An offence may be committed if a student provides false information or fails to correct information that they know to be wrong and as a result they receive something they would not otherwise have been entitled to. This may include, but is not limited to:

- a. any financial benefit, such as a grant, discount, refund or expenses payment;
- b. any exceptional treatment such as exemption, deferral, extension of time or special arrangements;
- c. registration for, progression through, deferral or completion of modules or qualifications, or the award of credit or qualifications.

2.4.5 Regulatory Breaches

- a) misconduct that breaches The Open University's [Safeguarding Policy](#), impacting The Open University's duty to provide a safe environment for children and vulnerable adults.
- b) misconduct that indicates a failure to accept and comply with any penalty imposed by a disciplinary authority.
- c) A breach of any other Open University policy, code, rule or regulation as listed on the [Student Policies and Regulations](#) website that constitutes misconduct.

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3 Warnings, Cautions and Penalties

3.1 Principles

3.1.1 Students found to have committed any of the offences defined in Section 2 '[Offences](#)' of this Code may be given a warning or informal caution ([3.2](#)) for less serious offences, or one or more of the penalties listed in [3.3](#) to [3.8](#) applied according to the severity of the offence.

3.1.2 Penalties would not normally be disclosed to anyone outside The Open University, except for;

- Apprenticeship Learners
- Students studying through a partner institution
- Vocational Qualification Learners
- Students on a work-based placement (e.g., nursing or social work qualifications) or as part of a Fitness to Practise disclosure

The Open university will inform the student if a penalty needs to be disclosed.

3.1.3 The student record relating to disciplinary action is not visible to most Open University staff, including tutors. It is only available to staff who need access to it as part of their role, for example, some disciplinary authorities and the Student Casework Office.

3.1.4 The Open University is committed to procedural fairness in disciplinary investigations. When determining outcomes, The Open University applies the following key principles to ensure that cautions and penalties are:

- a. proportionate (a first offence from an inexperienced student is unlikely to command the same penalty as a repeat offence by an experienced student);
- b. consistent (regard will be given to the penalty applied to similar students in similar situations);
- c. appropriate (academic penalties should only be used for academic offences, for example, academic penalties ([3.4](#)) should only be used for academic misconduct offences ([2.3.1](#))).

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3.1.5 Students will not be entitled to any reimbursement of the Open University fees if expelled or subjected to any other disciplinary penalty under this Code, other than any entitlement that a student has under law.

3.1.6 Details of the allocation of authority to impose penalties are given in Section 4 '[Authorities](#)' of this Code.

3.2 Warnings or informal cautions

A student may receive a **warning** or an **informal caution** if the disciplinary authority (including the Central Disciplinary Committee) considers that an offence has been committed but it is not sufficiently serious to require a disciplinary or an academic penalty ([3.3](#) to [3.8](#)). A warning or an informal caution is not a penalty under this Code of Practice and will not be disclosed to anyone outside The Open University. However, the University will keep a record of the warning or informal caution on the student's record and any further misconduct may result in a penalty.

If material in an assignment is found to have been plagiarised, a decision to deduct or not award marks for any material that is not the student's own is considered to be a matter of academic judgement and not a penalty. Normal academic practice does not allow students to be credited with marks for work that is not their own.

3.3 Formal Cautions

A **formal caution** is a penalty under this Code and may be delivered in writing, electronically or orally in the presence of at least one witness, but will always be confirmed in writing to the student. Formal cautions can only be issued by disciplinary authorities (including the Central Disciplinary Committee) and are permanently recorded on the student's electronic record for as long as that record is held, as set out in the [Student Privacy Notice](#).

3.4 Academic Penalties

Where an academic offence under Section 2.3.1 '[Academic Misconduct](#)' has been committed the following academic penalties may be applied:

- a. disallowing, in part or whole, any piece of assessed work; or
- b. awarding any piece of assessed work a 'capped' mark ('capped' means that an upper limit is imposed on the mark); or
- c. disallowing a full piece of work and removing the opportunity for resubmission.

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3.5 Withholding or withdrawing qualification, credit or withdrawing registration

Where a serious offence under Section 2.3.1 '[Academic Misconduct](#)' or 2.4.4 '[Acts of Dishonesty](#)' has been committed the following disciplinary penalties may be applied:

- a. withholding credit for a module or modules the student has taken, but for which credit has not yet been awarded;
- b. withdrawing registration;
- c. withdrawing any academic qualification or module credit that has already been awarded, but which is judged to have been wrongly awarded (for example due to plagiarism being detected retrospectively);
- d. withdrawing any credit exemption, transferred credit or credit that is equal to any period of study or examination that has already been awarded, but which is judged to have been wrongly awarded.

3.6 Exclusion and expulsion

3.6.1 Exclusion

Where a serious and/or repeated offence has been committed, and the disciplinary authority decides that restrictions should be placed upon a student, the following disciplinary penalties may be applied:

- a. temporary [Exclusion](#) from any module, qualification, facilities, premises or services that are available to students of The Open University;
- b. permanent [Exclusion](#) from any module, qualification, facilities, premises or services that are available to students of The Open University;
- c. [Exclusion](#) from a residential school, day school, online school, tutorial, examination or other event.

3.6.2 Expulsion

Where a serious and/or repeated offence has been committed, and the disciplinary authority decides that a student should be removed from study at The Open University, the following disciplinary penalties may be imposed:

- a. temporary [expulsion](#) from The Open University;
- b. permanent [expulsion](#) from The Open University.

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Note that exclusion and expulsion are not the same as [Suspension](#) (see Section 5 [‘Precautionary Action’](#)). Exclusion and expulsion are a result of a confirmed offence and they are disciplinary penalties. Suspension is not a disciplinary penalty, it is an urgent and necessary precautionary action whilst an investigation takes place and/or matters relating to student conduct are under consideration elsewhere (such as the courts).

3.7 Compensation

Where appropriate, the Central Disciplinary Committee may order a student to pay costs or compensation to recover money paid or loaned by The Open University or a third party to a student or to cover all or part of the cost of damage to, or replacement of, property.

3.8 Other penalties

The Central Disciplinary Committee can impose other penalties if an appropriate penalty to an offence is not listed in [3.3](#) to [3.7](#). Any other penalties applied by the Central Disciplinary Committee will be determined using the key principles listed in [3.1.4](#) to ensure the penalty imposed is fair.

