



## **Malpractice and Maladministration Policy**

### **1. Introduction**

1.1 The purpose of this policy is to protect our academic integrity as a College and the integrity of the qualifications and assessments we deliver, recognising that incidents of malpractice and/or maladministration can adversely affect students and undermine public confidence. The College takes malpractice and maladministration incidents very seriously and will investigate all allegations as fully as possible and immediately refer allegations to other bodies such as the relevant awarding organisation.

1.2 Incidents of proven malpractice or maladministration may result in disciplinary action in relation to members of staff and/or disqualification / withdrawal from a programme of study in relation to students. The College recognises that there may also be wider consequences such as penalties or sanctions imposed upon the College by an awarding organisation.

### **2. Definitions of Malpractice and Maladministration**

2.1 Malpractice and Maladministration cover a range of actions, either by a student or an individual working for or on behalf of the College.

2.2 Malpractice is defined as 'non-compliance with the regulations pertaining to the assessment process (including the conduct of examinations), which may adversely affect the integrity of a qualification, its assessment and the validity of learner certificates'.

2.3 Malpractice includes acts, default or practice which compromises, or attempts to compromise the process of assessment, the integrity of any qualification, or the validity of a result or certificate; and/or damages the authority, reputation or credibility of any awarding organisation or centre or any officer, employee or agent of any awarding organisation or centre. Examples include acts of plagiarism or other forms of academic misconduct on the part of students; the deliberate falsification of records or documents; failure by the Centre to maintain appropriate records or systems; failure to investigate allegations of suspected malpractice; and maladministration.

2.4 The College is required to report cases of malpractice/maladministration to the relevant awarding organisation, which will determine further action to be taken. This may involve the awarding organisation undertaking its own investigation, and/or where an 'adverse effect' may have occurred, reporting the incident to the relevant qualification regulator. An 'adverse effect' includes situations in which students are disadvantaged; an awarding organisation is unable to develop, deliver or award its qualifications appropriately; the standards of an awarding organisation's qualifications are adversely affected; or public confidence in qualifications is undermined.

### **3. Actions taken to Mitigate Against Risks of Malpractice and Maladministration**

3.1 In relation to induction and teaching of core academic skills to new students, the College will undertake the following actions:

- Using the induction process and the student handbook to ensure students understand the College's policy on malpractice and the penalties for attempted and actual incidents of malpractice;
- Ensuring that a copy of the Malpractice and Maladministration Policy is accessible to all students via the College's VLE;
- Explaining what is meant by the different forms of academic irregularity, so that students have an understanding of the full range of actions that constitute academic malpractice;
- Supporting students to develop core academic skills, such as completing written assessments using academic English and referencing cited texts, other materials and information sources such as websites using recognised referencing conventions such as Harvard.

3.2 In relation to assessment, the College has systems and processes in place to detect potential malpractice and will consistently undertake the following actions:

- Conducting all assessments in line with the requirements of the relevant awarding organisation;
- Requiring students to declare that their work is their own;
- Ensuring the consistent use of Harvard referencing in all work that is submitted for assessment;
- Using plagiarism detection software, with severe sanctions for any student(s) seeking to undermine the efficacy of either the software or the process of plagiarism detection;
- Ensuring that the identity of students is verified before they take an examination and checking to ensure that students do not take prohibited material into examinations;
- Providing Tutors / assessors with training to enable them to check the validity and authenticity of students' work and requiring tutors / assessors to undertake such checks when marking work;
- Applying access controls to prevent students from accessing and using another person's work;
- Use of invigilated / timed assessment sessions during which evidence for assignments, tasks and/or coursework is produced by students;
- Use of oral questions with students to check their understanding of the work.

#### **4. Responsibilities of All Staff and Students to Report Suspected Malpractice**

4.1 Anyone who discovers or suspects someone of malpractice, must report this to the respective Programme Leader or to the College's Rector / Head of Centre immediately. In the case of a student, the Programme Leader will notify the individual(s) concerned following the steps outlined below. In the case of a member of staff, this will be done by the Rector / Head of Centre.

