



## **MALPRACTICE AND MALADMINISTRATION POLICY**

### **1.0. Introduction**

This document covers management of alleged cases of malpractice & maladministration for all activities of Gaborone University College of Law and Professional Studies (GUC).

It describes the procedures, how GUC as an awarding body responds to allegations of malpractice & maladministration and action where the allegations are upheld or confirmed.

This document is for use by the following:

- ETPs affiliated to GUC
- GUC Awarding Body
- Candidates
  - Assessment Committees
  - Staff
  - Other stake holders

### **1.2. Policy Statement**

GUC is committed to ensuring access to fair assessment for all candidates, to protecting integrity of qualifications awarded, and to full compliance with the expectations of its regulators. The policy is designed to define malpractice and maladministration, clarify roles and responsibilities of ETPs, candidates and GUC - AB and outline the procedures to be followed when there are issues of suspected malpractice or Maladministration within ETPs or AB itself.

### **1.3.Aims**

GUC-AB is committed to ensuring that its qualifications are delivered and assessed to acceptable quality standards, and that the assessments are consistent, transparent and in line with the international best practices.

For this to be achieved, the GUC-AB has identified assessment best practice that ensures;

- A clear measure of the standards of performance expected of successful GUC candidates.
- Assessment Instruments that gather sufficient, valid and reliable evidence of candidates' ability to perform to the identified standards.
- A quality assurance system that ensures the consistent application of standards of assessments over time and place.

#### **1.4. Objectives**

- To assess students' work with integrity by being consistent and transparent in our assessment judgments and processes so that the outcomes are fair, reliable and valid.
- To ensure that assessment standards and specifications are implemented fully, so that no risk is posed to the reputation of the awarding body or the qualifications we offer.
- To establish quality control and recording mechanisms for assignments and their assessment through a system of sampling, moderation, internal verification and cross-departmental co-ordination as appropriate to the requirements of the programmes offered.
- To provide learner-ETP approaches to assessment, which provide opportunities for students to achieve at levels commensurate with the demands of their programme.

#### **1.5. Responsibility**

Implementation of this Policy is the responsibility of the Head of GUC-AB and affiliated ETPs. Every attempt shall be made to ensure that the provisions of this policy are consistent with the requirements of GUC assessment procedures. Where the requirements of the awarding body are amended, it will inform the ETPs accordingly.

#### **1.6. Definitions**

##### **1.6.1. Malpractice**

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

- The assessment processes
- The integrity of a regulated qualification
- The validity of a result or certificate
- The reputation and credibility of GUC-AB
- The qualification or the wider qualifications community.

Malpractice may include a range of issues from the failure to maintain appropriate records or systems to the deliberate falsification of records in order to claim certificates.

For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias towards certain or groups of learners.

### **1.6.2. Maladministration**

Maladministration is any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration

### **1.7. Candidate Malpractice (Academic Misconduct)**

“Candidate Malpractice” or Academic misconduct is defined as “Any deliberate activity, neglect, default or other practice that compromises the integrity of the assessment process and or the validity of certificates.”

This can include criminal offences such as bribery or falsifying of assessment records (fraud).

The following are examples of malpractice by students:

- Use of unofficial/unauthorized language to write or present an assessment
- Obtaining assessment material without authorization
- Copying from another candidate, or knowingly allowing another student to copy from their own work
- Collusion - working collaboratively with other students in an assessment
- Asking specific questions about an assessment on a public forum
- Disclosing part of an assessment on a public forum
- asking another student for a completed assessment
- entering offensive or inappropriate material into an assessment
- impersonation - pretending to be someone else or arranging for another to take one's place in an assessment
- Plagiarism - presenting ideas, research, theories, or words of others as one's own fraudulent claims for special consideration.

### **1.8. ETP Malpractice**

The Following Are Examples of malpractice & maladministration by ETPs

- Failing to issue an assessment to a student or transmit a copy of the completed assessment to GUC-AB within the permitted timescales
- Assisting or prompting students with the production of answers
- Colluding with, or permitting collusion, or failing to report a student participating in any activity that constitutes candidate malpractice
- Deliberate failure to adhere to the requirements of GUC reasonable adjustments and special considerations policy
- Administrative errors with serious effect on student performance or results
- Persistent failure to adhere to GUC learner registration and certification procedures
- Late learner registrations (both infrequent and persistent)
- Unreasonable delays in responding to requests and/or communications
- Registration and enrolment of candidates on obsolete assessment materials

- Failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence.
- Leaking Assessment to a candidate/s
- Failure to adhere to stipulated assessment time/duration
- Any action likely to lead to an Adverse Effect.

### **1.9. Special Cases**

Malpractice and Maladministration imply an element of negligence, corruption or incompetence. Events which affect the candidate adversely, but which are not caused by negligence, corruption or incompetence-for example an examination disrupted by an emergency are not considered malpractice or maladministration and are worth special consideration.

