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Author | Laurie Morgan
Contributors | Martin Wren
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RICHARD HUISH MALPRACTICE & MALADMINISTRATION POLICY

CONTENTS

1. INTRODUCTION

This policy applies to the malpractice/maladministration by college staff and students and details the procedure to be followed if an allegation of malpractice/maladministration is made in relation to examinations, non-examination assessment (NEAs), internally assessed vocational assignments or portfolio work.

Malpractice refers to any deliberate act or practice which compromises or threatens to compromise the process and integrity of assessment, and as a result the validity of the result or certification awarded.

Maladministration refers to any non-deliberate activity, neglect, default or other practice which compromises or threatens to compromise the process and integrity of assessment, and as a result the validity of the result or certification awarded.

It is the responsibility of all college staff and students to be vigilant with regard to any events which may lead to malpractice/maladministration occurring, and report promptly to the relevant Assistant Principal or Vice Principal where they suspect malpractice/maladministration has or may occur so that appropriate action can be taken to address this in line with the Student or Staff Conduct Policies.

The Exams Manager is responsible for notifying relevant awarding bodies of cases of alleged/actual malpractice and maladministration to ensure the appropriate action may be taken.

2. OBJECTIVES

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

In order to do this, the college will:

- seek to avoid potential malpractice by using the induction period and the student handbook for vocational and BTEC programmes to inform students of the centre's policy on malpractice and the penalties for attempted and actual incidents of malpractice as well as demonstrate the correct procedures for referencing the work of others;
- communicate the Malpractice and Maladministration Policy to students;
- communicate the Malpractice and Maladministration Policy to staff;
- show students the appropriate formats to record cited texts and other materials or information sources, ask students to declare that their work is their own;
- ask students to provide evidence that they have interpreted and synthesised appropriate information and acknowledged any sources used including when using AI;
- conduct investigations in a manner commensurate with the nature of any malpractice allegation. Such an investigation will be supported by a Vice Principal and all personnel linked to the allegation. It will proceed through the following stages:
    1. Make the individual fully aware at the earliest opportunity of the nature of the alleged malpractice and of the possible consequences should malpractice be proven;
    2. Give the individual the opportunity to respond to the allegations made;

3. Inform the individual of the avenues for appealing against the judgement made;
4. Document all stages of any investigation

- ensure the handling of individual cases takes account of the needs of the individual, including those arising from protected characteristics.

3. EXPECTATIONS

All students are expected to:

- avoid sharing their work (electronic or physical) with other students;
- avoid sharing passwords with other students;
- only submit work for assessment that is their own original work.
- understand AI tools and their capabilities and limitations and the implications of misuse of AI services.
- reference sources used in assessments appropriately.

All teachers and assessors are expected to:

- declare conflict of interest;
- keep candidate coursework/portfolios of evidence secure;
- work within the professional teaching standards in relation to assessment practices;
- check for malpractice/maladministration when assessing or moderating work;
- comply with awarding bodies procedures;
- understand AI tools and their capabilities and limitations.

All Centre Staff are expected to:

- declare conflict of interest;
- comply with awarding bodies procedures;
- ensure the appropriate use of AI.

4. EXAMPLES OF MALPRACTICE

Examples of Malpractice/Maladministration by Students

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

- plagiarism of any nature;
- 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 or arranging for another to take one's place in an assessment/examination/test
- inappropriate behaviour during an internal or external assessment that causes disruption to others. This includes shouting and/or aggressive behaviour or language and having an unauthorised electronic device that causes a disturbance in the examination room;

- inclusion of inappropriate, offensive, discriminatory or obscene material in assessment evidence. This includes vulgarity and swearing that is outside of the context of the assessment, or any material of a discriminatory nature;
- frivolous content - producing content that is unrelated to the examination paper/question in scripts or coursework;
- unauthorised aids - physical possession of unauthorised materials (including mobile phones, electronic devices, etc) in the examination room, unless a concession has been agreed in advance.
- Misuse or incorrect referencing of AI tool – see section below on Misuse of AI.

