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Higher Education Academic Misconduct Procedure	HEPRO009	7

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Higher Education Academic Misconduct Procedure

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1. Procedure Statement

1.1. Activate Learning understands that students often feel under pressure to succeed, have anxieties over time running out, or experience ill health or personal difficulties which can make cheating seem like an easy and appealing solution. It is therefore important that you develop good academic practice, ask for clarification where necessary, and communicate any concerns you may have as early as possible so that we can provide the support you need. Our HE Study Support tutors are experienced in supporting students to maintain good academic practice and can be contacted by emailing: HESupportServices@activatelearning.ac.uk . If you require a copy of this document in an alternative format, please contact: Complianceteam@activatelearning.ac.uk

1.2. Activate Learning takes all reported incidences of academic misconduct very seriously, whether intentional or unintentional, and therefore makes considerable effort to help you understand and maintain good academic practice to avoid being suspected of and committing these offences. Activate Learning uses academic judgement and routinely makes use of various software packages to detect plagiarism e.g. Turnitin and will act against anyone who has committed it.

1.3. Maintaining academic integrity is essential for fostering a culture of learning, integrity, and ethical conduct among our students. A guide to understanding the expectation we have for students at Activate Learning can be found here.

1.4. In accordance with the Equality Act 2010 we are committed to promoting equality, diversity and inclusion in all aspects of our education and academic activities. As part of this commitment, we strive to ensure that our academic misconduct procedure is fair, unbiased, and free from any form of discrimination or prejudice in line with Activate Learning's Equality and Diversity Policy.

1.5. When investigating allegations of academic misconduct, any investigation (whether formal or informal) will be undertaken to determine if academic misconduct has occurred, regardless of whether this was intentional or unintentional on the part of the student. Academic misconduct, even if committed unintentionally, negatively affects the integrity of academic standards and awards. Intention to commit academic misconduct (or a lack of intention) may, however, be considered by an investigator when determining the appropriate penalty to be applied.

2. Scope

2.1. These procedures **only** apply to higher education (HE) students[1] that are registered and studying programmes, or modules/units thereof delivered by Activate Learning, and awarded by either Pearson, The Open University, Oxford Brookes University, or Middlesex University.

2.1. Cases of alleged academic misconduct for students studying higher education programmes delivered by Activate Learning and awarded by the University of Reading or Kingston University, will follow their respective procedures:

Kingston University - Academic integrity policy and procedure
University of Reading - Academic misconduct policy and procedure

2.3. These procedures do not cover non-academic misconduct such as providing false information in relation to a request for extenuating circumstances, which is covered by Activate Learning's Positive Behaviour Management Policy.

[1] Students studying a Higher National Certificate, Higher National Diploma, Foundation degree, or BA/BSc (Hons) top-up Degree.

3. Academic Misconduct Definition

3.1. Academic Misconduct is defined by the Office of the Independent Adjudicator for Higher Education - OIAHE as:

"Any action by a student which gives or has the potential to give an unfair advantage in an examination or assessment or might assist someone else to gain an unfair advantage, or any activity likely to undermine the integrity essential to scholarship and research".

4. Types of Academic Misconduct:

4.1. **Plagiarism**

4.1.1. Presenting someone else's work or ideas as your own. This includes representing the work of another student or institution as your own, or presenting work generated by, but unattributed to Artificial Intelligence (AI). Examples include (but are not limited to) the following:

4.1.2. Verbatim copying or insertion of another's work without appropriate acknowledgement (i.e. fully acknowledging your sources using the rules of the specified academic referencing style). This includes published or unpublished work and material freely available in electronic form or generated by Artificial Intelligence (AI).

4.1.3. The close paraphrasing of another's work by simply changing a few words or altering the order of the presentation, without appropriate acknowledgement.

4.1.4. Unacknowledged quotation of phrases from another's work or unreferenced work generated by AI.

4.1.5. The deliberate and detailed presentation of another's concept as your own. This includes unauthorised AI-generated concepts.

4.2. **Self-plagiarism**

4.2.1. Submitting the same (or substantially the same) work that you have already submitted for another assessment, when this is not permitted.

4.2.2. You can't usually gain credit for submitting the same work twice, so if you repeat work which is substantially the same as another assignment you may not be awarded marks for it, unless the assignment asks you to use, review and redraft your earlier work.
If you do re-use submitted work, in whole or in part, you must cite that work as having been used in the assessment of a previous assignment or module.

