

# Malpractice Policy and Procedures

## 1. Introduction

Al-Maktoum College of Higher Education treats all cases of suspected malpractice<sup>1</sup> very seriously and will investigate all suspected and reported incidents of possible malpractice, whether or not described below, where there are sufficient grounds to do so.

All students and staff are expected to observe all College regulations, policies and procedures that govern the effective organisation and management of specific areas of activity within the College, including those relating to financial requirements, health and safety, the use of IT resources, and recreational facilities. Copies of the regulations, policies and procedures can be found on the College website [www.almcollege.org.uk](http://www.almcollege.org.uk)

The College will also report to the Scottish Qualifications Authority (SQA) all claims of suspected malpractice either by candidates or centre staff, academic and administrative.

Failure to notify, investigate and report to SQA allegations of suspected malpractice constitutes malpractice. Also failure to take action as required by SQA or to co-operate with an SQA investigation constitutes malpractice.

The purpose of this document is to set out how allegations of malpractice are dealt with. The scope of the policy is to provide:

- A definition of malpractice;
- Examples of centre malpractice and maladministration and student malpractice;
- How to report suspected malpractice;
- The procedure for investigating suspected malpractice; and
- Possible sanctions that may be imposed in cases of malpractice.

The Malpractice policies and procedures will be disseminated to all staff and students through the College's web site and staff and student handbooks.

## 2. Terminology and Definitions

Malpractice means any act, default or practice (whether deliberate or resulting from neglect or default) which is a breach of the College's rules and regulations, SQA requirements including any act, default or practice which:

- Compromises, attempts to compromise or may compromise the process of assessment, the integrity of any SQA qualification or the validity of a result or certificate; and/ or certificate; and/or
- Damages the authority, reputation or credibility of the College, the SQA and its employee(s) or agent(s).

Malpractice can arise for a variety of reasons:

1. Some incidents are intentional and aim to give an unfair advantage or disadvantage in an examination or assessment (deliberate non-compliance). Examples might include:
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- Failure to carry out adequate /published internal quality assurance arrangements
  - Completing assessment work on behalf of learners; or
  - Falsification of information leading to certification
2. We define maladministration as including incidents that arise due to ignorance of SQA requirements, carelessness or neglect in applying the requirements. Examples might include:
- Seeking approval to offer a new qualification after the deadline for new approval applications has passed, or
  - Requesting late certification of learners after a regulated qualification's certification end date

Malpractice can include both maladministration in the assessment and delivery of SQA qualifications and deliberate non-compliance with SQA requirements.

Whether intentional or not, it is necessary to investigate and act upon any suspected instances of malpractice, to protect the integrity of the qualification and to identify any wider lessons to be learned.

Where SQA becomes aware of concerns of possible malpractice, its approach will be fair, robust and proportionate to the nature of the concern. These procedures will be applied where SQA's view is that there is a risk to the integrity of certification, which is not being successfully managed through our regular processes, for example verification.

### **3. Candidate Malpractice**

Candidate malpractice means any type of malpractice by a candidate which threatens the integrity of an examination or assessment. Any cases of candidate malpractice must be reported to SQA. Malpractice by a candidate can occur, for example, in:

- The preparation and authentication of coursework
- The preparation or presentation of practical work
- The compilation of a portfolio of assessment evidence
- The completion of an examination paper, or the controlled write-up stage of externally assessed coursework; and
- Conduct during or after an assessment

The following are examples of candidate malpractice, but you should be vigilant to other instances of suspected malpractice that may undermine the integrity of qualifications. Examples could include:

- Breaching the security of assessment materials in a way which threatens the integrity of any exam or assessment – including the early and unauthorised removal of a question paper or answer booklet from the examination room.
- Collusion with others when an assessment must be completed by individual candidates.
- Copying from another candidate (including using ICT to do so) and / or working collaboratively with other candidates on an individual task.
- Misconduct – inappropriate behaviour in an assessment room that is disruptive and / or disrespectful to others. This includes talking, shouting and / or aggressive

behaviour or language, and having a prohibited electronic device that emits any kind of sound in the assessment room.

