



LOETB LEARNER ASSESSMENT MALPRACTICE POLICY & PROCEDURES

Quality Assurance Support Service

Learner Assessment Malpractice Policy and Procedures

Purpose: The purpose of this policy is to provide a framework and guidelines to ensure a fair and impartial investigation of all allegations of Learner Assessment Malpractice. The policy also gives information on applying appropriate sanctions where allegations are found to be true.

The overall policy consists of this document in conjunction with the document *Learner Assessment Malpractice –Information for Learners*.

Scope: This policy only refers to Learner Malpractice for Assessment. Assessment Irregularities are outside the scope of this policy

Assessment Irregularities are accidental oversights or mistakes that occur during the assessment process and do not influence the validity of the assessment. These include but are not limited to:

- Assessment administration errors
- Missing assessment data
- Errors in transcription, for example when a mark is transferred incorrectly from the learner's script to the marking sheets

Assessment Malpractice is any act or practice which may deliberately bring into question the validity, or integrity, of the assessment process. The decision on whether an issue is considered an Assessment Irregularity or Assessment Malpractice will relate to the intent, scale or fraudulent nature of the incident.

Where such an issue is identified, the procedures outlined in this policy must be followed.

Confidentiality: Confidentiality is a key aspect in the implementation of this policy and procedures. All parties must ensure that all information is treated as confidential, and retained in accordance with LOETB's Data Protection Policy, retention schedule, and statutory requirements.

Examples of Learner Malpractice

Examples of Learner Assessment Malpractice include, but are not limited to:

- Plagiarism- Copying or passing off another person's work as their own. (See below for more information on plagiarism)
- Assisting another learner during an assessment without permission
- Impersonation-pretending to be someone else, in order to produce work for another learner
- Arranging for another learner to take their place in an assessment
- Using materials during assessments that are not permitted, for example using a phone or notes during an exam.
- Collusion- Working with others when it is not allowed, for example, any form of communication or attempted communication, with other learners (written, verbal, gestures, expressions, pointing, etc.) in an assessment event.
- Fabrication of results and/or evidence. For example, making-up research results instead of conducting research
- Falsification, for example changing the outcome of a research finding to suit the learner's preferred argument.
- Removing assessment material from the assessment location without permission, for example taking their exam paper from the test centre before or after an exam.
- Tampering with, damaging, or destroying assessment materials or another learner's work
- Disturbing others during assessments, for example by making noise.
- Engaging in horseplay, offense behaviour, or unsafe activity during an assessment, for example playing with work tools.

Plagiarism

Plagiarism arises when a learner copies, or passes off another person's work as their own. Plagiarism may include, but is not limited to:

- Submitting work completed by another person, including another learner, as their own.
- Paying a company or another person to complete their work
- Copying work from any source or medium without referencing, for example websites, books, journal articles, class notes, etc.
- Summarising or paraphrasing a passage of text, or an idea, without acknowledging the original source
- Submitting group work as their own work
- Piecing together sections of others' work into a new document.

Learners on LOETB courses sign the Learner Evidence Submission Record when submitting their assessments. When a learner signs this document, they are stating that the work they are submitting is their own, original work. Where a learner submits an assessment online or via email, this is also taken as a statement that the work is their own. If an Assessor believes that the work submitted by the learner is not their own work, they must investigate this further.

In some cases, a learner may plagiarise accidentally by not referencing work correctly. In these cases, this may be dealt with informally by the class tutor. If it is a repeat offence however, it may be considered to be intentional. Intentional plagiarism must be investigated. Assessors should distinguish between deliberate and accidental plagiarism and should speak to their Programme Coordinators if they are unsure.

Roles and Responsibilities

All LOETB staff should be aware of their responsibilities in the implementation of this policy.

Within this policy, the title of **Programme Coordinator** refers to Centre Managers, Service Managers, Deputy Principals and Programme Managers.

Programme Coordinators are responsible for making this policy available to all staff and learners and ensuring their staff and learners are aware of what constitutes Learner Assessment Malpractice.

All staff must report suspected incidents of Learner Assessment Malpractice to their Programme Coordinator.

The LOETB Quality Assurance Support Service is available to offer all staff support and guidance in dealing with suspected Learner Assessment Malpractice.

Identifying Suspected Learner Assessment Malpractice

If a tutor or teacher suspects Learner Assessment Malpractice has been committed they notify the Programme Coordinator. If a learner suspects that someone has committed Learner Assessment Malpractice they must notify their tutor or teacher, who informs the Programme Coordinator.

