



**LINCOLN COLLEGE**

**MALPRACTICE AND MALADMINISTRATION  
POLICY**

**POLICYCQ/PO/20**

**SPONSOR**

**Head of Quality Improvement**

## **EQUALITY AND DIVERSITY STATEMENT**

Lincoln College strives to treat all its members and visitors fairly and aims to eliminate unjustifiable discrimination on the grounds of gender, race, nationality, ethnic or national origin, political beliefs or practices, disability, marital status, family circumstances, sexual orientation, spent criminal convictions, age or any other inappropriate grounds.

# LINCOLN COLLEGE

## MALPRACTICE AND MALADMINISTRATION POLICY

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# **LINCOLN COLLEGE**

## **MALPRACTICE AND MALADMINISTRATION POLICY**

Lincoln College considers all issues of plagiarism, malpractice and maladministration to be of a serious nature. This policy will allow both staff and Learners to be aware of how these issues will be dealt with.

### **1 PURPOSE**

The intention of this document is to provide a standardised approach to Malpractice and Maladministration across all Learners and staff at Lincoln College.

### **2 AIMS**

- 2.1 Identify and minimise the risk of malpractice/maladministration by staff and Learners.
- 2.2 Enable a prompt and effective response to any incident of any alleged malpractice/maladministration.
- 2.3 Standardise and record any investigation to ensure openness and fairness and alert awarding organisations when relevant.
- 2.4 Decide on appropriate penalties and /or sanctions relating to Learners and staff where malpractice/maladministration is proven. See appendix A for sanctions.
- 2.5 Protect the integrity and reputation of Lincoln College and the qualifications delivered.

### **3 INTRODUCTION**

#### **Responsibilities**

- 3.1 Within this policy, 'Learners' is used as a generic term and refers to all Learners, students and apprentices who study at the college.
- 3.2 Lincoln College is proactive in promoting a positive culture to enable individuals to learn responsibly, fairly and show respect for the work of others.
- 3.3 It is the responsibility of all Learners and colleagues to fully support and implement this policy.
- 3.4 This policy should be actively integrated within the Learners' programmes of study. To ensure assessment opportunities limit malpractice opportunity and use programme materials to highlight the seriousness of malpractice and the outcomes.

- 3.5 It is the Learners' responsibility to ensure the submitted work is their own and fully acknowledges the sources of information used. It is the Learners' responsibility to declare their own work and ensure they do not embark on any form of cheating or other ways to gain an unfair advantage.
- 3.6 It is the assessors responsibility to ensure the submitted work is the actual work of the Learner. It is the assessors role to be vigilant for malpractice and maladministration and to highlight to their IQA when these occur.
- 3.7 The Internal Quality Assurer (IQA) is responsible for checking Learner work and bringing to the attention of the Lead for that area in any instances of suspected malpractice or maladministration.
- 3.8 The Head of Quality Improvement shall also be informed of any suspected cases of maladministration or malpractice.
- 3.9 The Quality Co-ordinator (QC) or Quality Manager Apprenticeships (QMA) is responsible for the initial review of alleged cases of malpractice and maladministration and determining whether these allegations should proceed to a formal investigation and be referred to associated awarding organisations.
- 3.10 To ensure that Learners and staff are treated fairly and receive appropriate support, this policy should be read in conjunction with the Learner Conduct Procedure, the Staff Disciplinary Procedure and the Ethics and Research Integrity Policy.

## **4 MALPRACTICE**

Malpractice covers any deliberate actions, neglect, default or other practice that comprises the integrity of the qualification/certificate. This could include (but is not limited to) the following:

### **Learner Malpractice**

- 4.1 Cheating is any irregular behaviour during examinations, such as:
  - Unauthorised possession of notes.
  - Communicating with, or copying from another candidate.
  - Using programmable calculators, mobile phones, pagers or other equipment when this has been forbidden.
  - Unauthorised obtaining of examination papers.
- 4.2 Plagiarism is the passing off of another person's thoughts, ideas, writings or images as one's own such as:
  - The inclusion of quotations from published works, the source of which is not properly acknowledged.
  - Summarising another person's published material by simply changing words or altering the order of presentation, without proper acknowledgement.
  - Copying the work of another Learner with or without that Learner's knowledge or agreement. In the former case, both parties are guilty of plagiarism.