4 Authorities

- 4.1 Suspected offences are investigated and managed by a range of authorities. Individuals and committees with responsibility for administering this Code do not have the same powers as a court of law. They work in line with the common-law principles of ‘natural justice’, which means that The Open University will make decisions fairly, reasonably and based on evidence. The Open University make decisions [“on the balance of probabilities”](#) – the civil level of proof, rather than “beyond reasonable doubt” - the criminal level of proof. In disciplinary investigations the “burden of proof”, which is whose responsibility it is to prove an issue, is placed on The Open University.
- 4.2 The Open University is committed to ensuring procedural fairness in disciplinary investigations. We will always appoint disciplinary authorities who have no prior involvement in the case or where there could reasonably be considered to be a perception of bias.
- 4.3 The detailed regulations of this Code are administered by individuals or committees who have specific responsibilities and remits as executive authorities, disciplinary authorities or appeal authorities.

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The authority allocated to investigate the alleged offences is determined by the nature and circumstances of the event or situation in question. Where immediate action is required, the senior member of The Open University staff present or online at the time takes on the role of the executive authority if no disciplinary authority is present. Other circumstances are addressed by disciplinary authorities listed in 4.7 [‘Senior University officers as Disciplinary Authorities’](#) and 4.8 [‘Committees with collective roles as Disciplinary Authority’s’](#).

4.4 The Vice-Chancellor

- 4.4.1 The Vice-Chancellor has delegated responsibility for student discipline to the Director, Student Support Services, the Vice-Chancellor’s Delegate, and the Pro-Vice Chancellor (Research and Innovation).
- 4.4.2 The Vice-Chancellor’s Delegate is the person/s appointed by the Vice-Chancellor and their appointment has been reported to The Open University Senate.

4.5 Executive authorities

- 4.5.1 An executive authority is the senior Open University representative who is present at the event or who is providing the service in relation to which the disciplinary offence occurs.
- 4.5.2 Executive authorities can include those in the following roles:
- Senior Open University representative at a tutorial, day school or research event;
 - Moderator of an electronic forum;
 - School Director of a residential school or online school;
 - Senior Invigilator;
 - Examination Panel Chair (for research students);

4.5.3 Remit of executive authorities

The remit of executive authorities are restricted, they act on the delegated authority of disciplinary authorities who have responsibility for initiating disciplinary action and, where appropriate, imposing penalties. Offences that individual executive authorities have the authority to act upon, are determined by the nature and responsibility of their role. Table 1 in [Appendix 1](#) details the specific offences that individual executive authorities may act in relation to.

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Executive authorities can decide to take the following disciplinary action and must report it to disciplinary authorities:

- a. issue a warning or informal caution to the student (this is not a disciplinary penalty and the student cannot appeal against it);
- b. initiate a formal caution ([3.3](#)) that the appropriate disciplinary authority will consider;
- c. temporarily exclude the student from a module, qualification, facilities, premises or services ([3.6.1](#));
- d. exclude the student from a residential school, day school, online school, tutorial, examination or other event ([3.6.1](#)).

In addition, the School Director of a residential school or online school may decide that the student has caused loss of, or wilful damage to, property, and initiate an order to be considered by the Central Disciplinary Committee, for the student to pay appropriate compensation ([3.7](#)).

Electronic forums provided by The Open University Students Association are subject to regulation 12.4 in the [Open University Students' Association's Bye-Laws](#).

4.6 Student Fraud Group

4.6.1 The Student Fraud Group is the body within The Open University responsible for receiving, investigating, and for referring reports of suspected or actual incidents of Fraud, Corruption and Bribery, involving students or prospective students, which would be considered under offence 2.4.4 '[Acts of Dishonesty](#)'. Student Fraud Group may also seek legal advice as necessary.

4.6.2 The Chair of the Student Fraud Group is the Director Student Support Services, Academic Services. The core membership of the Student Fraud Group includes: Chief Auditor; Internal Audit Manager; Senior Manager Policy and Controls, Student Recruitment & Fees; a Student Support Team or Nation Office representative at Assistant or Depute Director level; and Assistant Director, Student Policy, Compliance & Casework. The secretary to the group is the Senior Manager, Student Casework. Other Officers of the University can be co-opted into the group where relevant to the investigation of case(s) under consideration.

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4.6.3 With regard to proceedings outlined within this Code, the Student Fraud Group determines whether there is sufficient evidence for an investigation to proceed as a disciplinary case under offence 2.4.4 '[Acts of Dishonesty](#)'. A case or connected cases may be referred to a Disciplinary Authority, ordinarily this would be the Central Disciplinary Committee on the basis that fraud, bribery and corruption cases involve the consideration of serious misconduct. A referral and recommendation may also be made in respect of appropriate precautionary action as detailed in Section 5 '[Precautionary Action](#)' and disciplinary penalties following a confirmed offence.

4.7 Senior University officers as Disciplinary Authorities

4.7.1 University officers who have individual roles as disciplinary authorities are:

- a. Director, Student Support;
- b. Vice-Chancellor's Delegate;
- c. Pro-Vice-Chancellor (Research and Innovation);
- d. Director, Academic Services;
- e. Director, Assessment, Credit and Qualifications;
- f. Director of Operations, Student Recruitment & Fees and Tutor Experience Support & Services;
- g. National Directors or their Delegates;
- h. Assistant Directors, Depute Directors, or Head(s) of Student Support Services, Academic Services;
- i. Academic Conduct Officers;
- j. On an exceptional basis, authority to act on behalf of a disciplinary authority can be delegated. The Open University will advise the student(s) concerned of the reasons for this (e.g. staff absence/availability, to ensure there is independence of consideration).

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4.8 Committees with collective roles as Disciplinary and Appeal Authorities

4.8.1 University committees who have collective roles as disciplinary authorities and whose responsibilities can involve investigations, hearings, imposition of penalties and appeals, are:

- the Central Disciplinary Committee (see [appendix 2](#))
- the Special Appeals Committee of the Senate (see [appendix 3](#))
- the Senate Academic Appeals Review Panel (see [Student Complaints and Appeals Procedure](#))
- the Academic Misconduct Appeals Committee (see [Student Complaints and Appeals Procedure](#))

4.9 Remit of Executive University officers as Disciplinary Authorities

4.9.1 The Open University seeks to apply a proportionate approach to disciplinary cases. For offences that do not need to be referred to the Central Disciplinary Committee the relevant Disciplinary Authority can apply lesser sanctions.

4.9.2 Where a student is found to have breached the Academic Conduct Policy ([2.3.1 a.](#)) Academic Conduct Officers are the appropriate authority to apply an Academic Penalty ([3.4 a. b. c.](#)) or if appropriate, a warning ([3.2](#)) or a formal caution ([3.3](#)).

