



Student Malpractice Procedure

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1. Overview

- 1.1. Inverness College UHI (IC UHI) expects staff and students to act with honesty and integrity, and behave considerately, at all times. IC UHI is committed to the highest standards of integrity and to ensuring it adheres to and promotes best practice.
- 1.2. This procedure is designed to provide staff and students with a clear framework within which to work and sets out the definition of malpractice at IC UHI, what it is and how it may arise. It provides advice and guidance on how staff and students can minimise malpractice and what to do should malpractice be suspected.
- 1.3. This procedure relates to all Further Education provision delivered by Inverness College UHI
- 1.4. Cases of suspected malpractice relating to the Higher Education provision at IC UHI will be dealt with in accordance with the current University of the Highlands and Islands' Academic Standards and Quality Regulations and relevant Awarding Body requirements.
- 1.5. This procedure aims to ensure that IC UHI deals fairly, promptly and transparently with Further Education students who are believed to have committed a breach of IC UHI regulations.

2. Purpose

- 2.1. This procedure forms part of the IC UHI quality assurance processes. The purpose of the procedure is to ensure that all staff and students are aware of the process involved if malpractice is suspected.

3. Scope

- 3.1. The scope of this procedure is to apply to further education students of IC UHI. The procedure applies to all Awarding Body qualifications, and the Awarding Body shall be notified of all suspected cases of student malpractice where this relates to a regulated qualification, or is an Awarding Body requirement.

Consideration will be given for students with a predisposition to behavioural issues as identified in a personal learning support plan (PLSP).

4. Definition

- 4.1. For the purposes of this procedure, the use of the term student refers to students on all further education programmes. The Centre refers to the Inverness College UHI.
- 4.2. Student and Centre malpractice, which includes maladministration and noncompliance, means any act, default or practice (whether deliberate or resulting from neglect or default) which is a breach of awarding body assessment requirements and / or which:
 - 4.2.1. compromises, attempts to compromise or may compromise the process of assessment, the integrity of any awarding body qualification or the validity of a result or certificate; and / or,
 - 4.2.2. damages the authority, reputation or credibility of the awarding body or any officer, employee or agent of any awarding body.
- 4.3. Malpractice can arise for a variety of reasons:
 - 4.3.1. some incidents are intentional and aim to give an unfair advantage or disadvantage in an examination or assessment (deliberate non-compliance)
 - 4.3.2. some incidents arise due to ignorance of awarding body requirements, carelessness or neglect in applying the requirements (maladministration).
- 4.4. 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.
- 4.5. Notification of suspected cases of malpractice will be made to the IC UHI's Quality Manager. This is done by e-mail to Quality.Unit.ic@uhi.ac.uk

5. Student Malpractice

- 5.1. IC UHI will notify the relevant awarding body of student malpractice concerns for internal assessment if:
 - 5.1.1. the concern came to the centre's attention after submission of internal assessment marks
 - 5.1.2. the concern relates to student malpractice for any regulated qualification
 - 5.1.3. the centre believes that the malpractice case involves a criminal act.
- 5.2. The following list are examples of student malpractice, and is not limited to:

- 5.2.1. plagiarism – failure to acknowledge sources properly and / or the submission of another person’s work as if it were the student’s own
- 5.2.2. collusion with others when an assessment must be completed by individual students
- 5.2.3. copying from another student (including using ICT to do so), OR allowing work to be copied (for example posting written coursework on social networking sites prior to an examination / assessment)
- 5.2.4. exchanging, obtaining, receiving, passing on information (or attempt to) which could be examination related by means of talking, electronic, written or non-verbal communication
- 5.2.5. allowing others to assist in the production of controlled assessments, coursework or assisting others in the production of controlled assessments or coursework
- 5.2.6. bringing into the examination room notes in the wrong format (where notes are permitted in examinations) or inappropriately annotated texts (in open book examinations)
- 5.2.7. bringing into the examination or assessment room unauthorised material as detailed by the awarding bodies, for example, notes, study guides and personal organisers, own blank paper, calculators, dictionaries (where prohibited), instruments which can capture a digital image, electronic dictionaries and devices, mobile phones, reading pens, translators
- 5.2.8. personation - assuming the identity of another student or a student having someone assume their identity during an assessment
- 5.2.9. inclusion of inappropriate, offensive, discriminatory or obscene material in assessment evidence
- 5.2.10. frivolous content – producing content that is unrelated to the assessment
- 5.2.11. inappropriate behaviour during an examination or assessment that causes disruption to others, including talking, shouting, aggressive behaviour, vulgarity or swearing
- 5.2.12 behaving in a manner so as to undermine the integrity of the examination or assessment.

