



Malpractice & Maladministration Policy

Version 5.1

City College of London



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This policy may be used in conjunction with the following policies and documents:

1.1 Quality Assurance Policy	Appeals Form
3.1 Staffing Policy	Complaints Form
4.1 Teaching, Learning and Assessment Policy	Final Warning Letter
6.1 Equality and Welfare Policy	First Warning Letter
8.1 Complaints and Appeals Policy	Termination Letter

Quality Code Reference



A1	A2	A3	A4	A5	A6	B1	B2	B3	B4	B5	B6	B7	B8	B9	B10	B11	C
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Overview

City College of London is committed to upholding the integrity of the qualifications it offers. It is also committed to ensuring that all learners have an equal opportunity to demonstrate their abilities.

Accordingly, it will not tolerate any act or omission, or any attempted act or omission, that is or results in cheating, unfair practice or a breach of its or the awarding body's rules and regulations.

Persons found to have committed any of the above will face disciplinary actions, the precise nature and extent of which will be determined at the Academy's discretion by the due consideration of the extent and severity of the issue concerned.

The purpose of this policy is to:

- Define malpractice and maladministration;
- Set out the rights and responsibilities of each party in relation to such matters; and
- Describe the procedures to be followed in cases where there is reason to suspect malpractice or maladministration.

Definitions of Malpractice and Maladministration

Malpractice means any act or omission, or attempted act or omission, which:

- Breaches the awarding body's rules and regulations
- Compromises the process of assessment, the integrity of any qualification or the validity of a result or certificate; and/or
- Prejudices or otherwise damages the authority, reputation or credibility of the Academy as an institution, the awarding body or damages the authority, reputation or credibility of staff thereof (including any contractor, consultant or other person acting on their behalf).

Malpractice:

This can arise for a variety of reasons. It can be intentional, done with the aim of giving a candidate an unfair advantage in an exam or assessment. It can be unintentional or negligent, arising through ignorance, carelessness or forgetfulness of the appropriate rules and regulations. It can also arise through circumstances beyond the control of those involved, such as where disruption is caused to assessment by an external event or unplanned incident.

Maladministration:

This is a particular type of malpractice relating to the administration of assessment or confidential information. Maladministration is usually unintentional and arises from mistakes, ignorance, carelessness or forgetfulness about appropriate due processes.

Learner Malpractice



Students are expected to produce work that is their own, and to reference according to the Harvard Referencing System. Students will be made aware of how to do this through on-going in-class academic support and feedback and will have access to online resources to do the same.

Attempting to or actually carrying out any malpractice activity is not permitted. The following are examples of malpractice by learners:

- Plagiarism by copying and passing off, as the learner's own, the whole or part(s) of another person's work, including artwork, images, words, computer generated work (including Internet sources), thoughts, inventions and/or discoveries whether published or not, with or without the originator's permission and without appropriately acknowledging the source
- Collusion by working collaboratively with other learners to produce work that is submitted as individual learner work. Learners should not be discouraged from teamwork, as this is an essential key skill for many sectors and subject areas, but the use of minutes, allocating tasks, agreeing outcomes, etc. are an essential part of teamwork and this must be made clear to the learners
- Impersonation by pretending to be someone else in order to produce the work for another or arranging for another to take one's place in an assessment/examination/test
- Fabrication of results and/or evidence
- Failing to abide by the instructions or advice of an assessor, a supervisor, an invigilator, or conditions in relation to the assessment/examination rules, regulations and security
- Misuse of assessment/examination material
- Introduction and/or use of unauthorized material contra to the requirements of supervised assessment/examination/test conditions, for example: notes, study guides, personal organisers, calculators, dictionaries (when prohibited), personal stereos, mobile phones or other similar electronic devices.
- Obtaining, receiving, exchanging or passing on information which could be assessment/examination/test related (or the attempt to) by means of talking or written papers/notes during supervised assessment/examination conditions
- Behaving in such a way as to undermine the integrity of the assessment/examination/test
- The alteration of any results document, including certificates
- Cheating or otherwise behaving in such a way that enables a candidate to gain an unfair advantage, including attempts to copy other learners' work or to allow another learner to copy their own work.
- Altering official documentation such as exam report forms, individual mark-sheets and certificates
- Impersonating a candidate.
- Providing a false form of identification.
- Talking to, giving anything to or distracting another candidate during the exam.
- Obtaining or attempting to obtain confidential exam material (prior to and/or during the exam).