4.3. **Collusion**

4.3.1. Working with someone else on an assessment which is intended to be your own work. It also includes the following:

- Collaborating with another student to complete work which you know they intend to submit as their own.
- Knowingly permitting another student to copy all or part of your work and allowing them to submit that work as their own unaided work.
- Asking another person to produce assignment material for you

4.3.2. Please note, you may be found guilty of collusion if you did not take the appropriate steps to protect your work from others.

4.3.3. For some assignments, you may be instructed to collaborate with other students to prepare data, conduct research, or draft work. In these cases, working together is encouraged but you should read the assignment guidance carefully or speak to your tutor to understand which parts of the assignment can be completed in collaboration with others and which are expected to be your own.

4.4. **Misconduct in examinations**

4.4.1. Misconduct in an exam is a behaviour in which you seek to gain an advantage over other students by engaging in inappropriate conduct. A high standard of conduct is expected in all exams. Any misconduct is a serious matter that can result in disciplinary action.

4.4.2. Misconduct in a remote, online and/or non-invigilated exam includes any of the offences listed in 4.1 to 4.3 above. You are not normally asked to cite references in a remote exam, but you should take care to write in your own words and not copy from other sources.

4.4.3. Misconduct in a face to face or an online invigilated exam includes the possession of prohibited materials or equipment in an exam, engaging someone to impersonate you in an exam, or seeking to gain an advantage in other ways or from other persons.

4.5. **Contract Cheating**

4.5.1. This is where a third party (including a person or AI) completes work on your behalf which you then submit as your own unaided work. This includes the use of essay mills or buying work online. It may also incorporate other forms of Academic Misconduct such

as cheating, plagiarism or collusion. Payment does not have to be made for contract cheating to occur.

4.5.2. If you use any of the following services, you may be investigated for contract cheating:

- Using tailored services to write essays or other types of assignments.
- Using websites which offer access to a bank of essays or answers to assignment questions and submitting any part of these as your own work.
- Engaging others to conduct research on your behalf.
- Posting assignment questions or assessment resources to commercial websites or other services or platforms.
- Requesting answers or solutions to assignment questions from other individuals or services.

4.6. **Unauthorised use of generative Artificial Intelligence or automated tools.**

4.6.1. Generative Artificial Intelligence (Generative AI) is a type of artificial intelligence which generates content in response to prompts from the user, including text, images and code.

4.6.2. Activate Learning has outlined what it considers to be acceptable and unacceptable use of AI. This is detailed in Activate Learning's position statement about AI and AI Usage Policy You are responsible for familiarising yourself with this information. Unacceptable use of AI may fall into any of the definitions of Academic Misconduct listed in this document.

4.6.3. Automated tools include:

- Those offering automated answers or solutions to assignment questions, such as equation solvers, large language models (LLMs) or other automated writing tools
- Those which reword or amend existing content such as translation tools, paraphrasing tools, LLMs, or automated re-writing tools.

4.6.4. If you use Generative AI in your work, you must fully acknowledge any parts of your work where you have used Generative AI technology or automated software tools,

including as a starting point or by reference, by specifying the tool and query-text used and complete an AI declaration form as a part of your assignment submission.

4.6.5. 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.

4.7. **Falsifying data or material**

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

- Providing false citations, for instance referencing a work which doesn't exist or attributing ideas to an individual, piece of work, or other source which doesn't contain those ideas, or citing a work you haven't read.
- Falsifying data.
- Falsely claiming to have conducted experiments or carried out research which you have not carried out.
- Inventing research, evidence, experimental results or other false content.

4.7.2. You are responsible for the content of your work so you must ensure that all your references are accurate and that any content from sources cited in your assignment are included in your reference list.

4.8. **Breaches of research and ethical policies**

4.8.1. These include the following:

- Evasion of ethical responsibilities.

- Failure to gain ethical approval.
- Careless and irresponsible research practice.
- Conducting research without appropriate permissions
- Any other ethical issues which contravene Activate Learning's Research Ethics Policy.

4.8.2. Ethical matters relating to programmes accredited by a Professional, Statutory or Regulatory body (PSRB) including breaches of GDPR in assignments, may require reporting to the relevant PSRB.

5. Levels of Academic Misconduct

5.1. **Low**

5.1.1. A low level of academic misconduct typically refers to minor infringements that may be unintentional or result from a lack of understanding or awareness of academic rules. Examples of low academic misconduct include minor instances of plagiarism and citation errors that do not significantly impact the overall integrity of the work.

5.2. **Moderate**

5.2.1. Moderate academic misconduct involves more intentional or serious violations of academic rules. This may include instances of repeated plagiarism, deliberate cheating on exams or major assignments, or engaging in unauthorised collaboration.