6. Responsibilities

- 6.1. Students and staff will be made aware at induction of the Student Malpractice Procedure. It is the responsibility of all staff to ensure the integrity of any qualification being delivered and to follow the reporting procedures outlined below if they suspect there has been student or centre malpractice.
- 6.2. Heads of School (HOS) are responsible for ensuring that staff are aware of their responsibilities under the procedure for suspected

student malpractice, staff should contact the relevant HOS, who will in turn contact the Quality Manager.

6.3. Any student who suspects malpractice, by either a fellow student or member of staff, should report their suspicions to, for example, the delivering lecturer, their Professional Development Advisor (PDA), Personal Academic Tutor (PAT) other member of teaching staff or related support staff.

6.4. Teaching and related support staff, e.g. invigilators, have a responsibility to ensure that students are aware of their responsibilities under this Procedure

6.5. Where an allegation of malpractice is received relating to a student on an Apprenticeship programme, the Quality Manager will inform Business Solutions who will liaise directly with the employer.

6.6 The Quality Manager will notify the relevant Awarding Body of any incident of suspected malpractice, where this relates to a regulated qualification. For all suspected cases of malpractice, resulting will be put on hold pending the outcome of any investigation and subsequent appeal. Awarding Bodies all have their own documented time frame for when suspected malpractice should be notified to them, for example, City and Guilds must be notified within 10 working days of staff becoming aware of the incident. Staff should familiarise themselves with the policies and procedures for each awarding body to ensure compliance

7. Appeals (after a malpractice / maladministration incident)

7.1. Students have a right to appeal a decision where a concern of student malpractice has been upheld. A student may appeal in writing to the Depute Principal – Academic Development (or other nominated Senior Manager) within ten working days of notification of the outcome. The appeal should be emailed to the Quality inbox: quality.ic@uhi.ac.uk

7.2. Students have a right to appeal to the awarding body where:

7.2.1. The centre has conducted its own investigation and the student disagrees with the outcome, where the centre's internal appeals process has been exhausted

7.2.2. The Awarding Body has asked the centre to conduct an investigation and the student disagrees with the outcome, where the centre's internal appeals process has been exhausted; or

7.2.3. The Awarding Body conducts its own investigation and the student disagrees with the decision.

7.5. The Quality Manager will provide details of whom the student should contact.

7.6. For regulated qualifications only:

7.6.1. Students have the right to request a review by the appropriate regulator of the Awarding Body's process in reaching a decision in an appeal of a malpractice decision for qualifications subject to regulation.

8. Retention of investigations

- 8.1. Where concern of student malpractice has been upheld, all records will be retained in line with the IC UHI's retention procedure and schedule.

9. Student Malpractice Process – Stage 1(Minor)

Minor Infringements

- 9.1. All staff have a role to play in preventing academic malpractice by
- 9.1.1. at the start of each academic session advising students about acceptable and unacceptable forms of work, and making them aware of the referencing standards, which they will be expected to use.
 - 9.1.2. encouraging students to develop study techniques that allow them to clearly identify sources used and ideas acknowledged.
 - 9.1.3. Repeating advice about academic malpractice prior to submission deadlines for projects, coursework and dissertations.
- 9.2. The difference between minor and serious cases of academic malpractice is judged according to the overall risk to the integrity of the assessment process and whether there have been repeated examples.
- 9.3. The PDA will meet with the student and discuss the impact of the behaviours and caution against any further repetition of the offending behaviour. The PDA will then make a brief record of the discussion and
- 9.3.1. If satisfied will take no further action OR
 - 9.3.2. If a support needed is identified or disclosed then refer to the relevant Student Support department if there has been a need identified using the Referral form OR
 - 9.3.3. refer to the HOS who would meet with the student and if necessary issue a verbal warning to the student and this will be confirmed to the student in writing by the HOS and will be issued at the meeting with a requirement that the student sign to indicate acceptance of the verbal warning. The student's PDA will be informed and will make a note on the student's record. This note will be removed after 6 months provided there is no further instance of malpractice.
- 9.4. If the student refuses to accept the verbal warning or disputes the issue in any way, the matter should be referred to the formal procedure and an investigation should take place.