- Disseminating confidential exam material to others.
- Making an audio or video recording of an exam (e.g. on a mobile phone).
- Attempting to influence the examiner's assessment by offering incentives of any kind or by using threatening behaviour before, during or after the exam session.
- Attempting to influence the steward, supervisor, invigilator or other centre staff by offering incentives of any kind or by using threatening behaviour before, during or after the exam session.
- In written exams, starting the exam before being told to do so, or failing to stop writing at the end of the exam when told to do so, by the invigilator.
- Removing any materials other than the candidate's personal possessions from the exam room.

By enrolling at the Academy, learners agree to the submission of their work to the plagiarism detection services used by the Academy. Further, they agree to the following:

- The transfer of their Academy course work and data relating to this work outside the EU for purposes of plagiarism detection
- The transfer of work submitted for assessment to third parties for the purpose of present and future plagiarism detection
- The processing of such work and related data for the purposes of plagiarism detection and the provision of information to the Academy relating to this work
- The future use and storage of this material in order to facilitate the work of the Plagiarism detection service

The above will be carried out only for the purposes of plagiarism detection, and will involve:

- Comparison with other works, published or unpublished, either on the internet or in some other electronic form
- Comparison with works previously submitted by students for purposes of assessment and maintained on the databases of the third party supplier of plagiarism detection services
- Addition of the work submitted to the above databases for purposes of future plagiarism detection

Under the Data Protection Act (1998), learners have a number of rights. Plagiarism detection will be implemented in line with their rights, and with the provisions of the Act.

Academy Malpractice and Maladministration

'Academy malpractice and maladministration' refers to that committed by a member of staff (including any contractor, consultant or other person acting on the centre's behalf) at City College of London.

Examples of behaviour that would be the subject of an investigation into malpractice are set out below. This is not an exhaustive list and as such does not limit the scope of the definitions set out in this policy. Moreover, as requirements vary depending on the subject and type of



assessment, not all of the examples may be applicable. The Academy reserves the right to define instances of malpractice at its discretion in accordance with the awarding organization guidance and assessment context.

- Altering official documentation such as exam report forms, individual mark-sheets and certificates.
- Attempting to influence the assessor's or verifier's decision making by offering incentives of any kind or by using threatening behaviour before, during or after the assessment process.
- Attempting to influence others involved in the delivery or management of assessment.
- Removing confidential exam material or retaining copies of such.
- Failing to keep exam papers secure before an exam session.
- Tampering with candidates' papers or allowing candidates to tamper with papers before or after the exam.
- Providing unauthorised assistance to candidates
- Assisting candidates during exams by interpreting questions or providing answers.
- Enabling candidates to have access to forbidden material in the exam room.
- Encouraging collusion or communication for assessment (where this is not part of the assessment)
- Making an audio or video recording of an exam (where this is not part of the assessment)
- Allowing the impersonation of a candidate.
- Providing false supporting documentation, e.g. a false course attendance letter.
- Unlawful and deliberate dissemination or reproduction of personal or otherwise confidential information
- Negligent disclosure of confidential information to unauthorized parties
- The use of Academy, awarding body or student information or property for personal gain
- Engaging in behavior deemed to be fraudulent in nature
- Failure to update records of attendance, fees etc. accordingly especially whereby this affects a learner's progression, enrolment or legal status
- Failing to notify management where suspected instances of any of the above have occurred

Responsibilities

All Persons

It is the responsibility of all members of the Academy community to be aware of, and endeavour to avoid instances of malpractice such as those indicated above and to report it where it is believed to occur. Both learners and staff have a responsibility to ensure that learner work submitted for purposes of assessment, especially purposes of summative assessment, is in fact their own work.

The Academy will provide tools for and training in the detection of plagiarism and misconduct which all staff will use. However, these systems should be seen as aids to professional judgement on the part of teaching staff. They should not be seen as substitutes for this judgement. Staff should also ensure that they set a good example to learners through the adoption of good referencing practice themselves.



The following details the specific responsibilities of learners and various members of staff.

Learners

It is the responsibility of learners:

- To ensure that work submitted for purposes of assessment is their own.
- To ensure that the words and arguments of others are appropriately cited and referenced using an accepted referencing system such as the **Harvard Referencing Style**. Learners must not simply copy materials from other learners, past or present, from written sources, from the Internet, or from any other source whether this is through cutting and pasting, rewriting or by any other means.