Suspected Plagiarism -All written assessments at levels 5 and 6 are submitted through Moodle and are passed through similarity checking software (Urkund). The similarity score awarded by Urkund may be used as an indicator, but will not be the sole basis for identification, of plagiarism. In cases of suspected plagiarism, the learner should be questioned about how they created the work. (Assessments at lower levels may also be checked using Urkund if required.)

Where malpractice is suspected the tutor or teacher should complete the *Assessment Malpractice Incident Report*. (Appendix 1)

Depending on the nature of the incident, the malpractice may be dealt with informally. The Programme Coordinator must meet with the learner or learners involved. These meetings should be minuted.

The Programme Coordinator must ensure that the learner against whom the allegation has been made is aware of:

- The evidence that exists to support the allegation;
- The possible consequences for them if the allegation is upheld;
- The possibility that information may be shared with other relevant parties if required.

If the learner admits to Learner Assessment Malpractice at this point, the Programme Coordinator and the tutor or teacher may decide on Sanctions. The learner may choose to appeal sanctions at this point. (See Sections **7. Appealing the decision** and **8. Implementing the Sanctions** for more information)

If the Programme Coordinator deems that there is no evidence of assessment malpractice, the matter is resolved.

Investigating Suspected Learner Malpractice.

If, following the meeting between the Programme Coordinator and the learner(s), Learner Assessment Malpractice is still suspected, the steps outlined below must be followed. Learner certification may be delayed as an investigation may need to take place

1. Informing those involved

The Programme Coordinator is responsible for writing to the learner to formally notify them of the allegation made against them. This letter should outline the procedures that will be followed, and that the investigation will be carried out in a discreet and confidential manner.

Copies of the of the *Learner Assessment Malpractice- Information for Learners* and the *Learner Assessment Malpractice Policy and Procedures* documents must be sent with this letter. *Letter Template- Notification of Investigation* (Appendix 2)

2. Appointing an Investigator

The Programme Coordinator will appoint an appropriate staff member to investigate the allegation.

The investigator should be a teacher or tutor with assessment experience and should have no association with the learner.

The Programme Coordinator is responsible for ensuring that any person who has a possible conflict of interest is not involved in the investigation or in making judgments on the allegations. A Conflict of Interest relates to any issue that might unfairly influence, or appear to influence, the outcome of an investigation. For example, where the investigator has:

- A personal relationship or family relationship with the learner being investigated
- A professional relationship with the learner being investigated that may be perceived to unfairly influence the investigation process

In certain cases, outside personnel may undertake the investigation, for example, if there is a possibility of criminal activity or serious fraud.

3. Guidance for the Investigator

The Investigator should establish the full facts and circumstances of the alleged malpractice by interviewing those involved and recording minutes of these meetings, collecting statements and reviewing related records. Records may include, but are not limited to:

- Learner evidence
- Malpractice Assessment Incident Form
- Relevant Policies and Procedures

The Investigator does not make a decision, as to whether a learner committed Assessment Malpractice. This decision is made by the Programme Coordinator.

If it is suspected that a learner has plagiarised, they should be asked to describe how they created their work, how they approached their research and so on.

If the assessment involved group work all the group members should be asked to write a description of their own contribution to the overall piece, as well as being interviewed by the investigator.

Investigators should be mindful of the following:

- It should not be assumed that an allegation equates to proof of malpractice
- Learner confidentiality must be maintained. This applies to learners who make an allegation as well as any learners under investigation.
- It is not necessary to inform all learners being interviewed of the details of meetings with other parties, unless there is a specific relevant matter to be raised

During the investigation, the investigator must ensure that the learner against whom the allegation has been made must be:

- Given time to consider their response to the allegations, e.g. given advance notice of interviews with the investigator.
- Given the opportunity to submit a written statement
- Given the opportunity to seek advice and to provide a supplementary statement during the process if required.

The investigator must complete page 1 of the *Learner Assessment Malpractice Investigation Findings & Sanctions Report* (Appendix 3), and submit it to the Programme Coordinator within 10 working days of the appointment of the investigator. Minutes from all meetings should be attached to the report.

4. Making the Decision

Once they have reviewed the report, the Programme Coordinator will decide whether the learner committed Learner Assessment Malpractice or not. The Programme Coordinator should also record their decision on page 2 of the *Learner Assessment Malpractice Investigation Findings & Sanctions Report*. (Appendix 3)

Depending on the decision, **Sanctions** may be required. (See Section 8 below)

5. Deciding on the Sanctions

The Programme Coordinator will decide on the sanctions to be applied in conjunction with the module teacher or tutor. The sanctions will be decided on a case by case basis, and are dependent on the severity of the malpractice. (See Section 8). Details of recommended

sanctions should also be recorded on page 2 of the *Learner Assessment Malpractice Investigation Findings & Sanctions Report*. (Appendix 3)

Please note: Sanctions cannot be implemented immediately. Learners must be given an opportunity to appeal the decision, (see section 7, Appeals).