- Frivolous content – producing content that is unrelated to the assessment.
- Offensive content – content in assessment materials that includes vulgarity and swearing that is out with the context of the assessment, or any material that is discriminatory in nature (including discrimination in relation to the protected characteristics identified in the Equality Act 2010). This should not be read as inhibiting candidate's rights to freedom of expression.
- Personation – assuming the identity of another candidate or a candidate having someone assume their identity during an assessment.
- Plagiarism - failure to acknowledge sources properly and / or the submission of another person's work as if it were the candidate's own.
- Prohibited items – items that candidates must now have with them at their allocated seat in the exam room because they can give an unfair advantage, including: mobile phones; electronic devices such as an MP3 player, iPod, tablet, smartwatch or any other device that is web-enabled or stores information; books, notes, sketches or paper; pencil case; calculator case; calculator or dictionary (except in specified subjects – unless any of these things have been approved by SQA as part of an assessment arrangement).

#### **4. Centre Malpractice**

Cases of malpractice by staff arise for a variety of reasons:

Any incidents that are intentional and aim to give an unfair advantage in an examination or assessment or other academic misconduct (non-compliance). Any cases of centre malpractice must be reported to SQA. This includes cases of:

- Knowingly allowing an individual to impersonate a student or staff;
- Allowing a student to copy another student's assignment work, or allowing a student to let their own work be copied;
- Allowing students to work collaboratively during an assignment assessment, unless specified in the assignment brief;
- Allowing a student to possess and/or use material or electronic devices that are not permitted in the examination room;
- Completing an assessed assignment for a student or providing them with assistance beyond 'normally' expected;
- Damaging a student's work;
- Exposing any information to anyone other than the student; and
- Failing to report a suspected case of student malpractice, including plagiarism.

Any incidents that arise due to ignorance of SQA requirements, carelessness or forgetfulness in applying the requirements (maladministration). This includes:

- Maladministration and the failure to maintain appropriate records or systems;
- The deliberate falsification of records or documents for any reason connected to the award of any qualification;
- Failure to keep examination question papers, examination scripts or other assessment materials secure, before during or after an examination; and
- Leaving students unsupervised during an examination.

## **5. Procedures of reporting a suspected case of malpractice**

This process applies to, lecturers, including visiting lecturers, invigilators, students and administration staff.

Any case of suspected malpractice should be reported in the first instance to the SQA Coordinator.

1. Depending on the seriousness of the malpractice:
  - Suspected malpractice must be reported as soon as possible to the person identified, and at the latest within two working days from its discovery. Where the suspected malpractice has taken place in an examination, the incident be reported urgently, and the appropriate steps taken as specified by SQA.
  - A written report to be sent to the person identified, clearly identifying the factual information, including statements from other individuals involved and / or affected, any evidence obtained, and the actions that have been taken in relation to the incident.
  - Wherever possible other students are not disrupted by actions to be taken.
2. The individual suspected of malpractice should be warned immediately that their actions may constitute malpractice, and that a report will be made to the College and ultimately to the SQA.
3. In cases of suspected malpractice by the College academic staff, invigilators and administration staff, the report should include as much information as possible, including the following:
  - a) the date time and place the alleged malpractice took place,
  - b) the name of the centre teacher/tutor, invigilator or other person(s) involved,
  - c) a description of the suspected malpractice, and
  - d) any available supporting evidence.

In cases of suspected malpractice reported by a third party, or an individual who wishes to remain anonymous, the College will take all reasonable steps to authenticate the reported information and to investigate the alleged malpractice.

## **6. Reporting suspected malpractice to the SQA**

All cases of suspected malpractice must be reported to the SQA:

Any suspected cases of centre malpractice must be reported to SQA as soon as we have carried out an initial screening exercise to establish the nature of the concern. This includes any concerns where we take the view that no further action is necessary. We must inform SQA of any investigation carried out by an awarding body, industry body, funding agency or regulator which may or may not affect the delivery of SQA qualifications. We must also promptly bring to SQA's attention any findings of centre malpractice or maladministration communicated to us by another awarding or industry body.

We must notify SQA promptly if another awarding body removes approval from our centre, regardless of the reason given for this withdrawal. SQA expects centres to bring candidate malpractice concerns for internal assessments to their attention only if:

- the concern came to our centre's attention after submission of internal assessment marks
- the concern relates to candidate malpractice for a qualification regulated by SQA Accreditation, Ofqual or Qualifications Wales
- a candidate affected by a malpractice decision, who has exhausted their right of appeal within our centre, wishes to exercise their right of appeal to SQA; or
- there are other exceptional circumstances, eg we believe that the malpractice case involves a criminal act (if the malpractice involves a criminal act the matter must also be reported to the police)