Examples of Malpractice/Maladministration by Assessors

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

- Improper assistance to candidates.
- Inappropriate retention of certificates.
- Facilitating and allowing impersonation.
- failure to provide information on 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, that is claiming for a certificate prior to the student completing all the requirements of assessment;
- 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 assessors 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;
- misusing the condition for special student requirements e.g. support;
- falsifying records/certificates, for example by alteration, substitution, or by fraud;
- failure to comply with awarding organisations procedures for managing and transferring accurate student data;
- knowingly accepting, or failing to check, inauthentic work for qualification assessments including the use of AI.

Examples of Malpractice/Maladministration by Centre Staff

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

- facilitating and allowing impersonation;
- misusing the condition for special student requirements e.g. support;
- 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;
- failure to comply with awarding organisations procedures for managing/transferring and storing accurate student data.

5. AI USE IN ASSESSMENTS

What is AI?
AI use refers to the use of AI tools to obtain information and content which might be used in work produced for assessments which lead towards qualifications. The misuse of AI tools in relation to qualification assessments at any time constitutes malpractice.

Students must submit work for assessments which is their own. This means both ensuring that the final product is in their own words and isn't copied or paraphrased from another source such as an AI tool, and that the content reflects their own independent work.

AI tools must only be used when the conditions of the assessment permit the use of the internet and where the student is able to demonstrate that the final submission is the product of their own independent work and independent thinking.

Indicators of AI misuse, such as inconsistencies in writing style or unreferenced AI generated content will be actively monitored. Tools such as Turnitin may be used to identify potential cases of AI misuse in student work.

Risk of using AI
The use of AI tools may pose significant risks if used by students completing qualification assessments, not least the risk of committing malpractice, for which serious sanctions can apply. AI tools often produce answers which may seem convincing but contain incorrect or biased information. Some AI tools have been identified as providing answers to questions that can prompt inappropriate actions, and some can also produce fake references to books/articles.

Examples of AI misuse could include, but are not limited to, the following:

- Copying or paraphrasing sections of AI-generated content so that the work is no longer the student's 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 the student's 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.
- The inputting of any item, question or task which forms part of an assessment or examination into an AI service, including generative AI and transcription services.

How to use and reference AI Tools in line with the regulations
It is essential that sources which are used are referenced when producing work for an assessment. Appropriate referencing is a means of demonstrating academic integrity and is key to maintaining the integrity of assessments.
If a student uses an AI tool which provides details of the sources it has used in generating content, these sources must be verified by the student and referenced in their work in the normal way. Where an AI tool does not provide such details, students should ensure that they independently verify the AI-generated content – and then reference the sources they have used. In addition, the AI used must also be acknowledged and students must show clearly how they have used it.

Where AI tools have been used as a source of information, a student's acknowledgement must show the name of the AI source used and should show the date the content was generated. For example: ChatGPT 3.5 (https://openai.com/blog/chatgpt/), 25/01/2023.

The student must retain a copy of the question(s) and computer-generated content for reference and authentication purposes, in a non-editable format (such as a screenshot) and provide a brief explanation of how it has been used.
If students are unsure whether their intended AI use is permitted, this should be checked with their teacher or assessor directly to ensure they are complaint.

6. STAFF RESPONSIBILITIES WHEN USING AI TOOLS

The primary consideration when determining whether AI use is appropriate is whether the use would contravene compliance with the exam board or assessment requirements or with college-wide policies. If staff are unsure whether an intended AI use is permitted, this should be checked with the Awarding Body directly.

Staff should be mindful of resources and content generated by AI and should check all generated content to ensure that it is accurate and does not impact on assessment standards nor that potential bias is produced due to the fact that AI models are trained on vast data sets which may contain inherent biases.