6. Communicating the decision

The Programme Coordinator informs the relevant learner(s) of their decision in writing within five working days of receiving the report. *Letter template – Notification of Findings* (Appendix 4)

Where malpractice has occurred, the letter should include details of the proposed sanctions, the appeal procedures, and the appeal deadline. It should also include a copy of the *Learner Assessment Malpractice Appeal form* (Appendix 5), and supporting information

The Programme Coordinator will forward a copy of the investigation report to the QA Support Service and other appropriate personnel as required. The Programme Coordinator is responsible for keeping a record of the investigation on file.

7. Appealing the Decision

The learner has the right to appeal the decision and/or sanctions.

To make an appeal, the learner must complete *the Learner Assessment Malpractice Appeal Form* (Appendix 5), and send it to the Programme Coordinator by the date specified in the letter.

The Programme Coordinator will decide if there are grounds for an appeal as outlined below

Grounds for appeal

- The alleged malpractice was not dealt with in accordance with fair procedures
- New information has become available that was not available during the investigation
- The original decision was not supported by evidence

If there are no grounds for appeal the decision will stand and the learner will be notified.

Please Note: If a learner has appealed the proposed sanctions, the sanctions cannot be applied until the appeal process is completed.

If there are grounds for an appeal the Programme Coordinator will forward the Appeal form to the LOETB QA Support Service.

The QA Support Service will arrange for a member of the LOETB FET Senior Management Team (FETSMT) to review the appeal application. They will review the findings and decide whether the appeal is successful.

The Appeal Reviewer may consider information from the following sources in making their decision.

- Assessment Malpractice Incident Report
- Learner Assessment Malpractice Investigation Findings & Sanctions Report
- Learner Assessment Malpractice Appeal form
- Minutes of all meetings and Investigators notes
- Assessment evidence
- Relevant Policy and Procedure documents
- Any new information that may be relevant

The Appeal Reviewer may also wish to speak to the relevant parties. Once they make their decision, the Appeal reviewer will inform the QA Support Service, who will in turn inform the Programme Coordinator. It is the Programme Coordinators responsibility to inform the learner of the Appeal decision within 5 working days. *Letter Template- Notification of appeal outcome* (Appendix 6)

8. Implementing the Sanctions:

If no appeal has been lodged or an appeal has been unsuccessful the Programme Coordinator can proceed to implement the sanctions.

Sanctions for Learner Assessment Malpractice

The sanctions applied for Learner Assessment Malpractice should relate to the principles outlined below. In exceptional cases of Assessment Malpractice, learner results may not be submitted to QQI or certificates may be cancelled.

Plagiarism

Principle 1: Unintentional plagiarism can happen and must be addressed to prevent future instances.

	Examples	Sanctions
1.a	The learner has unintentionally plagiarised and this has been identified at the draft stage.	No sanction applied. Learner is given feedback and directed to amend assessment before final submission.

1.b	The learner has unintentionally plagiarised but did not submit draft material for feedback when given the opportunity to.	The plagiarised portion of the assessment is marked as zero but the learner can receive marks for the other parts of the assessment.
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Principle 2: Intentional Plagiarism must result in a zero mark for work that is not the learners own

	Examples	Sanctions
2.a	Plagiarism identified at the draft stage but learner did not amend it before final submission.	The plagiarised portion of the assessment is marked as zero but the learner can receive marks for the other parts of the assessment.
2.b	Serious cases of plagiarism- significant amount of learner work within an assessment has been plagiarised.	Entire assessment is marked as zero

Principle 3: Sanctions may also apply to learners who facilitate plagiarism

	Example	Sanctions
3.a	A learner gives their work to another learner.	To be decided on a case by case basis. Learner who gives their own work to another learner may receive a mark reduction.

Cheating

Principle 4: Cheating is a form of academic dishonesty which affects the validity of an assessment and must be addressed.

	Example	Sanctions
4.a	Learner has cheated in an assessment e.g. an exam or skills demonstration	Assessment marked as zero. Disciplinary action to be decided on a case by case basis

Other Learner Assessment Malpractice

Principle 5: Where a learner or learners' behaviour affects the validity or integrity of assessment, this must be addressed.