5.3. **Severe**

5.3.1. Severe academic misconduct refers to serious violations that significantly undermine the principles of academic integrity. Examples of severe academic misconduct may include theft, impersonation, fabricating research data, submitting someone else's work as one's own, engaging in large scale cheating schemes or falsifying academic records

6. Support for Students

6.1. During induction you will be introduced to information, advice and guidance through a series of presentations and workshops that will help you understand what Academic Misconduct is, and how to avoid it.

6.2. A wide range of resources have been developed to support you with good referencing and research techniques, which include:

- HE Student Handbook (which includes a guide to referencing)
- HE Study Support tutors (provide one-to-one study skills support)
- HE Student Portal (which includes a study skills module on Academic writing and exploring AI)

6.3. If you have a query about this procedure or require any additional information or support, please contact the Higher Education Learning Partnerships team by emailing AdminHE@activatelearning.ac.uk

6.4. Students will be entitled at any stage of the academic misconduct process to be accompanied by a representative such as a friend, relative, or representative of the Students' Union. Students may only be accompanied or represented by a legal representative in exceptionally complex or serious cases such as expulsion or loss of professional accreditation.

7. Detecting Academic Misconduct

7.1. When you submit an assignment, you are requested (on the front of your assignment) to declare that the work you are submitting is your own and if you have used any Artificial Intelligence (AI) tools, you are required to state how you have used them.

7.2. Plagiarism detection software is used in parallel with the marking and academic judgements made by the tutor. Tutors could identify possible changes in your writing style which may indicate that you have not written the assignment yourself.

7.3. Tutors are also familiar with module materials and may be able to identify if you are using information from these materials without referencing them appropriately.

7.4. All College staff are responsible for reporting any instances where there are grounds for suspicion of academic malpractice or misconduct. Any instances should be reported as soon as possible by completing an online Academic Misconduct Referral form located on the HE Student Hub (ALO) under 'Awarding Body Regulations'.

7.5. If your case is referred for investigation, you may not get a mark for that piece of work until the investigation has concluded.

8. Academic Misconduct Process

8.1. These procedures are intended to provide opportunities to conclude whether academic

misconduct has taken place within summative assessments, and what action should be taken. It is expected that academic misconduct suspected in formative assessments will be drawn to the student's attention by teaching staff, who will provide constructive feedback and referral to additional guidance and/or study skills support, as appropriate.

Stage One: Initial Considerations and Preliminary Investigation.

8.2. If your tutor is concerned about possible academic misconduct in your work, they will raise this with you at the earliest opportunity, and you will be offered an initial opportunity to respond to their concerns, following which there may be no further action, or you may be referred to a study skills tutor or it may be referred to an Academic Conduct Officer (ACO).

8.3. If you are referred for study skills support, a note will be made of the referral on ProMonitor, including what it was for and what support/information you were offered. If you have been offered study skills support, this will be considered if you are found to have plagiarised in future.

8.4. If your case is referred to an ACO, the ACO will determine whether an investigation should be carried out or whether to issue you with an informal caution, which will be noted on ProMonitor. This will be considered if you are referred to an ACO again in the future.

Stage Two: Formal Investigation

8.5. If the ACO refers your case to the Academic Misconduct Panel (AMP), you will be notified in writing via email within 5 working days to clarify which academic offence(s) you are suspected of, and why, together with supporting evidence. You will be invited to attend a meeting (online or in-person) and to respond in writing to the AMP concerns within 10 working days of receiving the AMP's letter. During the investigation only those directly involved will have access to the information and supporting documents related to the case. If you are submitting an extenuating circumstance form as part of your evidence, this information will only be shared with the AMP. Please speak to your HE Programme Coordinator if you have any concerns regarding this

8.6. If you do not respond in writing or attend a meeting within 10 working days of receiving the AMP letter, without extenuating circumstances, the AMP will make a decision based upon the documentation and evidence provided.

8.7. The Academic Misconduct Panel will include the HE Academic Registrar, HE Access and

Participation Manager, and an HE Programme Coordinator from a different subject area. The panel will be chaired by the Director of Higher Education. A report will be provided to the panel and student at least 5 working days prior to the meeting that includes the following:

- A copy of the assignment brief or examination question paper
- A copy of the Turnitin report
- A copy of the students' work for the assessment or examination in question
- A copy of request for extenuating circumstances (if applicable)
- A copy of the student's written response to the allegation
- A copy of this procedure.

8.8. The AMP will assess all the evidence to hand and decide whether the allegation of academic misconduct is upheld or not, and if so, what penalty should be applied. The burden of proof is on the panel to prove that 'on the balance of probabilities' academic misconduct has taken place.