4.9.3 For research students, academic misconduct would be considered by the Pro-Vice Chancellor (Research and Innovation), who can apply a warning ([3.2](#)), a formal caution ([3.3](#)), or in more serious cases temporarily exclude a student ([3.6.1 a. c.](#)).

4.9.4 Other Disciplinary Authorities can apply informal or formal cautions for other kinds of non-academic misconduct ([2.4.1a.b.c](#), [2.4.2a.b.c](#), [2.4.3a.b](#), [2.4.4a.b.c](#), [2.4.5a.c](#)). Ordinarily a case will be considered by the Disciplinary Authority who oversees the service where the alleged misconduct occurred. For example, a Head of Student Support or a Deputy/Depute Director in a National Office would be best placed to consider alleged disruptive behaviour or inappropriate communication ([2.4.3](#)) that either relates to interactions with their team or has been referred through from the faculty.

4.10 Escalation of cases to the Central Disciplinary Committee

4.10.1 Where an offence, whether Academic or Non-Academic, is sufficiently serious to warrant consideration of a student's status at The Open University, only the Central

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Disciplinary Committee and the Special Appeals Committee of the Senate have the authority to withdraw a student's registration ([3.5b.](#)), to withdraw credit at module or qualification level ([3.5a.c.d.](#)), or to apply an expulsion penalty ([3.6.2a.b.](#)), following a full disciplinary hearing of the case.

- 4.10.2 A Disciplinary Authority should consider referring a case to the Central Disciplinary Committee if there are repeated instances of the same kind of misconduct or the circumstances of a single offence is considered to be sufficiently serious to warrant consideration of the full range of penalties available under the Code. They should consider the risk of the behaviour repeating, the potential impact on staff and/or other students, and/or the academic integrity or reputation of The Open University. Where either the history of cases or the individual circumstances are considered to be sufficiently serious, the case should be escalated to the Central Disciplinary Committee so that a decision can be made on whether a full disciplinary hearing should take place.
- 4.10.3 Where an offence does not clearly fit into the main disciplinary headings listed in Section 2 '[Offences](#)', the only authority that can impose a penalty is the Central Disciplinary Committee.
-

5 Precautionary action

- 5.1 There may be times where The Open University needs to take precautionary action by suspending a student. This action will only be taken in order to manage further risk to individual members of The Open University as well as the University community in general and/or where matters relating to student conduct are under consideration elsewhere and it is appropriate to await the outcome of that process (such as a police investigation, employment tribunal, or where a case is subject to court action).
- 5.2 For the purpose of this Code '[Suspension](#)' is defined as a temporary exclusion of any student from all aspects of study.
- 5.3 Where a student is suspended, for example to allow an investigation to take place, or until their case is heard by the Central Disciplinary Committee, this is "without prejudice" to the outcome of the investigation or disciplinary hearing. The Open University will record written reasons for the suspension and make those available to the student.

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5.4 Urgent and necessary precautionary action

5.4.1 A suspension will only be used where a student is involved in an allegation of serious misconduct, and it is urgent and necessary to take such an action, for example when there are safeguarding issues or there is an alleged serious breach of the [Fitness to Practise Procedure](#) or [Fitness to Study Policy](#).

5.4.2 The Director, Student Support, the Vice-Chancellor's Delegate or, in the case of research students, the Pro-Vice-Chancellor (Research and Innovation) have the authority to suspend a student immediately when the matter is urgent. The suspected misconduct will then be forwarded to the secretary of the Central Disciplinary Committee for full consideration.

5.5 Police investigations or criminal charges

If a student is the subject of a police investigation, or if a criminal charge has been made against them, or if a case which references student conduct has been referred through the courts, they may be suspended by the Director, Student Support, the Vice-Chancellor's Delegate or, in the case of research students, the Pro-Vice-Chancellor (Research and Innovation) until the outcome of the investigation, trial or court process. The Open University will not take action under this Code (other than suspension) for an offence relating to a police investigation or charge until the outcome of the investigation or trial is known.

5.6 Disciplinary hearings following a police investigation

If a student is suspended until the outcome of a trial and a guilty verdict is given against them, the Central Disciplinary Committee will then review the case and decide whether a disciplinary penalty should be imposed on the student. If the suspended student is found not guilty at a criminal trial or the case is not proven, The Open University can still proceed with a disciplinary hearing and impose a penalty if there is sufficient evidence that an offence under this Code occurred.

5.7 The student's opportunity to give their account of the case

A suspension is not a disciplinary penalty and therefore the student cannot appeal against it. However, The Open University will periodically review the decision to suspend a student to ensure that any new evidence that may emerge during an ongoing suspension is considered. The student will also have an opportunity to question whether their suspension was reasonable at the disciplinary hearing at which their alleged misconduct is considered. The Central Disciplinary Committee will

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consider the length of the suspension and its impact on study before any penalty decision is determined.

Procedure

6 Reporting concerns of misconduct

6.1 Anyone can raise an allegation of student misconduct, including other students, staff and academic partners. Concerns can be reported to The Open University by contacting the [Student Casework team](#).

6.2 Any student who has an allegation raised against them will be given an opportunity to respond to the allegation as part of an investigation before any penalty is imposed.

6.3 Presenting a false or baseless and unsubstantiated accusation that another student has committed an offence may constitute an offence and may be subject to disciplinary investigation under this Code.

6.4 Reporting a concern of Fraud, Bribery or Corruption

6.4.1 Students can report suspected or actual incidents of Fraud, Corruption or Bribery to the Student Fraud Group by emailing studentfraud@open.ac.uk who will consult with the Chief Auditor. If you feel unable to report in this way, you can make a report through the Open University's [Whistleblowing Policy](#).

7 Suspected misconduct and investigations

7.1 The Open University aims to investigate allegations of misconduct promptly and where practicable within 90 calendar days of the identification of a concern. In particularly complex cases, or where further information is needed from other parties as part of the investigation, an extension of this time limit may be required. Investigating authorities will provide updates to students where the timeframe cannot be met.

7.2 Investigations by the Student Fraud Group

7.2.1 When the Student Fraud Group receive a report of suspected student Fraud, Bribery or Corruption, the Secretary to the group will consult with the Chair and the Chief Auditor and if appropriate convene a meeting, as soon as practicable.

