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MALPRACTICE and MALADMINISTRATION and ARTIFICIAL INTELLIGENCE (AI) POLICY

1. AIM AND SCOPE OF POLICY

The aim of the Policy is to identify the responsibilities of staff to ensure that any malpractice is dealt with by the Head of Centre,

Plagiarism, Collusion and Artificial Intelligence (AI) are very serious offences and any Learner found to be copying another Learner's work, quoting work from another source without recognising and disclosing that source, buying in an assignment from a third party to pass off as their own either in part or totally or using Artificial Intelligence software to generate in part or totally an assessment without correct citation and against CMI guidelines will be penalised.

All allegations will be investigated in order to protect the integrity of the qualification and to be fair to the Centre, Awarding Body and learners.

The policy applies to:

- All staff at CMBD
- All learners enrolled at CMBD with awarding bodies

2. SPECIFIC OBJECTIVES

- To investigate all allegations of malpractice
- To provide clear guidance to teaching staff and learners

3. RESPONSIBILITIES

Head of Centre

- Notify the appropriate awarding body (CMI) at the earliest opportunity of all suspicious or actual incidents of malpractice.

Directors of CMBD

- Investigate or appoint a senior member of staff to investigate the malpractice; the person appointed must be independent, and not connected to the department involved in the suspected malpractice to avoid conflicts of interest which could compromise the investigation.

4. IMPLEMENTATION OF THE POLICY

The policy and procedures will be available on the intranet.

5. MONITORING AND EVALUATION OF POLICY

The effectiveness of the policy will be monitored by the Centre Manager.

The impact will be measured by compliance to JCQ and other board regulations.

6. ASSOCIATED INFORMATION AND GUIDANCE

JCQ Guide to the Awarding Bodies' Appeals Processes
CMI Malpractice reporting requirements
CMI Whistleblowing Policy

7. LIST OF APPENDICES

APPENDIX 1: Procedures for Malpractice

APPENDIX 2: CMI Plagiarism, Collusion and Artificial Intelligence (AI) Statement

APPENDIX 3: Preventative Measures

APPENDIX I - PROCEDURE FOR MALPRACTICE

Malpractice includes maladministration, means of act, default or practice which is a breach of the regulations, or which compromises or may compromise the process of assessment, the integrity or the validity of a result or certificate, and or damages the authority, reputation or credibility of any awarding body or Centre, or any officer, employee or agent of any awarding body or Centre.

Failure by a Centre to investigate allegations of suspected malpractice also constitutes malpractice.

The Centre must notify the appropriate awarding body (CMI) at the earliest opportunity of all suspicious or actual incidents of malpractice.

Where suspected malpractice is identified by a Centre, full details of the case must be submitted at the earliest opportunity to the relevant awarding body. JCQ Form M1 or other relevant awarding body forms must be used if available.

The awarding bodies will consider the information provided and decide to:

- Take no further action; or
- Where necessary, ask the Centre to conduct a full investigation into the alleged malpractice and to submit a written report; or
- In the case of alleged fraud or a serious breach of security, investigate the matter directly

The awarding body will notify the Regulators as soon as it receives an allegation of fraud or a serious breach of security. Other awarding bodies which have approved that Centre, and the police, may also be informed.

The following are examples of Malpractice (issued by the Joint Council for Qualifications)
Breach of security:

- Permitting, facilitating or obtaining unauthorised access to examination material prior to an examination;
- Tampering with candidates' scripts or coursework after collection and before despatch to the Awarding Body;
- Moving the time or date of a fixed examination (beyond the time permitted by the regulations) without notifying the relevant Awarding Body;
- Failing to supervise adequately candidates who have been affected by a timetable variation;
- Failing to retain and secure examination papers after an exam in cases where the life of the paper extends beyond the particular session;
- Failing to keep secure student computer files which contain coursework.

Deception:

- Inventing or changing marks for internally assessed components (e.g.: coursework) where there is no actual evidence of the candidates' achievement to justify the marks being given;
- Manufacturing evidence of competence against national standards;

- Fabricating assessment and/or internal verification records or authentication statements;
- Entering fictitious candidates for examinations or assessments or certification process with the intention of financial gain (Fraud).

Improper assistance to candidates:

- Assisting candidates in the production of coursework, or evidence achievement, beyond that permitted by the regulations;
- Assisting or prompting candidates with the production of answers; permitting candidates in an examination to access prohibited materials (calculators and dictionaries etc.).