10. Student Malpractice Process – Stage 2 (Serious Malpractice)

- 10.1. In the case of a more serious breach of misconduct, persistent repetition of minor acts of malpractice or refusal to accept a verbal warning as described above, a more formal **Stage 2** of the procedure will be implemented.
- 10.2. Responsibility for invoking Stage 2 lies with the HOS. Referral to the HOS should be in person if possible, followed by an email for recording purposes.
- 10.3. Upon receipt of information concerning an allegation of serious malpractice, the HOS will inform the Director of Curriculum who will appoint an Investigating Officer. This will normally be the HOS of the curriculum area that the student is enrolled in but, if necessary, another appropriate person may be appointed.
- 10.4. Another appropriate person is defined as a member of staff familiar with this procedure and completely independent and objective i.e. with no connection to the student concerned or involvement, even peripherally, with the alleged offence.

10.5. Investigation

- 10.5.1. The Investigating Officer will meet separately with the staff, students and any other witnesses involved in the incident. The investigation will be conducted within 5 working days of notification wherever possible. The letter template 'Invitation to an Investigation Meeting' is used to inform a student or witness about an investigation meeting. The Investigating Officer is also responsible for collecting any other relevant evidence such as IC UHI records, information from social media sites etc. that may be required by a Malpractice Hearing Panel. Throughout the investigation, all staff and students involved will be reminded that the proceedings are confidential and that due care should be taken regarding information of a sensitive nature. If the investigation involves reviewing of CCTV footage, then contact must be made to the Data Controller to ensure correct permissions obtained and that the footage is kept securely for the timeline of the investigation process and then disposed of appropriately.
- 10.5.2. The student who is the subject of the investigation can be accompanied by a supporter of his or her choosing and should be advised to seek a supporter. The Students' Association is able to offer support to students involved in a malpractice process and, where possible, will provide a supporter to attend meetings with the student if requested by the student. Under this procedure, the definition of 'friend'

or 'supporter' does not include members of the legal profession engaged to act in their professional capacity.

- 10.5.3. Notes will be taken at witness investigation meetings (either by the Investigating Officer or by a member of administration staff delegated to undertake the task) and will be given to the witnesses for an accuracy check. The template is used to record the witness statement. Witnesses will be required to respond within 5 working days. Failure to respond will be taken as agreement. The Investigating Officer will make this clear to the staff, students and other witnesses at the conclusion of the meeting.
- 10.5.4. Should the allegation of malpractice be serious enough to warrant it, the student may be suspended from IC UHI, pending investigation – A letter is sent to the student to inform them of the suspension. The Director of Curriculum / Director of Student Experience and Depute Principal/Principal should agree suspension during investigation.
- 10.5.5. When the investigation is complete, a meeting will be held between the Director of Curriculum and the investigating HOS and any other individuals that may be required to attend e.g. Quality Manager. This group – the Malpractice Hearing Panel – will consider the evidence provided and decide whether a Malpractice Hearing is necessary or whether the matter should be referred back to the HOS for a verbal warning.

10.6. **Malpractice Hearing** must be convened if any outcome other than a verbal warning is considered necessary.