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7.2.2 The Student Fraud Group will:

- a) Decide whether and at what stage a case should be reported to the police or other external agency such as Action Fraud and the Student Loans Company.
- b) Liaise with the University Secretary, to inform the Office for Students (OfS) about serious incidents involving suspected or confirmed cases of Fraud, as part of a condition of The Open University's registration with the OfS.
- c) Take action to prevent further loss if appropriate, such as recommending that the appropriate authority suspends a student as detailed in Section 5 '[Precautionary Action](#)'. They may also consult with relevant colleagues to authorise the withdrawal of access to Open University property and Open University computer systems.
- d) Consider whether a member of the Student Fraud Group should attend any related internal hearing that takes place, and present evidence as a witness under Section 8.3 '[Witnesses](#)'.
- e) Consider whether they need to take legal advice on behalf of The Open University, for example on the recovery of losses and costs through civil courts.

7.3 Investigations by an executive authority

7.3.1 Executive Authorities may take action in an Open University situation that requires immediate intervention and where no disciplinary authority is present. Examples of such situations include a student creating a disturbance in day schools, residential schools, online schools or alternative learning environments tutorial, or a student using offensive language or intimidating another student or member of staff in a forum.

7.3.2 The senior member of The Open University staff present or online at the time may take any disciplinary action listed in [4.5.3a.b.c.d](#).

A student would ordinarily be cautioned and asked to adjust their behaviour in the first instance, however, if the misconduct persists, or if the offence is considered sufficiently serious, then further action, including exclusion from the event, would need to be considered.

7.3.3 The executive authority will report any action taken as soon as possible and in any event within 3 working days to the appropriate disciplinary authority, who will investigate the suspected misconduct in accordance with the procedure in Section [7.4](#) below.

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7.4 Investigations by a Senior University officer acting as disciplinary authority

7.4.1 When investigating suspected misconduct or a report from an executive authority, a disciplinary authority will take one or more of the following actions:

- a. within 10 working days of receiving notice of the suspected misconduct, interview or ask for a signed statement from any person who might know the circumstances of the alleged offence;
- b. decide whether or not there is evidence for a case against the student and whether or not further action should be taken;
- c. if further action is to be taken, write to the student:
 - i) state the issue that is of concern
 - ii) provide evidence of the alleged offence,
 - iii) explain the disciplinary process and the potential outcome
 - iv) ask for the student's comments within 10 working days of the date of the letter from the disciplinary authority;
- d. on receipt of the student's response, or after the 10 working days, the disciplinary authority will:
 - i) inform the student if no further action is to be taken, which may include confirming the action taken by an executive authority; or
 - ii) inform the student that a penalty is to be imposed and of their right of appeal against the penalty to the Central Disciplinary Committee; or
 - iii) refer the matter to the Central Disciplinary Committee for the Committee to hear the case who will decide whether or not the student has offended under the Code and, if so, what penalty should be imposed.

7.5 Investigations by an Academic Conduct Officer

7.5.1 When investigating an allegation of conduct that breaches The Open University's [Academic Conduct policy](#) under [2.3.1 a, and/or b](#), an Academic Conduct Officer will take the following actions:

- a. review the evidence and decide whether a full disciplinary investigation is required;

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- b. if no further investigation is required, the Academic Conduct Officer may still issue a warning and exclude marks for any parts of the assignment which are not the student's own work;
- c. if further action is to be taken, write to the student;
 - i) state the issue that is of concern,
 - ii) explain the disciplinary process and the potential outcome,
 - iii) ask for the student's comments on the reports of the case within 10 working days of the date of the letter from the disciplinary authority;
- d. if, after receiving the comments from the student they decide that no further action should be taken, they must inform the student;
- e. if, after receiving the comments from the student, or after the 10 working days have passed, they decide that a penalty should be imposed:
 - i) they must inform the student of the penalty and tell the student of their right to appeal, if the offence is under [2.3.1a](#);

or

 - ii) they should refer the matter to the Central Disciplinary Committee who will follow the procedures set out in [7.6](#) below, if the Academic Conduct Officer considers the offence comes under [2.3.1b](#) due to the serious or repeated nature of the offence.

7.5.2 Offences that fall under Section [2.3.1c](#) are investigated by the Pro Vice Chancellor Research and Innovation, or their delegate, and would follow the procedure set out in [7.4](#).

7.6 Investigations by the Central Disciplinary Committee

7.6.1 *Informing the student of the investigation*

Within 10 working days of receiving notice of the suspected misconduct, the secretary of the Central Disciplinary Committee will:

- a. send to the student an account of the alleged misconduct;
- b. inform the student that they are investigating and that, if there is sufficient evidence of misconduct, they will refer the case to the Central Disciplinary Committee;

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- c. tell the student the date of the next meeting of the Central Disciplinary Committee that could hear the case;
- d. send the student a copy of the current [Code of Practice for Student Discipline](#);
- e. ask the student for their comments on the allegation;
- f. invite the student to provide the details of any witnesses The Open University should contact, the name of any friend or representative they would like to be accompanied by (see Sections 8.2 '[Nominated friend or representative](#)' and 8.3 '[Witnesses](#)') and
- g. advise the student that they need to respond within 10 working days of the date of the letter from the Secretary of the Central Disciplinary Committee.

7.6.2 *Before the disciplinary hearing*

The Secretary to the Central Disciplinary Committee will:

- a. Determine whether or not the case should go forward to a disciplinary hearing, consulting with the Chair of the Central Disciplinary Committee as required;
- b. Send the student confirmation if the case is proceeding to a hearing, and arrange for the Secretariat team to:
 - i) provide the student with a copy of all the documentation which will be shared with the Committee;
 - ii) give notice of any witnesses that will be in attendance;
 - iii) remind the student of their right to attend the meeting in person or remotely and to be accompanied by a friend or representative.
- c. If no reply has been received within 10 working days of the date of the letter inviting the student to a disciplinary hearing, the hearing will proceed on the basis that the student denies the alleged misconduct;
- d. If a mutually convenient date for a disciplinary hearing cannot be arranged within 90 days of notification to the student that a hearing is needed, the Central Disciplinary Committee may hear a case and make a finding in the student's absence;
- e. Subject to the student's agreement, the Committee may proceed with a disciplinary hearing in the presence of the student's nominated friend or representative but in the absence of the student.

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8 Hearings by the Central Disciplinary Committee

Note that the Central Disciplinary Committee has a dual role. It acts as a disciplinary authority and as an appeal authority. 'Disciplinary hearing' relates to the disciplinary role of the Central Disciplinary Committees whereas 'appeal hearing' relates to its role as an appeal authority.

8.1 Mode of attendance at hearings

8.1.1 Attendance at disciplinary and appeal hearings by students, witnesses, nominated friends or representatives may be in person and/or by telephone and/or by any reasonable electronic medium, subject to prior agreement from the Secretary of the Disciplinary Committee. Notification of mode of attendance must be received at least one week prior to the scheduled hearing. Written testimony may be presented instead of, or in addition to, attendance at a hearing.