## **7. Investigating suspected cases of malpractice**

- Al-Maktoum College of Higher Education will investigate each case of suspected or reported malpractice to ascertain whether malpractice has occurred. The investigation will aim to establish the full facts and circumstances. Any suspected cases of malpractice must be reported to SQA (see above).
- The College will promptly take all reasonable steps to prevent any adverse effect that may arise as a result of the malpractice, or to mitigate any adverse effect, as far as possible, and to correct it to make sure that any action necessary to maintain the integrity of SQA accredited qualifications and reputation is taken.
- The College will acknowledge all reports of suspected malpractice within five working days. All the parties involved in the case will then be contacted within 10 working days of receipt of the report detailing the suspected malpractice. The College may also contact other individuals who may be able to provide evidence relevant to the case.
- The individual(s) concerned will be informed of the following:
  - that an investigation is going to take place, and the grounds for that investigation;
  - details of all the relevant timescales, and dates, where known;
  - that they have a right to respond by providing a personal written response relating to the suspected malpractice (within 10 working days of the date of that letter);
  - that, if malpractice is considered proven, sanctions may be imposed either by Al-Maktoum College or by SQA, reflecting the seriousness of the case;
  - that, if they are found guilty, they have the right to appeal against a malpractice outcome if they believe that the policy or procedure has not been followed properly or has been implemented to their detriment.

Al-Maktoum College of Higher Education has a duty to inform SQA and other relevant authorities/regulators, but only after time for the appeal has passed or the appeal process has been completed. This may also include informing the police if the law has been broken and to comply with any other appropriate legislation.

Where more than one individual is contacted regarding a case of suspected malpractice, for example in a case involving suspected collusion, we will contact each individual separately, and will not reveal personal data to any third party unless necessary for the purpose of the investigation.

Records of all malpractice cases and their outcomes are maintained by the College for a period of at least six years and are subject to regular monitoring and review. Retention of records of all investigations of malpractice to be provided to SQA on request.

## **8. Actions and Sanctions if malpractice is proven**

Following an investigation, if a case of malpractice is upheld, Al-Maktoum College of Higher Education may impose sanctions or other penalties on the individual(s) concerned in line with the seriousness of the malpractice that has occurred. Where relevant we will report the matter to SQA, and SQA may impose one or more sanctions upon the individual(s) concerned.

At any stage of the procedure the outcome of the investigation will be one of the following:

- **Case dismissed**, as there is insufficient evidence to substantiate the allegation(s), or
- **Sanctions** to be applied.

Sanctions listed below may be applied to a student, to a lecturer, tutor, invigilator or other staff who has had a case of malpractice upheld against them on a case-by-case basis. This is when there is evidence to support the allegation(s) with the result that an appropriate type of sanction is recommended.

If the allegation is upheld, then at any stage of the procedure the person(s) investigating the alleged offence can recommend one or more of the following sanctions (in order of severity) as deemed appropriate to the gravity of the offence, the context of the malpractice, and whether the allegation is a first or repeated malpractice:

- **Informal verbal warning**, the matter to be resolved through counselling, advice, apology or a compromise agreement.
- **Formal verbal warning**, the verbal warning will be recorded in the personnel file for future reference. The note/record to be signed by the concerned individual suspected with malpractice.
- **A written warning** - Warning given to student or staff will be taken into account should there be any future breach of the College or SQA rules and malpractice cases.
- **Warning with Revision of Marks** - Marks awarded will be revised in cases of collusion and plagiarism.
- **Notification** to any other organisation, employer, regulator or the police depending on the severity of the malpractice.
- **Suspension** while an investigation is being carried out.
- **Removal/expulsion** from the programme.
- **Fines and compensation payments**, this would mainly be applied to the students receiving financial support (full or partial bursary for their study).
- **Cancellation** of the award.
- **Imposition of special conditions** for the future involvement of the individual(s) in the conduct, teaching, supervision or administration of students and/or examinations.
- **Dismissal** from employment.

8.1 The outcome of any disciplinary or appeal hearing will be based on the balance of probability after considering all the evidence.