4.3 Collusion includes situations such as:

- A Learner completes work in collaboration with another person and then submits for assessment as entirely his/her own work.
- A Learner collaborates with another person to complete work which is then submitted for assessment as entirely that other persons work.

4.4 Impersonation where a Learner pretends to be someone else.

4.5 False declaration of authenticity in relation to a Learner's portfolio or coursework.

4.6 Misleading material that includes presenting data which has been invented or obtained by unfair means and/or re-submission in whole or in part, without proper acknowledgement, of any work for which the Learner has already gained credit as part of the same or another award.

### **Staff Malpractice**

4.7 Improper assistance to Learners (dictating answers/offering the correct answers during assessment).

4.8 Misuse of assessments (inappropriate adjustments to assessments, repeated assessments against requirements).

4.9 Failure to meet the awarding body requirements for accurate and safe retention of Learner documentation (assessments, IV documentation).

4.10 Falsification of records in order to claim certification.

4.11 Impersonation of a Learner.

### **Centre Malpractice**

4.12 Any act which breaks the confidentiality of question papers or materials.

4.13 Any act which breaks the confidentiality of the Learners.

4.14 Failure by the Centre to notify, investigate and report to an awarding organisation allegations of suspected malpractice.

4.15 Failure of Centre not having due process to identify and act up cases of malpractice and maladministration.

## **5 MALADMINISTRATION**

Maladministration is defined as any activity, neglect, default or other practice that results in non-compliance of specified requirements and regulations for delivery of the qualification set out by the awarding organisation. This could include (but is not limited to) the following:

- 5.1 Continual failure to adhere to Learner registration and certification procedures.
- 5.2 Continual failure to adhere to centre recognition/qualification requirements, and/or associates assigned to the course.
- 5.3 Continual late Learner registration.
- 5.4 Inaccurate claim for certification.
- 5.5 Failure to maintain appropriate auditable records – e.g. certificate claim and/or forgery of evidence.
- 5.6 Withholding or delaying of information by deliberate acts or omission required by awarding organisation.
- 5.7 Inappropriate administration arrangements and/or records.

## **6 CONFIRMING AND ADDRESSING MALPRACTICE/MAL ADMINISTRATION (LEARNERS)**

Learners malpractice and/or maladministration can be identified in a number of different ways including, but not limited to, plagiarism detection services (for example Turn It In), Internal Quality Assurance processes, External Quality Assurance scrutiny or Learner/Learner/staff complaints. In all cases, the allegations will be taken seriously and given full consideration.

### **Procedure**

Allegations of Learner malpractice and/or maladministration may be dealt with either via a summary procedure or by a full investigatory procedure, undertaken by the Quality Improvement Unit. The QC or QMA will decide, based on the evidence presented, whether the allegations should be dealt with via a summary procedure or by a full investigatory.

### **Summary Procedure**

- 6.1 The summary procedure is available to all Learners except: where the allegation relates to misconduct in an examination, where there has previously been an allegation against him/her upheld, where the use of a ghost writing service is suspected or the allegation is deemed high risk.

For Learners on Higher Education courses, the summary procedure is only available for levels 4 and 5.

- 6.2 Where there is suspicion of malpractice or maladministration, the college's QC or QMA will be notified and evidence provided of the grounds for the suspicion.

- 6.3 Where the QC or QMA will consider if there is enough evidence to proceed, they will write to those who have had the allegation made against them advising them of their right to have the matter dealt with under the summary or the full investigatory procedure and will be invited to an interview under the summary procedure except:
- 6.4 Where a HE course is validated by a partner university (other than The Open University) and an accredited professional institution, the case shall be referred to both the university and the accredited professional institution. The procedures of these bodies shall then be followed.

For courses validated by The Open University, Lincoln College summary procedures will be applied. All other cases involving HE courses will be reported to the Academic Affairs Committee.

- 6.5 If the person who has had the allegation made against them elects to attend the interview, the QC or QMA will explain the nature of the allegation to the Learner.
- 6.6 If a satisfactory explanation is offered, the QC or QMA will dismiss the case.
- 6.7 If the allegation is admitted then the QC or QMA may impose a sanction if they deem it appropriate, which may also include a notice to improve under the auspices of the Learner Conduct Procedure.