8.9. You will be notified in writing via email of the outcome of the panel within 5 working days of the panel meeting. The decision of the panel will include the investigation report, what evidence was considered, what penalties were given (and why), the next steps and details of your right to appeal.

9. Penalties for Academic Misconduct

9.1. In consideration of penalties for academic misconduct, the AMP will take into consideration the level of academic misconduct (low, moderate or severe) and any mitigating circumstances that you have presented, which may include:

- It is a first offence
- You admitted the offence at the earliest opportunity
- You have expressed remorse
- You were found in possession of unauthorised material in an exam, but did not intend to gain an advantage
- You have compelling personal circumstances that affected your judgement

9.2. If you are found to have committed an academic conduct offence, as outlined in section 4, this section outlines the types of penalties you may receive and the impact on your studies.

9.3. Activate Learning utilises the Academic Misconduct Benchmarking (AMBeR) tariff as a guide for calculating any penalties related to academic misconduct. The tariff is constructed around elements such as the number of offences committed, the amount of work that is copied from

other sources, the value of the assignment e.g. number of credits, and level of study. Additional characteristics such as evidence of a deliberate attempt to disguise plagiarism or cheat in an exam will also be taken into consideration when calculating any penalties. A table detailing the AMBeR tariff points-based system and penalties is attached in Appendix 1.

9.4. Any penalty where your assignment mark is reduced could have a detrimental effect on your overall module result and could mean the difference between passing or failing the module. A penalty which reduces the grade of pass you receive for your module could also affect the overall classification or grade for your qualification.

10. Appeal process

10.1. You may appeal against the decision of the Academic Misconduct Panel by writing to the HE Academic Registrar: HEAdmin@activatelearning.ac.uk within 14 working days of written notification of the Academic Misconduct Panel decision, stating the ground(s) of appeal. Your appeal will be undertaken by the Group Director of Quality and Consistency (or their nominee) who have not previously been involved in the case.

10.2. **Grounds of appeal**

10.2.1. You may appeal against the outcome of academic misconduct panel decisions on the following grounds:

a) that the decision reached was irrational and/or disproportionate and/or unsupported by evidence; and/or

b) that there was a material and/or procedural irregularity by the academic misconduct panel which has prejudiced your case; and/or

c) additional material evidence has come to light, since the decision of the academic misconduct panel, which could not have been expected to have been produced at the time of the consideration of the case.

10.3. If your appeal is upheld, you will receive written notification by email within 10 working days of receipt of your appeal. The notification will detail what actions will be taken to put things right.

10.4. If your appeal is not upheld or permitted, a Completion of Internal Procedures (COIP) letter will be issued within 14 working days, clearly outlining the outcome and reasons.

10.5. If you are registered on a higher education qualification awarded by The Open University, your COIP letter will also inform you of your right to request a review by the university by writing to the Secretary to the SAARP (Senate Academic Appeals Review Panel) SCO-SAARP@open.ac.uk within 28 calendar days of the date of the Completion of Internal Procedures letter being issued.

10.6. If you are registered on a higher education qualification awarded by Pearson, Oxford Brookes University, or Middlesex University, your COIP letter will inform you of your right to submit a complaint to the Office of the Independant Adjudicator for Higher Education within 12 months, along with guidance on accessing advice and support .

11. References

Other policies and procedures related to this procedure include:

- Student Positive Behaviour Management Policy
- Artificial Intelligence Usage Policy
- Higher Education Terms and Conditions
- Assessment and Verification Policy
- Research Ethics Policy

This Academic Misconduct Procedure has been developed in line with:

- QAA UK Quality Code for Higher Education: Assessment
- QAA Academic Integrity Charter
- Academic misconduct: Tips for providers - OIAHE
- BTEC Centre Guide to Quality Assurance and Assessment (Level 4-7)

Appendix 1. AMBeR Tariff for cases of Academic Misconduct

History

1st Time	100 points
2nd Time	150 points
3rd Time or more	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 ghost-writing service	225 points

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

Level/Stage

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 or project)	60 points

Penalties

280 - 329	• No further action beyond formal warning • Assignment awarded 0% - resubmission required with no penalty on mark
330 – 379	• 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 to Non-Honours) • Expelled from institution but with credits retained • Expelled from institution but credits withdrawn
560+	• Module awarded 0% - no opportunity to re-sit, and credit lost • Award classification reduced • Qualification reduced (e.g. Honours to Non-Honours) • Expelled from institution but with credits retained • Expelled from institution but credits withdrawn