8.2 Nominated friend or representative

8.2.1 The student may nominate a friend or representative to attend a disciplinary or appeal hearing either to accompany them or to attend in their place. Students can nominate a representative from the OU Students Association Individual Representation service, as detailed in Section 14 ['Representation and Support'](#). Whilst the process would not normally need students to have access to legal advice, this would be permitted where the case is considered to be particularly complex, or where the consequences for the student are potentially very serious. The Open University reserves the right to defer the hearing and to ask the student to nominate an alternative friend or representative if it considers that the person originally nominated is obstructing the proceedings.

8.3 Witnesses

8.3.1 The Central Disciplinary Committee, the Special Appeals Committee and students may request witnesses who have direct knowledge of the alleged misconduct to attend disciplinary and appeal hearings and to question any witness called.

8.3.2 The Open University does not have the power to order any person called as a witness to attend either a disciplinary or an appeal hearing.

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8.3.3 The Chair of the relevant Committee has the authority to decide whether or not witnesses are relevant to the case.

8.4 At the disciplinary hearing

8.4.1 Students will have an opportunity to put forward their version of events before any formal penalty is imposed. The student or their nominated friend or representative will be given the chance to present their case at the hearing. The student may be asked questions by the Central Disciplinary Committee but the nominated friend or representative will only be asked questions if permission has been given by the student.

8.4.2 Both the student and the Central Disciplinary Committee have the right to question any witness called.

8.4.3 The Central Disciplinary Committee may set time limits on oral statements and on the time spent questioning any witnesses.

8.4.4 The Central Disciplinary Committee may postpone the hearing to another date if it decides that this is necessary.

8.4.5 The Open University's Welsh language standards give people invited to any meeting regarding disciplinary issues the right to use Welsh. If the University is made aware of a person's wish to use Welsh, a simultaneous translation service will be arranged.

8.4.6 The student and any nominated friend or representative, if present at the hearing, must withdraw while the Central Disciplinary Committee considers its findings and the appropriate penalty, if any.

8.4.7 When considering any penalty, the Central Disciplinary Committee may use any information from the student's record that it considers relevant.

8.4.8 The decision of the Central Disciplinary Committee is by a simple majority. If there are equal votes the decision will be in the student's favour. The Central Disciplinary Committee's decision will be sent to the student in writing, along with information on any right to appeal.

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9 Methods of appeal

9.1 Rights to appeal

- 9.1.1 Students who have received an academic penalty from an Academic Conduct Officer should follow the General Academic Appeals Procedure, set out in the [Student Complaints and Appeals Procedure](#), where academic penalties are considered by the Academic Misconduct Appeals Committee.
- 9.1.2 Students who have received a disciplinary penalty from any other University Officer can appeal to the Central Disciplinary Committee.
- 9.1.3 Students who have received a penalty from the Central Disciplinary Committee can appeal to the Special Appeals Committee.
- 9.1.4 Students studying under a Collaborative Provision Arrangement who have received a disciplinary penalty from the Partner Institution, which restricts their right to access face to face teaching on the Partner Institution site, can appeal to the Central Disciplinary Committee.
- 9.1.5 Please note, any penalty will apply until the outcome of any appeal.

9.2 Right to appeal to the Central Disciplinary Committee or the Special Appeals Committee of The Open University Senate

- 9.2.1 The student has a right to appeal to the Central Disciplinary Committee against:
- the findings of an executive authority;
 - the findings of another disciplinary authority other than an Academic Conduct Officer for an offence under [Section 2.3.1a](#);
 - any other penalty imposed with reference to the Code or point [9.1.4](#) above.
- 9.2.2 The student has a right to appeal to the Special Appeals Committee of the Senate against a decision of the Central Disciplinary Committee other than those made when the Committee is acting as an appeal body.
- 9.2.3 The Chairs of the Central Disciplinary Committee and the Special Appeals Committee have the authority to determine whether or not an appeal is admissible.
- 9.2.4 The student may appeal only once against the findings or the penalty.

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9.3 Decisions that cannot be appealed against

9.3.1 The student cannot appeal against the following decisions:

- a) decisions of the Central Disciplinary Committee acting as an appeal body relating to the findings of another disciplinary authority;
- b) decisions of the Special Appeals Committee;
- c) academic judgement;
- d) warnings or informal cautions.

10 Lodging an appeal to the Central Disciplinary Committee or the Special Appeals Committee

10.1 If the student wishes to lodge an appeal they must;

- a) write to the secretary of the [Central Disciplinary Committee](#) or the [Special Appeals Committee](#) (as directed in the appropriate correspondence), within 10 working days of the date of the letter informing them of a disciplinary decision.
- b) present their appeal as a written statement in which they give the reason/s for their appeal. Admissible grounds for appeal are:
 - procedural errors;
 - new evidence not previously available to the disciplinary authority, with a valid reason as to why this evidence was previously unavailable;
 - the unreasonable nature of the penalty.

The student cannot appeal because they disagree with the decision already made. If a student gives no admissible grounds for appealing, their appeal will not be accepted.

10.2 Following relevant consultation and review of the student's grounds for appeal, the Chair of the Committee has the right to decide if the students appeal is admissible and should be allowed to progress to an appeal hearing. The Chair of the Committee has the authority to dismiss an appeal before it is presented to the Committee if:

- a. the grounds are inadmissible;
- b. there is no evidence presented on procedural error; or

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c. there is no new evidence relevant to the case.

10.3 If the appeal is not accepted, the Secretary of the Committee will advise the student the reason why this is the case and issue a Completion of Procedures letter.

10.4 If the appeal is accepted by the Chair of the Committee, an appeal will where practicable be heard within 30 working days of the Secretary of the Committee receiving the student's appeal, unless a later date is agreed by the student and the Committee. The Committee must, unless otherwise agreed with the student, follow the procedures in [Section 11](#) below.

11 Appeal hearings by the Central Disciplinary Committee or the Special Appeals Committee

11.1 Before the appeal hearing

11.1.1 The Secretary of the Committee will notify the student in writing of the date of the appeal hearing arranged in accordance with [10.4](#) giving notice of the student's right to present their side of the case and to call witnesses. The secretary will also inform the student of when they can expect to receive the following (usually not less than 10 working days before the date of the appeal hearing):

- a. copies of the documents that will be presented to the Committee;
- b. a list of any witnesses that The Open University expects to call, who have a direct knowledge of the alleged misconduct;
- c. any information and guidance requested by the student that The Open University considers to be reasonable.