In cases related to Higher Education courses, this sanction is limited to failure of the individual assessment item and reporting of this to the college's Academic Affairs Committee.

- 6.8 If the allegation is denied and a satisfactory explanation is not offered, the case will proceed to the full investigatory procedure.
- 6.9 Outcomes of the summary procedure will be confirmed to the learner in writing within five working days.

### **Full Investigatory Procedure**

- 6.10 Where the Learner elects not to attend the interview under the summary procedure, or in the case of 6.7 above, the Head of Quality Improvement will appoint an Investigating Officer to enquire into the facts of the case as soon as is reasonably practicable. The Investigating Officer will not subsequently be either wholly or partly responsible for determining the sanction.
- 6.11 The Investigating Officer will determine whether the allegations potentially constitute malpractice or maladministration, and if so, an investigatory meeting chaired by the Head of Quality Improvement will be established. The Investigating Officer may decide that there is no need to proceed with the full investigatory procedure.

6.12 The investigatory meeting will normally be arranged within 14 working days of the appointment of the Investigating Officer and the learner involved will be given at least 3 working days' notice of the meeting. The learner involved will have the right to attend, be heard and to be accompanied or represented by either a fellow Learner of Lincoln College or Learner Executive official or parent/guardian/next of kin. Failure of the person who has had the allegation made against them to attend the meeting will not delay or affect the hearing of the case.

6.13 If the allegation is upheld, the Head of Quality improvement may impose a sanction if they deem it appropriate, which may also include a notice to improve under the auspices of the Learner Conduct Procedure. Outcomes of the investigatory meeting will be confirmed to the learner in writing within five working days.

6.14 In cases relating to Higher Education provision, The Head of Quality Improvement shall forward their findings and recommendations to the college's Academic Affairs Committee for final ratification to be made (see appendix A for procedure and sanctions). The Learner will be informed in writing of the decision of the Academic Affairs Committee within five working days.

## **7 CONFIRMING AND ADDRESSING MALPRACTICE/MAL ADMINISTRATION (STAFF)**

Staff malpractice and/or maladministration can be identified in a number of different ways including, but not limited to, plagiarism detection services (for example Turn It In), Internal Quality Assurance processes, External Quality Assurance scrutiny or Learner/Learner/staff complaints. In all cases, the allegations will be taken seriously and given full consideration.

### **Procedure**

Allegations of staff malpractice and/or maladministration will be forwarded to the Quality Improvement Unit for evaluation and appraisal. The QC or QMA will decide, based on the evidence presented, whether or not the allegations appear to suggest malpractice/maladministration.

Should the QC or QMA believe that sufficient evidence exists to support the allegation of malpractice/maladministration, the matter will be forwarded to the college Human Resources unit for investigation under the auspices of the Staff Disciplinary Policy.

Should the QC or QMA believe that there is insufficient evidence to support the allegation, no further action will be taken in respect of the member of staff. The reasoning behind this decision will be conveyed to the originator of the allegation.

## **8 RIGHT TO APPEAL**

- 8.1 The appellant will have the right to appeal against the outcome of the full investigatory procedure. Appeals must be made to the Director of Performance and Planning and received within 5 working days of the date of the letter advising the appellant of the decision resulting from the investigatory meeting.
- 8.2 The Appeal Hearing will be arranged within 14 working days of the receipt of the appeal and the Learner/staff member will be given at least 3 working days' notice. The appellant will have the right to attend and be heard and to be accompanied and/or represented by either a fellow Learner of Lincoln College or Learner Executive official or parent/guardian/next of kin or in the case of a staff member by the trade union representative or work place colleague.
- 8.3 The decision of the Director of Performance and Planning at appeal will be final.

## **9 ANNUAL REVIEW OF THE MALPRACTICE AND MALADMINISTRATION POLICY**

- 9.1 The Quality Standards Committee will review the Malpractice and Maladministration Policy on an annual basis and make recommendations for its development.
- 9.2 The number and nature of malpractice/maladministration cases will be reviewed on a termly basis at the Learning Standards Quality Committee and, if required, action created to remedy any emerging issues.
- 9.3 The number and nature of malpractice/maladministration cases relating to Higher Education will be reviewed at the Academic Affairs Committee.