### **1.10. Malpractice and Maladministration by ETP**

Cases of Malpractice and Maladministration will, by nature normally involve a person or persons in the employ of either GUC or the ETP. However, anyone may be involved in an instance of malpractice or maladministration, including candidates and third parties such as friends and family of candidates

### **1.11. Maladministration**

There are a range of possible types of malpractice and maladministration, as well as a range of seriousness in their occurrences. An occurrence of malpractice or maladministration **must** be reported to GUC-AB if it meets any of the following criteria:

- A candidate is disadvantaged in an assessment component
- A candidate is discriminated against in whatever way and for whatever reason
- The process of assessment is, or may have been compromised
- The validity of a result or certificate is or may have been compromised
- The reputation of guc-ab is or may have been damaged
- The reputation of ETP is or may have been damaged
- The reputation of an employee working in whatever capacity at ETP is, or may have been damaged

### **1.12.Procedure for Dealing with Allegations of Malpractice and Maladministration**

#### *Allegations Suspected by Tutors and Assessors*

All incidents of malpractice, irrespective of the nature of the incident **MUST** be reported to the Head of the ETP. Incidents may be reported by the tutor, the assessor, or any other person.

#### *Allegations Suspected by ETPs*

Where suspected malpractice is identified by ETP, the Head of ETP must submit full details of the case to the GUC-AB at the earliest possible time.

#### *Allegations Suspected by others*

Allegations of malpractice may be reported to GUC-AB by employees, ETP staff, regulators, candidates, other Awarding Bodies, the Media or members of the public. GUC-AB will not

disclose the identity of the individuals reporting cases of malpractice where they have been requested unless legally obliged to do so.

Upon receipt of an allegation, (including anonymous reports) GUC-AB will evaluate the allegation in the light of any other available information to see if there is a cause to investigate.

### *Investigating Malpractice and Maladministration*

Investigations will normally be carried out by the Head of ETP acting at the request of GUC-AB. The investigation should seek to establish the full facts and circumstances of this alleged malpractice and upon completion a written report should be submitted to GUC-AB Quality Assurance Manager, indicating the findings and any actions which have been taken. It may well be necessary to conduct interviews with the candidate or member of staff as part of this investigation and any such interviews must be conducted in line with the ETP's own policy for conducting disciplinary enquiries. Any material evidence gathered during this investigation (including transcripts or recordings of interviews) should be securely retained by the Head of ETP and copies should be forwarded to GUC-AB with the completed report.

Investigations into allegations of malpractice and maladministration against the Head of ETP will have the same requirements and expectations but will be conducted by another appropriate person such as the chair of the ETPs Governing body or GUC staff member.

For allegations of malpractice which involve a serious breach of examination security, it will be expected that an investigation be carried out by the GUC-AB staff.

The Head of ETP or other person conducting the investigation must:

- Supervise personally all investigations resulting from an allegation of malpractice.
- Ensure that, if it is necessary to delegate part of an investigation to a member of staff, the member of staff chosen is independent and not connected to anyone involved in the suspected malpractice.
- Respond promptly and openly to all requests for an investigation into an allegation of malpractice.
- Cooperate and ensure their staff cooperate fully with an enquiry in to an allegation of malpractice

### **1.13.The Report**

After investigating an allegation of malpractice, the Head of ETP must submit a full written report of the case to the Quality Assurance Manager at GUC-AB. Reports should be produced in the following format:

Statement of process; what steps have been taken to investigate the alleged malpractice

- Statement of facts: an account of the circumstances of the alleged malpractice which have been established as facts.
- Written statement(s) from the candidate(s)

- Written statement(s) from the invigilator(s), tutor(s), examiner(s) or any other staff who are involved
- In the case of malpractice in examinations, seating plans showing the exact position of candidates in the examination room, and details of any unauthorized material found in the examination room.
- Any mitigating factors or additional information

Heads of ETPs should be aware that reports may be shared with regulators, local authorities and other awarding bodies; however, in such instances the identities of individuals would be redacted as much as possible and the Head of ETP would be informed.

### **1.14.Sanctions**

In making a decision on any report, the Quality Assurance Manager 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 Quality Assurance Manager will then seek to determine whether the Academic Regulations or other Assessment regulations have been broken, and if so, where the culpability lies for the breach of regulations. Having done this, the Quality Assurance Manager will then determine appropriate measures to be taken to protect the integrity of the examination or assessment and to prevent future breaches and finally the nature of any sanction or penalty to be applied.

Sanctions applied for malpractice could include

- Staff are required to complete an action plan, which could include a requirement for training
- If after providing additional training and support, any issues regarding integrity or capability will be dealt with via GUC-AB Disciplinary Procedures

Sanctions applied against students may include:

- Issue of a verbal or written warning depending on the gravity of the offence
- No marks awarded for whole assessment
- Marks capped at a pass for the assessment
- Results for all the student's outstanding assessments withheld
- Suspension from taking GUC assessments for up to two years.
- Notification to employer, regulator, professional body or police.

Sanctions applied against officer/s or ETP may include:

- Issue of a verbal or written warning depending on the gravity of the offence
- Suspension of the affected officer from IV activities
- Expulsion of the officer from IV activities
- Notification to the employer
- Demotion
- Expulsion from work
- Cancellation of Licence / memorandum of agreement

### **15: Submission of Report to BQA**

Once an investigation has been completed and the report reveals significant breach of academic standards. The report will be discussed in the GUC Board of Governors.

Cases which are deemed serious and reportable to BQA include:

- Fraudulent /negligent maladministration of examinations by the ETP.
- Serious student malpractice that affects the entire examination batch
- Total failure to submit written scripts to GUC for marking for a particular examination session.
- When the ETP fails to adequately resource the process of teaching, learning and examination of candidates.
- Any other serious case of malpractice and maladministration as shall be established by the GUC Board of Governors

**Policy Control**

Executive Responsibility	Managing Director
Operational Responsibility	Academic Coordinator
Date Of Approval	April 2019
Date Of Review	March 2022