Maladministration:

Maladministration is defined as 'any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration'. Examples include:

- Failing to despatch candidates' scripts/coursework to the examiners or moderators expeditiously;
- The inappropriate retention of certificates; failing to ensure that candidates do not have access to mobile devices during an examination; failing to ensure that candidates' coursework is adequately monitored and supervised; failing to retain candidates' coursework in secure conditions after the authentication statements have been signed;
- Failing to report an instance of suspected malpractice in examinations or assessments to the appropriate awarding body as soon as possible after such an instance occurs or is discovered;
- Failing to conduct a thorough investigation into suspected examination or assessment malpractice when asked to do so by an awarding body.

Investigations carried out by the Centre

- It is expected that investigations into allegations of malpractice will be carried out by the Head of Centre or person(s) delegated. The investigation should be dealt with in a timely manner.

- Those responsible for conducting an investigation should establish the full facts and circumstances of any alleged malpractice. It should not be assumed that because an allegation has been made, it is true.

- The investigator should consider that both staff and candidates can be responsible for malpractice. Where a conflict of interest may be seen to arise, investigations into suspected malpractice should not be delegated to the manager of the section, team or department involved in the suspected malpractice.

- If it is the College reporting the suspected malpractice, we will, as a minimum, provide the accused individuals with a complete copy of the form or letter used to notify the awarding body of the malpractice.

- When it is necessary to interview a candidate or member of staff in connection with an alleged malpractice, the interview must be conducted with the Centre's disciplinary policy.

- The involvement of legal advisors is not necessary, at least where there is no allegation of criminal behaviour. However, if any party wishes to be accompanied by a solicitor or trade union official, the other parties must be informed beforehand to give them the opportunity to be similarly supported. Individuals involved will be requested to provide a written statement.

Investigations carried out by an awarding body

- For allegations of malpractice which involve fraud or a serious breach of examination security, it will normally be expected that an investigation into the allegation will be carried out by the relevant awarding body or bodies, and/or the regulators acting in conjunction with the Head of Centre (or the governing body or management board), and possibly the local police. The funding agencies will also usually conduct their own investigation if fraud is suspected.

- An awarding body will not normally withhold from the Head of Centre any evidence or material obtained or created during the course of an investigation into an allegation of malpractice. However, it may do so where this would involve disclosing the identity of an informant who has asked for his/her identity to remain confidential. In such cases, the awarding body will provide evidence and material, and will withhold information that would reveal the person's identity and will explain why the withheld information cannot be provided. Any material or evidence not provided to the Head of Centre will not be provided to a Malpractice Committee and will not be considered when deciding whether an allegation of malpractice is proven or not.

- If investigations reveal that candidates had prior knowledge of the content of an examination or assessment, the awarding body must establish whether information could have been divulged to candidates at other Centres or to other unauthorised persons.

- Sometimes it is necessary for awarding body to interview a candidate during an investigation. If the candidate is aged under 18 or a vulnerable adult, and if the interview is to be conducted face to face, the awarding body will undertake to do this only in the presence of the Head of Centre, or other senior member of staff, or the candidate's parent/guardian/carer, or with the permission of the Head of Centre or parent/guardian/ carer.

- Interviews may be conducted over the telephone.

- When it is necessary for a member of the awarding body staff to conduct an interview with a staff member, the member of staff being interviewed may be accompanied by a friend or advisor. If the person being interviewed wishes to be accompanied by a legal advisor, the other parties must be informed beforehand to give them an opportunity to be similarly supported. The Head of Centre will be required to make available an appropriate venue for such interviews.

- The individual being interviewed may also be requested to provide a written statement.

Rights of the accused individual

When in the view of the investigator, there is sufficient evidence to implicate an individual in malpractice, that individual whether a candidate or a member of staff, accused of malpractice must;

- Be informed (preferably in writing) of the allegation made against him or her
- Know what evidence there is to support that allegation
- Know the possible consequences should malpractice be proven
- Have the opportunity to consider their response to the allegation (if required)
- Have the opportunity to submit a written statement
- Have an opportunity to seek advice (as necessary) and to provide a supplementary statement (if required)
- Be informed of the applicable appeals procedure, should a decision be made against him or her.
- Be informed of the possibility that information relating to a serious case of malpractice may be shared with other awarding bodies, the regulators, the police and/or professional bodies, including the Teaching Agency as appropriate.

The report

After investigating an allegation of malpractice, the Centre must submit a full written report of the case to the relevant awarding body.

The report should be accompanied by the following documentation, as appropriate.