4.2 Where the suspected malpractice concerns a student, the Programme Leader, in consultation with the Rector / Head of Centre, will be responsible for determining the next steps to be undertaken in conducting an internal investigation. The Rector / Head of Centre will determine the next steps in relation to informing the awarding organisation, in light of the nature of the allegation(s) and the malpractice and maladministration policy of the relevant awarding organisation.

## **5. Investigating Suspected Malpractice or Maladministration**

5.1 Any member of staff who receives an allegation of malpractice or suspects that malpractice has taken place shall, in the first instance, prepare a written statement so that the allegation is clearly documented and an audit trail established. The Malpractice Allegation Form should be used for this purpose.

5.2 If the suspected malpractice concerns a student, the completed Malpractice Allegation Form should be sent to the respective Programme Leader and copied to the Rector / Head of Centre. In all cases where the suspected malpractice concerns or implicates a member(s) of staff, the form should be sent to the Rector / Head of Centre alone.

5.3 In all cases the completed Malpractice Allegation Form should be completed within one working day of the initial allegation. If for any reason it is not possible for the form to be completed in full within this timeframe, the Programme Leader or Rector / Head of Centre should be notified of the allegation in any event and the completed form should be sent as soon as it is complete.

5.4 If the suspected malpractice concerns a student, the process set out below will be followed. Wherever suspected malpractice concerns or implicates a member(s) of staff, the procedure set out in the Staff Handbook should be followed.

5.5 The Programme Leader, upon receiving the completed Malpractice Allegation Form, will determine whether further evidence is required prior to holding a meeting with the student concerned. If further evidence is required, they will request this from appropriate staff and/or students. If the allegation is complex and/or if it is more appropriate to do so, the Programme Leader will appoint a senior assessor or internal quality assurer who has not been involved in the delivery / assessment of the unit related to the allegation, to undertake an investigation.

5.6 In parallel to this, and within two working days of the allegation being made, the Programme Leader will write to the student who has been implicated in the malpractice allegation and ask them to attend a malpractice meeting. At this time, the student will also be informed about the nature of the alleged malpractice, their responsibilities and rights and the possible consequences should malpractice be proven.

5.7 The Programme Leader will convene a malpractice meeting which they or their appointee will chair and which will involve at least one other staff member, usually the Tutor / Assessor involved in assessing the unit or assignment to which the allegation relates. This will normally be held within 10 working days of the initial allegation having been made. The meeting provides an opportunity for the student to provide further information and to answer questions related to the allegation being investigated.

5.8 Following the meeting with the student, the Programme Leader will meet with the other members of staff who were involved in the meeting and will determine the outcome and any sanctions arising from the investigation.

5.9 Minutes of both meetings will be recorded in such a way that they will provide an audit trail of evidence presented and decisions made, and in order that they may aid further investigation and/or a future appeal.

5.10 The College's Malpractice Investigation Form and Register of Student Malpractice Investigations should be updated at this time. A copy of the Malpractice Investigation Form should

be sent to the Rector / Head of Centre to inform them of the outcome of the investigation so that they in turn can inform the awarding organisation of the nature of the malpractice and/or attempted acts of malpractice and of the steps to be taken to prevent similar incidents occurring in future.

5.11 The Programme Leader will write to the student within five working days of the meeting to communicate the outcome of the investigation and any sanctions arising from it. The student will be informed of their right to appeal the decision and will be directed to the College's Academic Appeals Policy.

## 6. Managing Proven Cases of Student Malpractice

6.1 Any form of malpractice or academic misconduct will be treated seriously and if proven will directly impact on assessment judgements.

6.2 In cases of proven malpractice on the part of students, decisions as to what constitutes appropriate sanctions will take into consideration the severity of the case – i.e. the form and extent of the malpractice, the time at which the malpractice takes place in the learning experience, whether there have been previous cases of malpractice involving the same student, and sanctions given out to other students previously in similar circumstances.