11.1.2 The student will send to the Secretary of the Committee (not less than 10 working days before the scheduled date of the appeal hearing):

- a. the names of any relevant witnesses they wish to call;
- b. the names of any nominated friend or representative they wish to attend.

11.2 At the appeal hearing

11.2.1 The student has the right to attend the appeal hearing and to nominate a friend or representative. Subject to prior agreement, attendance at appeal hearings by students and nominated friends or representatives may be in person, remotely or in

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writing. If the student decides not to attend, the appeal hearing may take place in their absence or with only their nominated friend or representative attending (in line with Section [8.1](#)).

11.2.2 The student or their nominated friend or representative will be given the chance to present their case at the appeal hearing. The student may be asked questions by the Committee, but their nominated friend or representative will not be asked questions, unless permission has been given by the student.

11.2.3 Both the student and the Committee have the right to question any witness called. Witnesses may present their evidence in person and/or by any of the means listed in Section [8.3](#) subject to prior agreement. The Committee may set time limits on oral statements and on the time spent questioning any witnesses.

11.2.4 The Committee may postpone the appeal to another date if it decides that this is necessary.

11.2.5 The Committee may also ask for, or take account of, any other evidence that has emerged since the preceding consideration of the case that the Committee considers to be relevant to the appeal.

11.2.6 The Open University's Welsh language standards give people invited to any meeting regarding disciplinary issues the right to use Welsh. If the University is made aware of a person's wish to use Welsh, a simultaneous translation service will be arranged.

11.2.7 The student (if present) and any nominated friend or representative must withdraw while the Committee decides the outcome of the appeal.

11.2.8 When considering any penalty, the Committee may use any information from the student's record that it considers relevant. The decision of the Committee is by a simple majority, if there are equal votes the decision will be in the student's favour. The Committee's decision will be sent to the student in writing. If the student is present, they may also be told the decision after the hearing.

11.3 After the appeal hearing

The Committee must tell the student about their right to refer their case to the Office of the Independent Adjudicator for Higher Education by providing a Completion of Procedures Letter, as detailed in [Section 13](#), for cases where there is no further right of appeal within the internal procedures.

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12 Recording and reporting penalties

All disciplinary offences and penalties imposed by the Central Disciplinary Committee or Disciplinary Authorities will be recorded on the student's electronic record. The Secretary to the Central Disciplinary Committee and the Secretary of the Special Appeals Committee will report, in writing, to The Open University Senate or other authorised person on the nature of cases and penalties imposed in each 12-month period. The report will include details of disciplinary matters investigated by other disciplinary authorities and cases referred to the Office of the Independent Adjudicator for Higher Education.

13 Right to complain to the Office of the Independent Adjudicator for Higher Education (OIA)

- 13.1 Once a student has exhausted The Open University's internal procedures, The Open University will issue a Completion of Procedures Letter to the student. The letter will set out clearly what has been considered, The Open University's final decision and the student's right to refer their case for an independent review by the Office of the Independent Adjudicator (OIA).
- 13.2 A student must submit a complaint to the OIA within 12 months from the date of the Completion of Procedures Letter. Guidance on submitting a complaint to the OIA can be found on the [OIA's website](#).
- 13.3 If a student escalates their complaint to the OIA, we will share details of the internal process followed with the OIA.
- 13.4 Open University students in Scotland, Northern Ireland, or under special arrangements can submit their complaints to the OIA regardless of their location. This also applies to international students.

14 Representation and Support

- 14.1 The Open University Students Association Advice Team can provide independent advice and support to students through the [Individual Representation service](#). This includes accompanying students to any disciplinary hearings or appeal hearings as a representative, assisting students with the preparation of evidence and providing

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support and advice on plagiarism cases. Guidance on how to get in touch is listed on the [Individual Representation Service web page](#).

- 14.2 The Open University understands that disciplinary investigations can be difficult for both students accused of misconduct and students providing information about another's conduct. All students registered for study can access support, advice and services on maintaining good mental health and wellbeing, further information on accessing this can be found on the [Help Centre](#) and by contacting the Student Support Teams (SST) via [Contact us](#) (phone +44 (0)300 303 5303), or via [StudentHome](#).

Commitment to Equality, Diversity and Inclusion at The Open University

Policies are inclusive of all Open University Students, Learners, Enquirers and Alumni, regardless of age, civil status, dependency or caring status, care experience, disability, family status, gender, gender identity, gender reassignment, marital status, marriage and civil partnerships, membership of the Traveller community, political opinion, pregnancy and maternity, race, religion or belief, socio-economic background, sex, sexual orientation or trades union membership status.

Safe Space Reporting

The Open University is committed to creating a diverse and inclusive environment in which everyone feels safe and is treated with dignity and respect. Unlawful discrimination of any kind across The Open University will not be tolerated. Safe Space Reporting is available through [an online tool](#) through which staff, students, learners and visitors are encouraged to report incidents of assault, bullying, harassment, hate crime, or sexual harassment. It also provides information about what you can do if these incidents happen to you, or to someone you know, and where you can find support.

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Glossary

Bribery

Bribery is where an advantage is offered as a reward to another party to persuade them to carry out their functions improperly. Bribery can be through the offering, promising, giving, demanding, or accepting of an advantage such as gifts, hospitality, fees, rewards, jobs, internships, examination grades or favours.

An action is still classed as bribery regardless of whether the bribe is given or received directly or through a third party or whether it is for the benefit of the recipient or someone else.

Collusion

The [Academic Conduct Policy](#) defines Collusion as knowingly making any of your academic work available or offering it to another person for presentation as if it were their own, presenting the work of another person as your own for assessment, or working with others to complete an assignment which is meant to be completed and assessed individually.

Contract Cheating

A form of cheating where a student submits work to a university for assessment which has been produced using material obtained from a third party or online service. The contract with the student can include payment or other favours, but this is not always the case.

Corruption

Corruption is the misuse of power for personal gain.

Enabling Plagiarism

Enabling plagiarism is anything which might encourage or enable other students to commit plagiarism, for example, posting your work or that of other students onto a website or social media platform. Further examples of enabling plagiarism are given in the [Academic Conduct Policy](#).

Exclusion

Exclusion is where a student has restricted rights to access The Open University services or premises, either on a temporary or permanent basis. Exclusion is a penalty that is applied following a confirmed offence.

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Expulsion

Expulsion is where a student is removed from study at The Open University, either on a temporary or permanent basis. Expulsion is a penalty that is applied following a confirmed offence.

Falsification

Falsification is a type of deception in which you use information or data in an assignment that you know or believe to be wrong and present this as true.