- 10.6.1. The investigating HoS will not form part of the hearing panel.
- 10.6.2. The Chair of the Panel will write to the student giving details of the date, time and location of the malpractice hearing, and the right to be accompanied by a supporter. Under this procedure, the definition of 'friend' or 'supporter' does not include members of the legal profession engaged to act in their professional capacity.
- 10.6.3. As a result of the hearing if disciplinary action be necessary, the malpractice hearing will issue one of the following penalties:
- The issue of a first written warning,
 - The issue of a final written warning.
 - Exclusion from the IC UHI, which will terminate the student's studies.
- 10.6.4. These penalties are usually applied in sequence should offences be repeated, however in cases of serious malpractice, action may be moved to Final Written Warning or Exclusion.
- 10.6.5. The malpractice hearing may also impose conditions relating to the submission of work that was related to the malpractice.

- 10.6.6. The Chair of the Panel will write to the student and the investigating HOS, normally within 5 working days of the date of the malpractice hearing, detailing the outcome of the hearing.
- 10.6.7. The student has the right to appeal against the outcome of the hearing – See Student Appeals Process.

11. Student Appeals Process

11.1. Appeal Process for Verbal Warning, First Written Warning and Final Written Warning.

11.2. A student who wishes to appeal against disciplinary action (verbal warning, first written warning or final written warning) must do so, in writing to the Depute Principal – Academic Development (or other nominated Senior Manager), within 10 working days of the hearing. The appeal should be emailed to the Quality inbox: quality.ic@uhi.ac.uk

11.3. This notice must state what the grounds for appeal are. Appeals can be on one or more of the following grounds:

- 11.3.1. That the penalty applied is more severe than the offence warrants.
- 11.3.2. That new evidence has come to light which was not available at the hearing and which could have changed the outcome.
- 11.3.3. That the disciplinary hearing, or the stages leading up to it, were not conducted in a manner that ensured the student had a fair hearing.
- 11.3.4. That the disciplinary hearing, or the stages leading up to it, did not follow due process and that this prejudiced the outcome of the hearing.
- 11.3.5. That the evidence relied upon at the disciplinary hearing was factually incorrect and that the outcome of the hearing was flawed as a result.

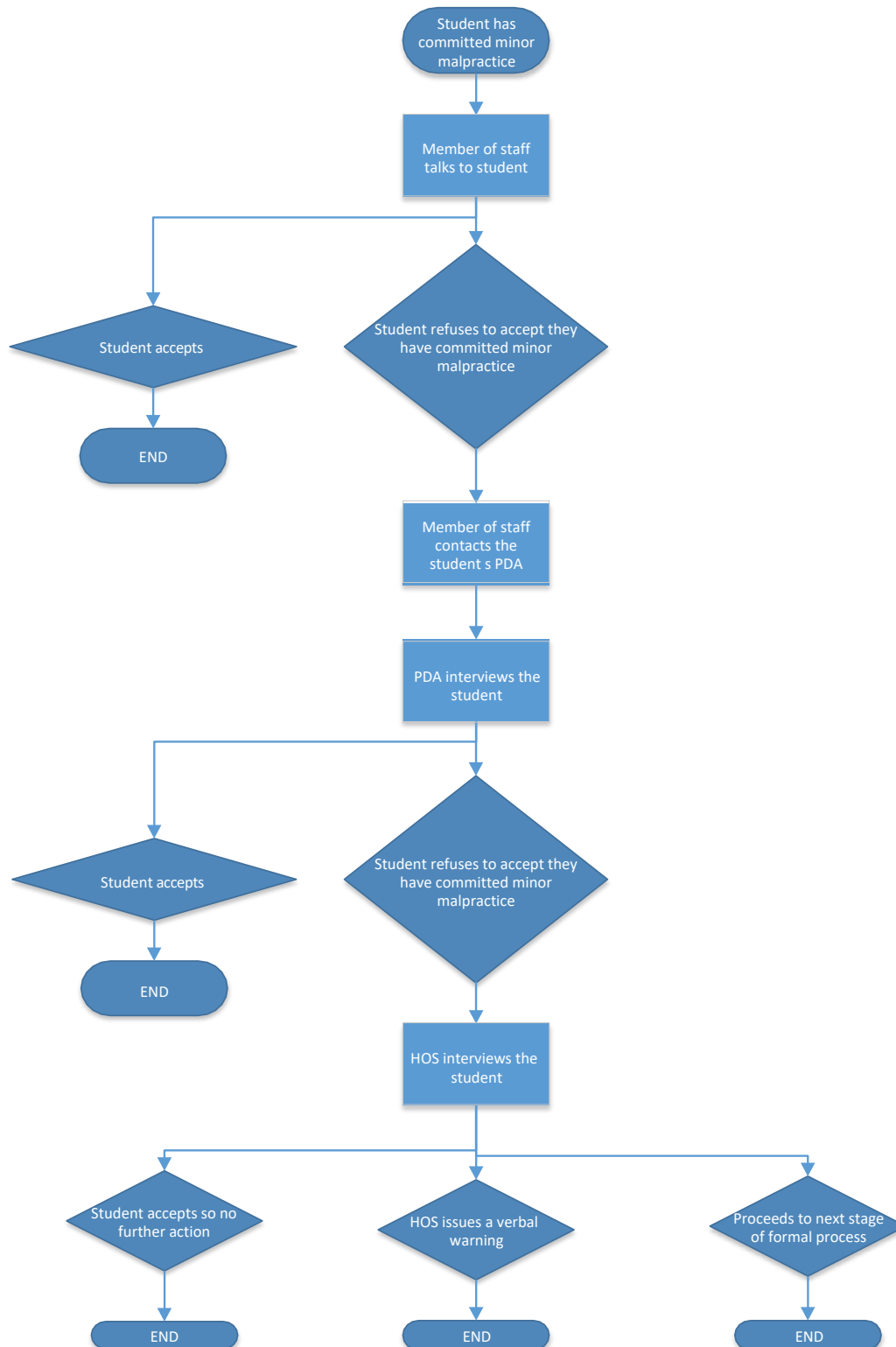
11.4. Within 5 working days of receipt of an appeal, the Depute Principal – Academic Development (or other nominated Senior Manager) will arrange an Appeals Hearing Panel meeting and will inform, in writing, both the student and the investigating HOS of the date, time and location for the Appeals Hearing Panel meeting. The student will be reminded of their right to seek advice and assistance from a suitable supporter (e.g. an officer from the Student Association), who may accompany the student to the appeals hearing if the student wishes. Under this procedure the definition of 'friend' or 'supporter' does not include members of the legal profession engaged to act in their professional capacity. A minimum 7 days notice will be given of the date of the Appeals Hearing Panel meeting.