Changing a few words within a copied piece of text does not render this original, and still counts as plagiarism. In short, work submitted by learners must be their own unless specifically indicated within the text through appropriate referencing that this is not the case - or where originality was clearly not a requirement of the assessment being undertaken. Full guidance as to how to reference appropriately may be gained from the following site <http://libweb.anglia.ac.uk/referencing/harvard.htm>

Teaching staff

It is the responsibility of teaching staff:

- To stress to their learners the unethical nature of plagiarism and other forms of misconduct
- To make clear to learners the Academy's policy on misconduct and the consequences if they fail to comply
- To ensure that learners have the knowledge and skills required to enable them to cite and reference appropriately

In general this requirement can be met by introducing them to the use of an accepted referencing system such as the Harvard system, and introducing learners to websites such as the Anglia Ruskin resource listed above (<http://libweb.anglia.ac.uk/referencing/harvard.htm>) will help in this respect. It may also be fruitful to introduce plagiarism as a part of general good citizenship and to stress it as reflective of the values of fairness within society as a whole. Teaching staff can also take preventative action through appropriate design of assessment. This might include, for example:

- More individualised assessments
- The use of question banks rather than static, identical assessment for all students
- Frequent changing of assessment instruments
- Appropriate supervision

Guidance staff

The role of guidance staff in the area of plagiarism includes:

- Developing appropriate attitudes and practices in Academy learners and facilitating discussion around misconduct, plagiarism and related issues
- Co-ordinating information on learners across the range of their course so as to detect and address multiple instances of plagiarism and misconduct



Issues surrounding plagiarism provide a useful and appropriate context for the discussion of wider issues of fairness, citizenship and employability.

Academy technical support staff

Academy technical support staff will:

- Ensure that an appropriate technical means of plagiarism detection is effectively implemented and maintained
- Provide statistics on usage for purposes of self-evaluation and the effective management of contracts relating to plagiarism detection and between the Academy and third party providers
- Ensure effective integration between plagiarism detection software and services and other Academy systems such as the virtual learning environment.

Human Resources

Human Resources will ensure that:

- All teaching staff receive full and appropriate training in plagiarism, its prevention and detection
- Plagiarism is appropriately covered as part of the induction for new teaching staff

External Reference Points

The Academy may on occasion refer to or involve professional services or other third parties to:

- Provide advice on appropriate plagiarism detection services which will support staff
- Provide appropriate guidelines on the use of the detection software
- Provide other support materials which will enable learners and/or staff to identify and effectively minimise the incidence of malpractice
- Provide appropriate training for teaching and other staff in these areas
- Arbitrate in cases of alleged malpractice or maladministration
- The transfer of their Academy course work and data relating to this work to third parties for the purpose of present and future plagiarism detection

Investigating Alleged Malpractice and Maladministration:

Irrespective of the underlying causes of the malpractice or maladministration, or the people involved, all allegations of malpractice or maladministration will be investigated by the Academy in order to protect the integrity of its learners, its staff and the qualifications it offers. City College of London will notify awarding organisations of all instances of malpractice and maladministration pertaining to their qualifications. It is also the responsibility of all persons to take all possible measures to ensure that should malpractice occur, it is detected and appropriate action taken.

Learner Malpractice investigations will normally rest with the Academic Head and all other cases rest with the Principal; however, there may be special circumstances, which require the awarding organisation to be involved immediately. City College of London is required to notify the awarding



organisation when commencing an investigation and provide an estimated timescale for its completion. In exceptional circumstances, the regulatory authorities may need to take over an investigation. In such circumstances the regulatory authorities will provide written instructions to the awarding organisation informing them of this and the reason for taking such action.

City College of London appointed investigators will meet with the Director of Studies/Principal and begin an investigation to discover the origin and extent of the alleged irregularity.

Evidence of malpractice should be carefully gathered and retained. Issues relating to malpractice are confidential matters and should be treated as such. All records should be kept with due concern for confidentiality and the need for evidence. It is the responsibility of the Director of Studies/Principal to ensure that records relating to instances of malpractice are kept for the required length of time for those records, and are appropriately destroyed once the period of time required for their retention has elapsed. Standards should be applied fairly by the investigators so that accusations cannot be made of unequal treatment. The investigation may require the co-operation of anyone connected to an irregularity that has occurred. Any such investigation will endeavour to:

- Establish the facts relating to the complaint/allegation in order to determine whether any irregularity has occurred
- Identify the cause of the irregularity, including whether accidental or deliberate
- Determine whether remedial action is required
- Develop an action plan to implement any identified remedial action or sanctions required

Typically investigations will concentrate on evidence that:

- The assignment/script assessed is not the candidate's own work
- That the candidate is still working towards the qualification after the certificate has been claimed.
- The certificate has been claimed on the basis of falsified records.
- The awarding body has issued certificates contrary to their Code of Practice and the Accreditation Agreement.
- When investigations have been completed, City College of London will prepare a report of its findings. A copy of this report will be sent to the appropriate regulatory authorities.