Fraud

Fraud describes a number of activities including theft, false accounting, embezzlement, bribery and deception. To have committed fraud a person must have acted dishonestly with the intent of:

- making a gain for themselves or anyone else
- and/or
- causing loss to anyone else, or exposing anyone else to a risk of loss

The Fraud Act 2006 defines three classes of fraud:

- False representation: a person commits fraud by intentionally and dishonestly making a false representation. A false representation includes intentionally giving a misleading or untrue statement.
- Failing to disclose information: a person commits a fraud if they dishonestly fail to disclose information.
- Abuse of position: a person commits a fraud if they dishonestly abuse their position.

Misconduct in an exam

Misconduct in an exam is any behaviour in which you seek to gain an advantage over other students by engaging in inappropriate conduct. Examples of inappropriate conduct are given in the [Academic Conduct Policy](#).

Plagiarism

The [Academic Conduct Policy](#) defines plagiarism as, using the work of other people to gain some form of benefit without fully acknowledging that the work came from someone else.

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Self-Plagiarism

The [Academic Conduct Policy](#) defines self-plagiarism as the reuse of significant, identical, or nearly identical portions of your own work without acknowledging that you are doing so.

Subsidiary Institutions of The Open University

An institution which is part of The Open University Group and quality assured by The Open University for the delivery of recognised programmes of study that lead to Open University awards. A Subsidiary Institution is considered a partner institution. The Open College of Arts (OCA) is a Subsidiary Institution of The Open University.

Suspension

Suspension is a temporary exclusion of any student from all aspects of study. A suspension is not a penalty, rather an urgent and necessary precautionary action whilst a disciplinary investigation takes place or where matters relating to student conduct are under consideration elsewhere and it is appropriate to await the outcome of that process.

The balance of probabilities

The balance of probabilities is the standard of proof that The Open University will use to make decisions in disciplinary investigations. The Open University will determine an event to have occurred if the evidence demonstrates that it was more likely to have happened than not.

Unauthorised use of generative Artificial Intelligence or automated tools

Unauthorised use of Generative AI or automated tools include:

- Use of Generative AI without referencing how it was used, including as a starting point to generate reference material, to plan or produce content that appears in your assignment;
- Use of Generative AI or automated tools when this is not permitted in the module assessment guidance;
- Using Generative AI or other automated software tools to produce all or most of the content of your assignment, even when this is correctly referenced, unless the module permits this.

Further information on unauthorised use of Generative AI is given in the [Academic Conduct Policy](#).

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Related Documentation

Refer to the following documentation in conjunction with this document:

- Internal [Student Policies and Regulations](#)
 - [Research Degrees Student Handbook](#)
 - [Student Complaints and Appeals Procedure](#)
 - [Academic Conduct Policy](#)
 - [Student Computing Policy](#)
 - [Dignity and Respect Policy](#)
 - [Safeguarding Policy](#)
- Relevant legislation or regulatory guidance
 - [Copyright, Designs and Patents Act 1998](#)
 - [Disability Discrimination Act 1995 \(Amendment\) Regulations \(Northern Ireland\) 2004](#)
 - [Equality Act 2010](#) in England, Scotland and Wales
 - [Computer Misuse Act 1990](#)
 - [Criminal Justice and Public Order Act 1994](#)
 - [Data Protection Act 2018](#)
 - [The OIA's Good Practice Framework – Disciplinary Procedures](#)

Further clarification

If you have any queries around the content provided within this document and how to interpret it please contact your Student Support Team through the 'Contact Us' option on the [Help Centre](#), if you are a current Open University student on an undergraduate or postgraduate taught course.

If you are a postgraduate research student you can contact the Research Degrees Office via research-degrees-office@open.ac.uk.

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Students living in Wales can speak with a student support adviser in Welsh on 029 2047 1170, should you wish to do so.

Central Disciplinary Committee

Post: Secretary of the Central Disciplinary Committee, Student Casework Office, PO Box 5155, The Open University, Walton Hall, Milton Keynes, MK7 6AA

Email sco-cdc@open.ac.uk

Special Appeals Committee of the Senate

Post: Secretary of the Special Appeals Committee, Governance Team, The Open University, Walton Hall, Milton Keynes, MK7 6AA

Email cs-students@open.ac.uk

Academic Misconduct Appeals Committee

Post: Secretary of the Academic Misconduct Appeals Committee, Assessment, Credit and Qualifications, The Open University, Walton Hall, Milton Keynes, MK7 6AA

Email ACQ-appeals-complaints-cases@open.ac.uk

Senate Academic Appeals Review Panel

Post: Secretary of the Senate Academic Appeals Review Panel, Student Casework Office, PO Box 5155, The Open University, Walton Hall, Milton Keynes, MK7 6AA

Email SCO-SAARP@open.ac.uk

Feedback

If you have any comments about this policy document and how it might be improved, please submit these to SPR-Policy-Team@open.ac.uk.

Summary of significant changes since last version

There are a number of significant changes from the previous version of the Code of Practice for Student Discipline dated March 2023.

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These are

- a) The wording, order and document layout throughout has been revised to enhance clarity.
- b) The [Scope](#) clarifies that [Subsidiary Institutions of the Open University](#) will follow their own policies and procedures but that there may be a right to refer certain discipline cases to The Open University.
- c) Wording has been added to clarify that The Open University will consider requests for reasonable adjustments to the disciplinary procedures to ensure students can fully engage in these procedures to take into account their disability.
- d) The offence headings in [Section 2](#) have been separated into academic and non-academic offences and further simplified into broad categories with examples below each heading.
- e) Updated examples of offences under [2.4.2b](#) to align with updates to the [Student Computing Policy](#).
- f) Fraud, Corruption and Bribery have been defined and listed as offences under the broader offence heading of 2.4.4 '[Acts of Dishonesty](#)'.
- g) A breach of any other Open University policy, code, rule or regulation has been listed as an example of an offence under the broader offence heading of 2.4.5 '[Regulatory Breaches](#)'.
- h) Unauthorised use of generative Artificial Intelligence or automated tools has been listed as an example of the offence 2.3.1 '[Academic Misconduct](#)'.
- i) Section 3.8 '[Other Penalties](#)' has been updated to explain the Central Disciplinary Committee's authority to impose other penalties is applied where penalties [3.3-3.7](#) are not appropriate for the offence in question.
- j) In exceptional circumstances, authority to act on behalf of a disciplinary authority can be delegated to another staff member. If this occurs, The Open University will inform the student of the reasons for this.
- k) The constitution of the Student Fraud Group has been outlined in [Section 4.6](#). The procedure the Student Fraud Group will take in investigating Fraud, Corruption or Bribery is outlined in [Section 7.2](#).
- l) The table describing the offences which specific executive authorities may act in relation to, has been moved from 4.5.3 '[Remit of Executive Authorities](#)' to [Appendix 1](#).
- m) Section 4.9 '[Remit of Disciplinary Authorities](#)' has been defined by written principles whereas previously it was presented as a table.