## APPENDIX A

### Procedure and sanctions for Higher Education courses validated by the Open University

The procedure for dealing with alleged cases of academic malpractice for Higher Education Learners on courses validated by the Open University shall follow the sequence of events noted in section 6 of this policy. In such cases, the Head of Quality Improvement shall chair an investigatory meeting to draw to a close the summary investigation and forward his/her findings and recommendations to the college's Academic Affairs Committee for final decision.

In considering cases of academic malpractice, the Head of Quality Improvement and the college's Academic Affairs Committee will evaluate:

1. **Intention:** To what extent was the incident premeditated by the Learner involved?
2. **Recurrence:** To what extent is the incident an isolated case? Have previous offences taken place?
3. **Scope:** What is the extent of the offence within the piece of submitted work?
4. **Academic theft:** To what extent has the Learner stolen others' formative or summative assessment pieces?
5. **Impact on others:** To what extent have other Learners, staff or other members of the academic community been affected by the incident?

Should the college's Academic Affairs Committee uphold the alleged case of academic malpractice, it shall apply one of the following outcomes:

1. Dismiss the case and with no sanction applied.
2. Apply no sanction but provide warning and guidance as to the Learner's future academic conduct.
3. The assessment item in question to be resubmitted by the Learner and marked to a maximum of a pass standard.
4. The assessment item in question to be awarded a mark of zero and the incident reported to the Board of Examiners.
5. All assessment items in the module to be awarded a mark of zero and the incident reported to the Board of Examiners.
6. All assessment items in the modules sat during the semester concerned to be awarded a mark of zero and the incident reported to the Board of Examiners.
7. All assessment items in the academic year concerned to be awarded a mark of zero and the incident reported to the Board of Examiners.

8. All assessment items in the academic year concerned to be awarded a mark of zero and the incident reported to the Board of Examiners, with no opportunity for reassessment or reenrollment.
9. Reduce the final degree awarded to the Learner by a single classification.

A Learner found guilty of having committed malpractice/maladministration may also be subject to action under the college Disciplinary Procedure.

### **Right to appeal**

Learners studying Higher Education courses validated by The Open University, have the same rights of appeal as noted in section 7 of this policy.

## **Appendix B**

### **Procedure for Investigatory Meetings considering cases of malpractice/maladministration**

During the meeting, adjournments may be requested by either party or by the Chairperson (either Head of Quality Improvement or his/her nominee) conducting the Hearing and will not be refused unreasonably. Where such a request is denied, an explanation will be given.

The Chairperson conducting the hearing will ask whether any new evidence has been made available that could not be circulated prior to the hearing and will make a judgement as to whether an adjournment is necessary to allow consideration of such evidence.

The Chairperson will introduce all those present.