The report will detail:

- The origin of the complaint or mode of discovery of the alleged irregularity(ies)
- The investigation carried out
- The evidence collected
- The conclusions drawn
- The recommendations for action and resolution of the matter

The Academy will maintain the confidentiality of individuals, materials and evidence gathered during all such investigations. All materials and evidence collected as part of the investigation will



be held in a secure environment and will not normally be disclosed to a third party.

Penalties

Penalties for misconduct will vary according to the nature, extent and consequences of the action(s). In all cases the actions taken will be taken in accordance with the advice of the relevant awarding organisation. Responsible parties may be fully or partially liable for any costs, losses or damages incurred by the incident of malpractice.

Academic misconduct

Penalties for academic misconduct which includes but is not limited to plagiarism will depend upon the extent of the misconduct and will be excised at the discretion of the Director of Studies/ Principal. This includes a warning and a request for resubmission of work, invalidation of unit/assessment or expulsion from the course and cessation of enrolment without refund. Cases where a learners' academic misconduct unfairly prejudice or infringe the learning or assessment; or where behaviour jeopardises the safety of others will be considered especially grievous.

Maladministration

Penalties for maladministration will depend upon the extent of the misconduct and will be excised at the discretion of the Principal. This includes a warning and disciplinary action, suspension with half pay, suspension without pay and the summary termination of employment. Cases where a staff members' maladministration unfairly prejudice or infringe the learning or assessment; or where behaviour jeopardises the safety of others will be considered especially grievous.

Disciplinary Procedure

Incidences of malpractice will be dealt with according to the following disciplinary procedure. This procedure may also be implemented in cases outside of the context of malpractice (e.g. inappropriate conduct in class).

Stage 1

For minor breaches, the matter will be dealt with by the Head of Department of the student(s). The Course Leader will meet with the student(s), investigate and discuss the issue. If the Course Leader feels that it is appropriate he/she may issue an Informal Verbal Warning as to the student(s) future behaviour. Such a warning will be oral and a record kept on the student's file.

Stage 2

For more significant breaches of behaviour, or repeated incidents of minor behaviour, the matter will be reported to the Academic Head/Principal who will investigate personally or ask a representative to do so. The Director of Studies/Principal, or nominated representative, will convene a hearing to discuss the case with the concerned individual(s). Any 'defendant' may be accompanied by a fellow colleague of the Academy who is not involved in the case. At the end of the hearing, if the Director of Studies /Principal, or representative, feels it is appropriate, he/she may issue a further Informal Warning or a Formal Written Warning. The Formal Written Warning may in some instances be a Final Written Warning. Records of both oral and written warnings should be kept on the student's file



Stage 3

For Gross Misconduct, severe breaches of the code or failure to meet the conditions of a Final Written Warning, the matter will be reported to the Director of Studies /Principal who will investigate personally or ask a representative to do so. The Director of Studies /Principal, or nominated representative, will convene a hearing to discuss the case with the concerned individual(s). Any ‘defendant’ may be accompanied by a fellow colleague of the Academy who is not involved in the case. At the end of the hearing, if the Director of Studies /Principal feels it is appropriate, he/she may issue a Written Warning, a Final Written Warning or Expel the learner/dismiss the employee. The outcome of the disciplinary hearing will be recorded on the individual’s file.

Right of Appeal

At each stage of the process, the ‘defendant’ has the Right of Appeal against the decision or consequence of the hearing. The hearing would normally be heard by the next most senior person in the Academy structure or their representative (e.g. Director of Studies would hear an appeal against a decision made by a course leader and the Principal would hear an appeal against the decision of the Director of Studies). The result of the appeal is final.

‘Defendants’ also have the right to take their case to appropriate external authorities and request their involvement (e.g. the awarding organisation; Ofqual or other regulatory body such as the Office of the Independent Adjudicator [OIA]). The Academy will fully support their right to do so and will uphold decisions made where a higher authority has been invoked.

Full details of the appeals process may be found in the Complaints and Appeals Policy.