Staff should ensure that students are appropriately informed regarding AI misuse and its implications. They should be vigilant and apply appropriate measures to identify misuse and malpractice of AI in work submitted by students.

Sensitive, confidential, or personal data should not be input into AI systems. The college's data protection policies and national data protection laws must be followed.

7. REPORTING ALLEGED MALPRACTICE/MALADMINISTRATION

All college staff have a responsibility for reporting any alleged malpractice/maladministration of staff to their Assistant Principal or a Vice Principal.

All college staff have a responsibility for reporting any alleged malpractice/maladministration of students to their Course Manager or Assistant Principal as appropriate.

Where misuse of AI is suspected, it is essential that this is reported directly as above before the declaration form is signed. This can then be investigated and dealt with in the centre directly. Any misuse of AI once the declaration has been signed must be reported to the Awarding Organisation.

Alleged malpractice/maladministration may be reported to the college by awarding bodies.

The college will consider allegations that are made verbally but will request in all cases that allegations are put in writing with any supporting evidence that is available.

8. INVESTIGATIONS

All 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.
- **Impartiality** – investigations will be undertaken by a nominated investigating officer 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 alleged of malpractice/ maladministration 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/maladministration 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 the college's Staff Disciplinary Procedure and Procedure. College staff may request that they are accompanied by a work colleague or union representative.
- **Candidate Interview** – students may request that they are accompanied by a friend or colleague.
- **Retention and storage of evidence and records** – all relevant documents and evidence should be retained in line with awarding organisations policy and procedures.
- **Decisions and action plans** – all conclusions should be based on evidence. A course of proposed action should be identified, agreed between the college and awarding organisations.
- **Proportionality** – any decision on the outcome must reflect the weight of evidence and the nature of the case – the staff member or student does not have to admit malpractice.
- **Sanctions** – any sanctions applied should be proportionate to the extent of maladministration/malpractice identified (and evidenced) during the investigation.

Investigation of alleged malpractice/maladministration by Assessors/Centre Staff

If malpractice/maladministration is alleged by Assessors/Centre staff there will be a process of investigation, commissioned by a Vice Principal to establish the full facts and circumstances of any allegations or evidence. Such an investigation will usually be under the terms of the college's Staff Disciplinary Procedure given the potential seriousness of the matter.

The Vice Principal will nominate an investigating officer. In order to avoid conflicts of interest investigations into alleged malpractice/maladministration should not be delegated to the Assistant Principal, team or department involved in the alleged malpractice.

Any disciplinary investigation will proceed as described in the college's Staff Disciplinary Procedure.

Possible Actions Taken by the College

In cases where it is believed, following an investigation and hearing, that there is clear evidence of malpractice/maladministration:

- The appropriate awarding organisations will be informed by the college of the malpractice and they will be given the supporting evidence.
- The college may take internal disciplinary action in line with Staff Disciplinary Procedure.
- This action will be commensurate with the seriousness of the malpractice/maladministration.

Investigation of alleged malpractice/maladministration by Students

If malpractice/maladministration is alleged by students there will be a process of investigation undertaken by the nominated investigator to establish the full facts and circumstances of any allegations or evidence.

Investigations will proceed through the following stages:

- The student will be informed about the issues, possible consequences and right of appeal.
- The student may be requested to give a written initial statement in the case of external assessment which can be reviewed in line with the JCQ malpractice procedure.
- Collection of evidence related to the alleged malpractice/maladministration.
- The review of evidence and production of a report.
- A formal interview between the Assistant Principal and the student against whom an allegation has been made.

Possible Actions Taken by the College

In cases where it is believed that there is clear evidence of malpractice/maladministration:

- The appropriate awarding organisations will be informed by the college of the malpractice/maladministration and they will be given the supporting evidence.
- The college may take internal disciplinary action in line with Student Conduct Policy. This action will be commensurate with the seriousness of the malpractice/maladministration.