11.5. The Appeals Hearing Panel will consist of the Depute Principal – Academic Development (or other nominated Senior Manager) as Chair and other members drawn from managers within the IC UHI who meet the requirement stated at 10.4.

- 11.6. The Appeals Hearing Panel will be convened as soon as practicable, and normally within 15 working days of acknowledging receipt of the appeal.
- 11.7. The Appeals Hearing provides the opportunity for the student and his/her supporter to lead written or verbal evidence in person to support the appeal. If new evidence has come to light that was not available at the original hearing, the Appeals Panel can accept written statements from suitable witnesses, or testimony in person, should the student wish to lead such evidence.
- 11.8. The Appeals Hearing also provides the opportunity for the panel to take evidence from the Chair of the Malpractice Hearing Panel. This part of the Appeals Hearing will follow separately from that of the student.
- 11.9. The outcome of the appeal will be one of the following decisions:
- 11.9.1. That the appeal fails and the original decision stands.
 - 11.9.2. That the appeal is upheld, and in place of the original penalty, a specified lower penalty will be substituted (e.g. verbal warning instead of first written warning). The student's disciplinary record will be revised to show the change of outcome.
 - 11.9.3. That the appeal is upheld, with the original decision quashed completely and the penalty erased from the student's disciplinary record.
- 11.10. The outcome of the appeal will be notified in writing, from the Chair of the Appeals Panel, to the student and to the original investigating HOS, within 5 working days of the adjudication of the appeal. The letter will include a brief outline of the reasons for the decision
- 11.11. The decision made by the Appeals Panel is final. There is no further right of appeal against the appeal decision and the IC UHI will not engage in correspondence with any party over the outcome of the appeal.

Appendix 1

Student Malpractice Procedure – Minor Stage 1



Appendix 2

Student Malpractice Procedure – Formal Stage 2