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- n) [Section 5](#) has been retitled 'Precautionary Action'.
 - o) Clarification that if a suspended student is found not guilty at a criminal trial or the case is not proven, The Open University can still proceed with a disciplinary investigation if there is sufficient evidence of an offence under this Code.
 - p) Where a [Suspension](#) has been enacted as a Precautionary Action, The Open University will review the decision periodically. The Central Disciplinary Committee will consider the length of the suspension and its impact on study when making a disciplinary penalty decision.
 - q) Details on how allegations of student misconduct can be reported to The Open University have been added in Section 6 '[Reporting Concerns of Misconduct](#)'.
 - r) The burden of proof in disciplinary investigations is on The Open University.
 - s) It has been stated that The Open University aims to investigate allegations of misconduct where practicable within 90 calendar days of the identification of a concern. However, an extension of this time limit may be required in complex cases or where further information is needed.
 - t) Students studying under a Collaborative Provision Arrangement who receive a disciplinary penalty from the Partner Institution can appeal to the Central Disciplinary Committee, under certain circumstances defined in Section 9.
 - u) The timeframe which students must respond to the Central Disciplinary Committee in request for their comments and other information relating to a disciplinary investigation ([7.6.1g](#)), has been reduced from 15 working days to 10 working days.
 - v) If new evidence is provided when lodging an appeal, students must provide a valid reason as to why this evidence was previously unavailable.
 - w) The timeframe which students must lodge an appeal to the Central Disciplinary Committee or the Special Appeals Committee of the Senate ([10.1a](#)) has been reduced from 15 working days to 10 working days from the date of the letter informing them of a disciplinary decision.
 - x) Students' mode of attendance at a disciplinary or appeal hearing must be confirmed at least one week prior to the date of the scheduled meeting.
 - y) Information has been added in [Section 14](#) about the independent advice and support students can receive through the [Individual Representation service](#), during Central Disciplinary cases.
 - z) Information has been added in [Section 14](#) on sources of support and advice on maintaining good mental health and wellbeing during a disciplinary investigation.
- A [glossary](#) has been added with definitions for key terms used throughout.

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Policies superseded by this document

This document replaces the previous version of the Code of Practice for Student Discipline dated March 2023.

Appendix 1:

Table 1 Executive authority specific offences

Executive authority	Offences (Section 2)
Senior University representative at a tutorial or day school	2.4.1a, 2.4.1b, 2.3.1a, 2.4.2a, 2.4.2b, 2.4.2c, 2.4.3a.b, 2.4.5a, 2.4.5b
Moderator of an electronic forum	2.4.1a, 2.4.1b, 2.4.2a, 2.4.3a, 2.4.3b
School Director of a residential school or online school	2.3.1a, 2.4.1a, 2.4.1b, 2.4.2a, 2.4.2b, 2.4.2c, 2.4.3a, 2.4.3b, 2.4.5a, 2.4.5b
Senior Invigilator	2.3.1a, 2.4.2a, 2.4.2b, 2.4.2c, 2.4.3a, 2.4.3b, 2.4.5a
Director of Graduate School	2.3.1a, 2.3.1c, 2.4.1a, 2.4.1b, 2.4.2a, 2.4.2b, 2.4.2c, 2.4.3a, 2.4.3b, 2.4.5a, 2.4.5b
Research supervisors	2.4.2a, 2.4.2b, 2.4.2c, 2.4.3a, 2.4.3b, 2.4.5a

Offences [2.3.1b](#), [2.4.5c](#) and any offence listed in [2.4.4](#) are not included in Table 1 as they should be referred to the appropriate disciplinary authority (see [Section 4.9](#)).

Appendix 2: Central Disciplinary Committee

This committee has two roles. It acts as a disciplinary authority and as an appeal authority.

Terms of reference

1. As a disciplinary authority to consider alleged offences arising from or involving those matters set out under [Section 2](#) of the Code.

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2. As a disciplinary authority to impose any penalty allowed under the Code of Practice for Student Discipline.
3. As an appeal authority, to consider and hear appeals against decisions of other disciplinary authorities other than those relating to offences under [2.3.1a](#) .
4. As an appeal authority to:
 - a. set aside or confirm the original finding;
 - b. dismiss the appeal;
 - c. set aside, reduce, confirm or substitute the penalty, but not to increase the penalty.

Membership

1. The University Secretary or a senior member of the academic or academic-related staff drawn from a panel approved by the Vice-Chancellor, to act as Chair.
2. A member of staff of an academic unit of senior lecturer level or above, drawn from a panel approved by the Vice-Chancellor.
3. A National Director, Assistant Director, Deputy Director, or Head(s) of Student Support, drawn from a panel nominated for this Committee by the University Secretary.
4. Up to three registered students appointed for each case by the Secretary from a panel of students appointed by The Open University Students' Association. Panel members must not have been involved previously in the case to be heard.

Mode of operation

1. The Committee will meet when necessary and will report its decisions to the Senate every year.
2. Four members of the Committee, including at least one, but not more than two student members and one member of staff, will make up a quorum.

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Appendix 3: Special Appeals Committee of the Senate

Terms of reference

1. To consider and hear appeals against decisions the Central Disciplinary Committee made other than in its role as an appeal authority.
2. To:
 - set aside or confirm the original finding
 - dismiss the appeal
 - set aside, reduce, confirm or substitute the penalty, but not to increase the penalty
 - in exceptional circumstances, refer the case back to the Central Disciplinary Committee.

Membership

1. A senior member of the academic or academic-related staff drawn from a panel approved by the Vice-Chancellor, to act as Chair.
2. Two members of the Senate appointed for each appeal by the Vice-Chancellor from a panel of eight Senate members appointed on behalf of the Senate by its Chair, the Vice-Chancellor. These members must not have previously been involved in the case to be heard.
3. Two registered students, appointed for each appeal by the Secretary from the panel set up by The Open University Students' Association to provide nominees for the Central Disciplinary Committee. These students must not have been involved previously in the case to be heard.

Mode of operation

1. The Committee will meet whenever necessary and will report its decisions to the Senate every year.
2. Four members of the Committee, including at least one student and one member of staff, will make up a quorum.

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3. The principles, procedures and rules for the Committee that are set out in the Code of Practice for Student Discipline will be followed at all times.

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