- 8.2 At the end of each stage the student should be informed of the outcome of the procedure and should agree to any recommendations for sanctions. In relation to verbal warnings a note is made on the student's file, which they signs.
- 8.3 Written warnings are also signed by the student or staff and remain on their file for a specified period of time, normally one year and usually state the consequences if the offence is repeated.
- 8.4 Fines and compensation payments should pay due regard to the means of the student and may allow time for the payment to be made or to be discharged in instalments. If the recommendation involves suspension, fines, dismissal, expulsion and/or cancellation of the award, then verification must be sought from the Principal or their nominee.
- 8.5 At any stage in the malpractice procedure the College reserves the right to recover any damages that it has incurred as a result of action by the individual concerned.
- 8.6 The individual charged with the allegation of misconduct has the right of appeal at any stage of the procedure and against any form of recommended sanction as well as against a suspension while an investigation is being carried out. If an appeal is upheld, then the process moves automatically to a higher stage or the suspension is removed.

## **9. Appeal against alleged malpractice cases and sanctions**

Individuals, who have valid grounds on which to report a malpractice or to appeal against a malpractice decision, should raise the matter promptly. Where an appeal arises from a communication of the College's decision, this must be submitted within 28 days following receipt by the candidate of the formal feedback. An appeal should be submitted in writing to the SQA Coordinator, providing the following information:

- Candidate's name and address;
- The programme of study the candidate is undertaking;
- Specific details of the ground(s) for the appeal;
- Any other information which the applicant feels is relevant. All relevant information should be submitted at one time and that the College will not consider information which is submitted later in the process without good reason; and
- An indication of the outcome being sought (without prejudice to the final outcome).

- 9.1 After the candidate has received formal written feedback of the decision from the investigation into the suspected malpractice by the College with regard to the appeal.

We have the right to appeal a decision where a case of reported malpractice by our centre has been confirmed through investigation by SQA. We also have the right to appeal a decision in the case of suspected malpractice by a candidate reported by our centre to SQA.

Candidates have the right to appeal to SQA where:

- SQA has conducted an investigation and the candidate disagrees with the decision
- our centre has conducted an investigation, the candidate disagrees with the outcome and has exhausted our centre's appeals process
- SQA has asked our centre to conduct an investigation and the candidate disagrees with the outcome and has exhausted our centre's appeals process,

and For regulated qualifications only:

- Our centre and our candidates have the right to request a review by the appropriate regulator (SQA Accreditation, Ofqual or Qualifications Wales) of the awarding body's process in reaching a decision in an appeal of a malpractice decision.

9.2 Appeals will be investigated by the College and the outcomes will be communicated promptly to the candidate. The College aims to thoroughly and fairly investigate all appeals and resolve such matters during this initial investigation. As such, the decisions taken following completion of this process will be considered as final and the College does not operate a further appeal system. The College will aim to respond to the appeal/complaint within 28 days of receipt.

9.3 Individuals lodging malpractice case(s) and those against whom appeals are made can expect the information to be dealt with confidentially and with due regard for their privacy. It may be disclosed to those members of the College who have a need to see it in order to investigate the malpractice case or the appeal. This disclosure will be undertaken solely to expedite the thorough investigation of the case and will not be undertaken to disadvantage any party.

## **10. Record Retention**

10.1 In the case of reporting malpractice, the College will retain records, including all materials and candidate evidence, until the issue has been resolved. Thereafter, malpractice records and appeal records must be retained for several years.

10.2 Where an investigation of suspected malpractice is carried out, the College will retain related records and documentation for a period of six years.

- Records must include any work of the candidate and assessment or verification records relevant to the investigation.

10.3 In an investigation involving a criminal prosecution or civil claim, records and documentation will be retained for six years after the case has been heard.

10.4 In the case of an appeal to SQA against the outcome of a malpractice investigation, assessment records must be retained for six years.

10.5 The personalised records and any supporting papers will be destroyed one year following resolution of the case. Anonymised data may be kept longer in order to facilitate monitoring and review of the College's admissions process.

## **11. Monitoring and review**

The Malpractice Policy and Procedures and the reporting forms (for student and staff) will be reviewed regularly. This is the responsibility of the SQA Coordinator. Monitoring of the process is undertaken by:

- Maintaining a complete tracking system and record of each malpractice case;
- Ensuring all staff responsible for dealing with cases of malpractice are aware of the procedure; and
- Establishing a rigorous and effective system of dealing with any proven liability or risks to prevent the same situation happening again.

## **12. Student support:**



Student Society (or equivalent) will assist the students in explaining the regulations, explain potential penalties and advise students on evidence they can submit.

### **13. Appendix**

**Appendix 1:** Student/Candidate Malpractice Report Form

**Appendix 2:** Staff Malpractice Report Form