9. REPORTING ALLEGED MALPRACTICE/MALADMINISTRATION TO AWARDING ORGANISATIONS

The college accepts the responsibility to report any staff or student assessment malpractice/maladministration to the appropriate awarding organisation. The only exception to this relates to assessment malpractice/maladministration in coursework or controlled assessment which is discovered prior to the student signing the declaration of authentication. In these cases, the incident need not be reported to awarding organisations, but will be dealt with in accordance with the college's Student Conduct Policy. Any work which is not the student's own will not be given credit. In addition, a note will be added to the cover sheet to detail any assistance that has been given. In all other instances of alleged malpractice/maladministration the nominated investigator (with the approval of a Vice Principal) will submit the fullest details of the case at the earliest opportunity to the relevant awarding organisations as per awarding organisations regulations. It is understood that in certain cases, awarding bodies may wish to allocate their own staff to join or lead an investigation.

10. APPEALS

Assessors and centre staff have the right to appeal against the decision and/or any penalty imposed as a result of a malpractice/maladministration investigation through the Staff Disciplinary Procedure.

Students have the right to appeal against the decision and/or any penalty imposed as a result of a malpractice/maladministration investigation directly to the Vice Principal. Appeals should be made within 20 working days of the date they were notified of the decision detailing the fact that they are appealing and their grounds for doing so. Appeals will be dealt with within 20 working days.

11.RELATED POLICIES

Student Behaviour Policy
Student Code of Conduct
Staff Code of Conduct
Staff Disciplinary Procedure
Acceptable Use Policy
Data Protection and FOI Policy

Relevant JCQ Guidance: Malpractice - JCQ Joint Council for Qualifications

APPENDIX 1 – AVOIDING PLAGIARISM

1. All students will be required to sign to declare that they have read and will abide by the College regulations
2. All students receive guidance on avoiding plagiarism and misuse of AI during subject induction and throughout the course, especially when coursework is being prepared.
3. All teaching staff receive guidance from their Course Manager on recognising plagiarism and misuse of AI, and in developing the skill in students of correctly referencing work.
4. Teaching staff should be aware of examining body guidelines on the means by which other people's work can be appropriately used in their students' coursework.
5. Teaching staff should be aware of students whose quality of class work is generally lower than any coursework submitted or if there is a noticeable difference in written style.
6. Where appropriate, students will be asked to submit coursework or homework via electronic platforms like Turnitin which scans for plagiarism and use of AI.

APPENDIX 2 – PROCEDURE WHEN PLAGIARISM OR AI MISUSE IS SUSPECTED PRIOR TO THE SIGNING OF A DECLARATION OF AUTHENTICITY

Where plagiarism or the misuse of AI is suspected in a piece of classwork/formative assessment, prior to the signing of the declaration of authenticity, teaching staff should do the following to try and ascertain whether plagiarism has occurred:

- Ask the student tactfully whether he/she has inadvertently included work which is not his/her own and which should have been acknowledged;
- Ask the student to check whether he/she has listed all sources used;
- Analyse the student's style of writing and use of specialised words/phrasing;
- Check that the spelling and structure are consistent throughout the piece of work;
- Compare the standard of any work carried out under supervision with unsupervised sections in the same piece of work;
- Question the student about the piece of work to see if he/she displays an understanding of the material suspected to be plagiarised;
- Run the piece of work through Turnitin or similar;
- Check websites the student may have used;
- If necessary, ask the student to carry out a further exercise.

Where the originality of a piece of work cannot be substantiated, the issue should first be discussed with the relevant Course Manager and then the Assistant Principal.

- Course Manager and Assistant Principal to review all evidence presented and make an informed judgement if a sanction should be imposed.
- Student to meet with both Course Manager and Assistant Principal (if required)
- Recorded on Hub with parents/carers informed.
- If confirmed the student will be asked to re-submit the work or complete an alternative assessment.
- Any outcome will reflect the weight of evidence and the minor/major nature of the work produced, with reference to the Student Code of Conduct.