



# Malpractice and Maladministration Policy

December 2023

## Malpractice and maladministration policy

### Purpose

The purpose of this policy is to provide staff and students with information about City Lit's approach to malpractice and maladministration.

Incidents of malpractice/maladministration can potentially lead to students being disadvantaged, can require the conducting of costly and time-consuming investigations and may cause reputational damage to the College. It is, therefore, desirable to prevent malpractice or maladministration from occurring, whenever possible. Where it is not possible to prevent this, cases of suspected or actual malpractice/maladministration must be dealt with quickly, thoroughly and effectively.

### Objectives of the policy

- To identify and minimise the risk of malpractice by staff or students
- To respond to any incident of alleged malpractice promptly and objectively
- To standardise and record any investigation of malpractice to ensure openness and fairness
- To impose appropriate penalties and/or sanctions on students or staff where incidents (or attempted incidents) of malpractice are proven
- To protect the integrity of City Lit and the qualifications it offers.

### Definition of malpractice

Malpractice is essentially any activity or practice which deliberately contravenes regulations and compromises the integrity of the internal or external assessment process and/or the validity of certificates. It covers any deliberate actions, neglect, default or other practice that compromises, or could compromise:

- the assessment process
- the integrity of a regulated qualification
- the validity of a result or certificate
- the reputation and credibility of City Lit
- the qualification and/or awarding bodies.

### Examples of malpractice by students

This list is not exhaustive and other instances of malpractice may be considered by the College at its discretion:

- plagiarism of any nature
- misuse of AI
- collusion by working collaboratively with other students to produce work that is submitted as individual student work
- copying (including the use of ICT to aid copying)
- deliberate destruction of another's work
- fabrication of results or evidence
- false declaration of authenticity in relation to the contents of a portfolio or coursework
- impersonation by pretending to be someone else in order to produce the work for another.

## **Misuse of AI in academic work and/or assessments**

The Joint Council for Qualifications (JCQ) examples of AI misuse include, but are not limited to, the following:

- Copying or paraphrasing sections of AI-generated content so that the work is no longer [your] own
- Copying or paraphrasing whole responses of AI-generated content
- Using AI to complete parts of the assessment so that the work does not reflect [your] own work, analysis, evaluation or calculations
- Failing to acknowledge use of AI tools when they have been used as a source of information
- Incomplete or poor acknowledgement of AI tools
- Submitting work with intentionally incomplete or misleading references or bibliographies.

AI misuse constitutes malpractice as defined in the JCQ Suspected Malpractice: Policies and Procedures (<https://www.jcq.org.uk/exams-office/malpractice/>).

## **Examples of malpractice by staff**

This list is not exhaustive and other instances of malpractice may be considered by the College at its discretion:

- improper assistance to candidates
- inventing or changing marks for internally assessed work (coursework or portfolio evidence) where there is insufficient evidence of the candidates' achievement to justify the marks given or assessment decisions made
- failure to keep candidate coursework/portfolios of evidence secure
- fraudulent claims for certificates
- inappropriate retention of certificates
- assisting students in the production of work for assessment, where the support has the potential to influence the outcomes of assessment, for example where the assistance involves College staff producing work for the student
- producing falsified witness statements, for example for evidence the student has not generated
- allowing evidence, which is known by the staff member not to be the student's own, to be included in a student's assignment/task/portfolio/coursework
- facilitating and allowing impersonation
- misusing the conditions for special student requirements, for example where students are permitted support, such as an amanuensis, this is permissible up to the point where the support has the potential to influence the outcome of the assessment
- falsifying records/certificates, for example by alteration, substitution, or by fraud
- fraudulent certificate claims, that is claiming for a certificate prior to the student completing all the requirements of assessment.

## **Definition of maladministration**

Maladministration is essentially any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration (e.g. within a centre/training provider, inappropriate student records).

## **Process for reporting an event of malpractice or maladministration**

Any case of malpractice or maladministration (suspected or otherwise), will be reported to the relevant awarding body immediately, in accordance with the awarding body's procedures.

Anybody who identifies or is made aware of suspected or actual cases of malpractice must notify the Exams Office immediately. In the absence of Exams Office staff, the Head of Centre needs to be notified.

For BCS assessments, the Centre Manager will report immediately any case of malpractice or maladministration (suspected or otherwise).

## **Investigations**

It is understood that in certain cases, awarding bodies may wish to allocate their own staff to join or lead an investigation.

If the college conducts its own investigation:

- it will ensure that staff involved in the investigation are competent and have no personal interest in the outcome of the investigation
- it will conduct the investigation within 28 working days or being aware of a suspicion of malpractice of maladministration.

## **Investigations will adhere to the following principles:**

**Confidentiality** – by their very nature investigations usually necessitate access to information that is confidential to a centre or individuals. All material collected as part of an investigation must be kept secure and not normally disclosed to any third parties (other than the regulators or the police, where appropriate).

**Impartiality** – investigations will be undertaken by a senior manager and assessed against the specific facts/evidence of the case in arriving at a decision about intention and culpability.

**Rights of individuals** – where an individual is suspected of malpractice, they should be informed of the allegation made against them (preferably in writing) and the evidence that supports the allegation. They should be provided with the opportunity to consider their response to the allegation and submit a written statement or seek advice if they wish to. They should also be informed of what the possible consequences could be if the malpractice is proven and of the possibility that other parties may be informed e.g. the regulators, the police, the funding agency and professional bodies. The appeals process should also be communicated to them.

**Staff interviews** - these interviews should be carried out in line with College policy and procedures. College staff may request that they are accompanied by a friend or colleague and these requests should be processed in line with College and/or awarding body policy.

**Candidate interview** - where a candidate is to be interviewed and they are a minor or vulnerable adult, the College should consider the need to have a parent or representative present or to have the permission of a parent prior to the interview taking place.

**Retention and storage of evidence and records** – all relevant documents and evidence should be retained in line with awarding body and College stated policy and procedures.

**Decisions and action plans** – all conclusions and decisions should be based on evidence. A course of proposed action should be identified and agreed between the College and awarding body. The actions should address the improvements that are required to the centre’s policies and procedures as well as any action that is related to staff or other resources.

**Proportionality** – any decision on the outcome must reflect the weight of evidence and the minor or major nature of the case – the student does not have to admit malpractice.

**Sanctions** – any sanctions applied to the College or individuals should be proportionate with the level of non-compliance identified (and evidenced) during the investigation.

### Investigation outcomes

#### Student malpractice or maladministration

Should the investigation find a student guilty of malpractice or maladministration, this matter will be treated as student Gross misconduct as outlined in the Student conduct policy.

#### Staff malpractice or maladministration

Should the investigation find a staff member guilty of malpractice or maladministration, this matter will be referred to HR who will manage this under the Disciplinary procedure.

### Contacts

If you have any questions about Malpractice or Maladministration, please contact the Quality Manager on 020 4583 0525 or email Karin.kalfus@citylit.ac.uk.

### Related documents

- Equality and Diversity Policy
- Student complaints resolution procedure
- Student conduct policy
- Whistleblowing procedure

<b>Executive Owner</b>	Vice Principal - Quality
<b>Policy Owner</b>	Quality Manager
<b>Approval Body</b>	Board recommended by Quality Committee
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<b>Next Scheduled Review Data</b>	2 years from the date approved

### Version tracking

Versions	Date	Author	Reason for changes
1	09/05/19	Karin Kalfus	New
2	November 2023	Karin Kalfus	AI misuse in assessments

**Classification**

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