6.3 Sanctions should be commensurate with the level of the proven malpractice, and the following examples, though not an exhaustive list, should act as a guide:

Level of severity	Type of Malpractice	Examples of Plagiarism	Learning Journey / Malpractice Offence	Examples of Possible Sanctions
Low-Medium	Collaboration leading to unintended similarity of work submitted by multiple students	Poor / inconsistent referencing	Early stage of learning journey / First malpractice offence	Resubmission of work with problems addressed
Medium	Sections of assessed work with high similarity rating	Ideas / arguments unattributed.	More advanced stage of learning journey / First malpractice offence	Assignment / unit failed. Resubmission grade potentially capped
Medium-High	Copying of others' work and/or evidence of commissioning a third party to undertake assessment on behalf of the student	Significant pieces of uncited text copied from other sources / Deliberate attempt to circumvent plagiarism detection software.	More advanced stage of learning journey / Multiple malpractice offences	Withdrawal from programme

## 7. Staff Malpractice

7.1 As noted above, wherever suspected malpractice concerns or implicates a member(s) of staff, the procedure set out in the Staff Handbook (Appendix A) should be followed.

7.2 The College is committed to ensuring that all necessary steps are taken to mitigate against the risks of malpractice or maladministration by members of staff.

7.3 To this end the College will ensure that a full explanation of the Malpractice and Maladministration Policy is provided to all members of staff as part of their induction and ongoing training, through mandatory participation in induction and in-house CPD courses. The College also ensures that malpractice and maladministration and examples of sanctions for non-compliance with the policy are clearly set out in the Staff Handbook.

7.4 Examples of malpractice by academic staff, administrators and other staff are provided below but it should be noted that it is not an exhaustive list. All incidents of suspected malpractice, whether or not they are described below, shall be fully investigated where there are sufficient grounds to do so.

- Giving approval to a student to copy another student's assignment work, or allowing a student to let their own work be copied.
- Completing an assessed assignment for a student or providing them with assistance beyond that normally expected.
- Producing, using or allowing the use of forged or falsified documentation, for example with supporting evidence provided for reasonable adjustment or special consideration applications.
- Failing to report a suspected case of student malpractice, including plagiarism to the relevant personnel at the centre, within stated timescales.
- Failure to keep tests or examination papers / assignments or other assessment materials secure, before, during or after an examination or other assessment invigilated under exam conditions.
- Allowing a learner to possess and/or use material or electronic devices that are not permitted in an examination.
- Allowing learners to communicate by any means during an examination in breach of any regulations which have been laid down.
- Leaving learners unsupervised during an examination.
- Not maintaining accurate records of assessment or verification decisions, leading to lack of certainty about final judgements.
- Failure to keep student computer files and/or personal data secure.
- Not keeping learner work (assessed or unassessed) secure leading to concerns about malpractice including authenticity.

## **8. Involvement of the Awarding Organisation**

8.1 Depending upon the severity of the suspected malpractice and/or the seniority of members of staff who may be implicated, the matter may need to be referred to the awarding organisation. Once a matter has been referred to an awarding organisation, they will determine the next steps, which will often require further investigation. Such an investigation will require the full support of centre management, all staff linked to the allegation and direct contact with any students linked to the alleged / suspected malpractice / maladministration.

8.2 Where malpractice/maladministration is proven, there may be implications for students (such as certificates not being issued or being recalled / invalidated); for staff (such as staff members being prohibited from delivering qualifications); and for the College (such as withdrawal of programme / centre approval).

8.3 A student and/or member of staff may appeal against the decision of the awarding organisation, and the appeals process related to the relevant awarding organisation should be followed.

## **9. Approval and Review**

**Title: Malpractice and Maladministration Policy**

**Approved with reference to:** QAA Quality Code, Office of the Independent Adjudicator for Students in Higher Education – The Good Practice Framework: Handling Student Complaints and Academic Appeals. **Version:** 2020.1. **Approved:** January 2021. **Implementation from:** January 2021. **Next review:** August 2021. **Approving body:** Academic Board. **Member of staff responsible:** Rector.