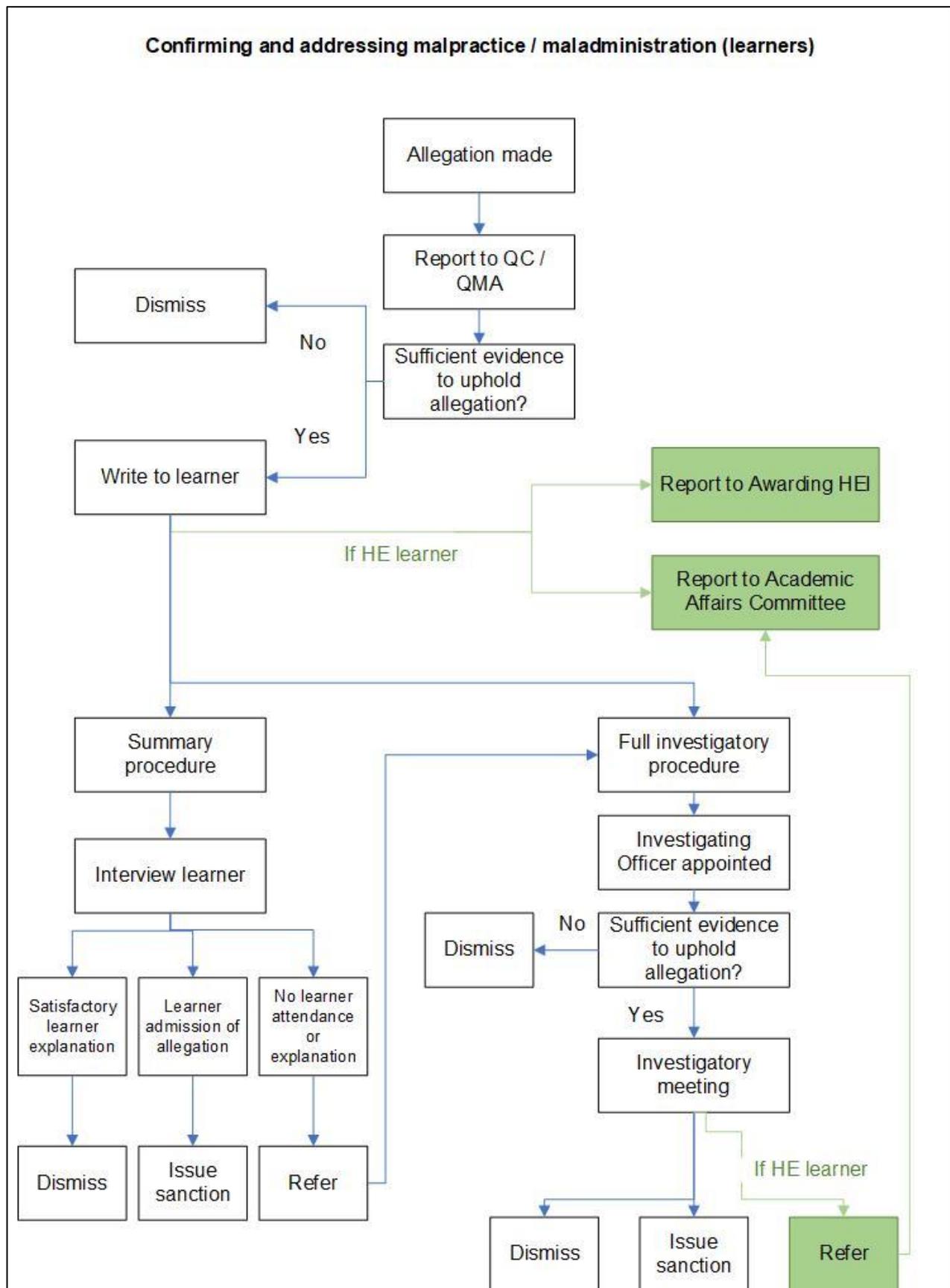
#### **Order of the meeting**

- 1 The Investigating Officer (IO) will present the details of the allegation and a report on the investigation undertaken.
- 2 The staff member/Learner and his/her representative may question the IO.
- 3 The Chairperson may question the IO.
- 4 The IO may call witnesses and ask questions of them.
- 5 The staff member/Learner or representative may question the witness.
- 6 The Chairperson may question the witness.
- 7 The staff member/Learner and/or representative will present the case against the allegations and explain any special circumstances that may exist.
- 8 The IO may question the staff member/Learner.
- 9 The Chairperson may question the staff member/Learner.
- 10 The staff member/Learner and/or representative may call witnesses and ask questions of them.
- 11 The IO may question the witnesses.
- 12 The Chairperson may question the witnesses.
- 13 Should the Chairperson wish to clarify any issue with the staff member/Learner, IO or the witnesses, they will do at this point.
- 14 The IO will summarise the case against the staff member/Learner without introducing any new factors.

- 15 The staff member/Learner and/or representative will summarise the case against the allegation.
- 16 The staff member/Learner and their representative, IO and any other management representative will withdraw and the Chairperson will decide whether or not malpractice/maladministration has been committed.
- 17 If, in the opinion of the Chairperson an offence has been committed, they will take into account the following before deciding upon an appropriate disciplinary sanction:
  - any mitigating factors, e.g. health, domestic, bereavement;
  - current warnings of the staff member/Learner;
  - time at the college;
  - nature of the offence;
  - evidence produced by either party at the hearing;
  - statements and answers provided by witnesses;
- 18 Once that decision is made, the two parties will be recalled and advised of the decision.
- 19 The staff member/Learner will be advised of their right to appeal against the decision and informed who the appeal should be lodged with and in what timescale.
- 20 Written confirmation of the decision will be sent to both parties within 7 working days of the hearing.

## Appendix C

### Processes for confirming and addressing malpractice / maladministration



**Confirming and addressing malpractice / maladministration (staff)**