- A statement of the facts, a detailed account of the circumstances of the alleged malpractice, and details of any investigations carried out by the Centre;
- Written statement(s) from the invigilator(s), assessor, internal verifier(s) or other staff who are involved;
- Written statement(s) from the candidate(s);
- Any mitigating factors;
- Information about the Centre's procedure for advising candidates of the awarding body's regulations;
- Seating plans showing the exact position of candidates in the examination room;
- Unauthorised material found in the examination room;
- Any work of the candidate and any associated material (e.g. source material for coursework) which is relevant to the investigation.

The decision

In order to determine the outcomes in cases of alleged malpractice, awarding bodies may appoint a panel or committee composed of external members experienced in examination and assessment procedures. Alternatively, this function may be allocated to a named member of staff.

Information supplied to the Malpractice Committee will be only that which is directly relevant to the case under consideration, and which has been made available to the person against whom the allegation has been made.

In making a decision on any report, the Malpractice Committee will establish that correct procedures have been followed in the investigation of the case, and that all individuals involved have been given the opportunity to make a written statement.

If satisfied, the Malpractice Committee will then seek to determine:

- Whether the examination and assessment regulations have been broken;
- Where the culpability lies for the breach of regulations.

The Malpractice Committee will then determine:

- Appropriate measures to be taken to protect the integrity of the examination or assessment, and to prevent future breaches;
- The nature of any sanction or penalty to be applied.

Each case of suspected malpractice will be considered and judged on an individual basis in the light of all information available. Where there is an established, clearly evidenced, repeated pattern of behaviour, this may be taken into consideration when determining whether a sanction should be applied.

When making a decision in a case the Malpractice Committee will:

- Identify the regulations or specification requirement which it is alleged has been broken;
- Establish the facts of the case. Where there are conflicting statements, the decision as to whether or not there has been malpractice is made by reference to the facts as disclosed by the papers, independent of any decision on sanctions;
- Decide whether the facts as so established, actually breach the regulations or specification requirements;
- If a breach of regulations has occurred, establish who is responsible for this;
- Determine an appropriate level of sanction or penalty.

Sanctions and penalties

Awarding bodies impose sanctions and penalties on individuals and on Centres responsible for malpractice in order to;

- Minimise the risk to the integrity of examinations and assessments, both in the present and in future;
- Maintain the confidence of the public in the delivery and awarding of qualifications;
- Ensure as a minimum, that there is nothing to gain from breaking the regulations;
- Deter others from doing likewise.

Awarding bodies will normally impose sanctions and penalties to individuals found guilty of malpractice. These will usually be the candidate(s) or the responsible members of staff. However, when malpractice is judged to be the result of a serious management failure within

a department or the whole Centre, the awarding body may apply sanctions against the whole department or Centre. In these cases, the awarding body may make special arrangements to safeguard the interests of candidates who might otherwise be adversely affected.

For more information, specific board policies will need to be consulted.

The Head of Centre will be informed of decisions in writing as soon as possible after decisions are made. It is the responsibility of the Head of Centre to communicate the decision to the individuals concerned, and to pass on warnings in cases where this is indicated.

Appeals

Awarding bodies have established procedures for considering appeals against penalties arising from malpractice decisions. The Head of Centre is the only person who can authorise that the Centre makes an appeal.

Appendix 2 – CMI Plagiarism, Collusion and Artificial Intelligence (AI) Statement

CMI's Plagiarism, Collusion and Artificial Intelligence (AI) Statement.

APPENDIX 3 - PREVENTATIVE MEASURES

Internal Verification must include sampling of results and requests for certification

- The Centre will seek to ensure that all appropriate awarding body documents, including changes to scheme approval, training events and expiry dates, are circulated to staff to ensure compliance with the Regulations and Code of Practice.

- Regular updating and training of staff working on qualifications will be carried out by the Centre. Attendance at this training is part of the CPD requirement.

- All assessors, whether experienced or inexperienced, will be required to attend standardisation meetings to ensure their understanding of the award regulations, as well as assessment and verification issues. In this way, good practice can be discussed and defined in relation to particular awards.

- Programme Managers have a responsibility to ensure that staff follow awarding body guidelines for assessors, internal verification processes. This responsibility extends to staff induction on scheme requirements for the relevant awarding body. Such inductions should include awarding body and Centre procedures in relation to the awards and reporting lines, should a problem arise. Following induction, staff should have a clear understanding of the professional standards required for the conduct of the award.