	Example	Sanctions
5.a	Unacceptable behavior e.g. Impersonation of another learner during an assessment	Assessment marked as zero. Disciplinary action to be decided on a case by case basis

Bibliography

ETBI/FESS (n.d.) *Quality Assuring Learner Assessment, ETB Sector Reference Documents*. Education and Training Board Ireland. [unpublished]

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FESS/ETBI (2019) *Referencing Handbook for the Further Education and Training Sector*. Available from https://www.fess.ie/images/stories/ResourcesForTutors/Referencing_Handbook_files/Referencing_Handbook_February_2019.pdf [accessed 20 Aug 2020]

University of Warwick (2020) *Guidelines on Penalties for Plagiarism*. Coventry: University of Warwick. Available from <https://warwick.ac.uk/fac/sci/physics/current/teach/general/rules/plagiarism/penalties> [accessed 27 Aug 2020]



Appendices

Appendix 1: Assessment Malpractice Incident Report.

Appendix 2: Letter Template- Notification of Investigation

Appendix 3: Learner Assessment Malpractice Investigation Findings & Sanctions Report

Appendix 4: Letter Template – Notification of Findings

Appendix 5: Learner Assessment Malpractice Appeal form

Appendix 6: Letter Template- Notification of Appeal outcome

Appendix 1: Assessment Malpractice Incident Report.

ASSESSMENT MALPRACTICE INCIDENT REPORT		
<i>This report must be used to document any instance of suspected Assessment Malpractice.</i>		
Teacher / Tutor Name:	Centre/Provider:	
Module Title & Code:	Assessment Type:	Assessment date:
Incident details		
<i>Please outline details of the event, including time, names of relevant parties, etc.</i>		
Centre Manager / Provider Notified:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Signed:	Date:	



Appendix 2: Letter Template- Notification of Investigation

Name:

Address 1:

Address 2:

Address 3:

Date:

Subject: Alleged Assessment System Malpractice

Dear Mr/Ms,

As discussed at our meeting on [Date], it has come to my attention that an incident of Assessment Malpractice may have occurred relating to your [Assessment Type] in [Module Title & Code]

This matter will now be investigated in accordance with the *Learner Assessment Malpractice Policy and Procedures* and the *Learner Assessment Malpractice- Information for Learners* documents.
(Copies enclosed)

An investigator will be appointed and will contact you in due course and I wish to assure you that the investigation will be carried out in a discreet and confidential manner.

If you require any further information, please do not hesitate to contact me.

Yours sincerely

Name

Programme Coordinator

Appendix 3: Learner Assessment Malpractice Investigation Findings & Sanctions Report

LEARNER ASSESSMENT MALPRACTICE INVESTIGATION, FINDINGS, & SANCTIONS REPORT		
Page 1: To be completed by Assessment Malpractice Investigator		
Centre:	Type of suspected Malpractice:	
Module Title:	Module code:	Assessment Type:
Documents & Evidence reviewed:		
<i>Assessment Malpractice Incident report and learner evidence must be reviewed.</i>		
Investigation Findings:		
<i>Statement of Facts as described by all parties. Additional sheets may be added. Please list all documents attached.</i>		
Investigation Report submitted to:		Date:
Signed (Investigator):		Date:
Print Name:		

LEARNER ASSESSMENT MALPRACTICE INVESTIGATION, FINDINGS, & SANCTIONS REPORT

Page 2: To be completed by Programme Coordinator

FINDINGS

Learner:	Assessment Malpractice Yes <input type="checkbox"/> No <input type="checkbox"/>	Comment
Learner:	Assessment Malpractice Yes <input type="checkbox"/> No <input type="checkbox"/>	Comment
Learner:	Assessment Malpractice Yes <input type="checkbox"/> No <input type="checkbox"/>	Comment

SANCTIONS

If this section does not apply please tick

Recommended Sanctions:

COMMUNICATION OF FINDINGS & SANCTIONS

Learner informed in writing of the Findings, (and Sanctions where relevant)	Date:
Signature:	Date:



Appendix 4: Letter Template – Notification of Findings

Name:

Address 1:

Address 2:

Address 3:

Date:

Subject: Finding of the Alleged Malpractice Investigation

Dear Mr/Ms,

I am writing to tell you about the finding of the investigation into the assessment malpractice allegation. The allegation has been upheld / not upheld **[delete as appropriate]**

In the case of an allegation that has been upheld:

As the finding of Assessment Malpractice has been upheld, the following sanctions will be applied:

[Detail of sanctions]

If you want to appeal this finding or the proposed sanctions, you must complete the attached appeal form and return it to me by **[Date]**. If you choose to submit an appeal, the proposed sanctions will not be applied unless your appeal is unsuccessful.

If you require any further information, please do not hesitate to contact me.

Yours sincerely

Name

Programme Coordinator

Appendix 5: Learner Assessment Malpractice Appeal form

Learner Assessment Malpractice Appeal Form		
Appeal Form- Part 1- To be completed by the learner and returned to the Programme Coordinator		
Learner name:	Email:	Phone:
Centre:	Course:	Module:
I wish to appeal... (Please tick all that apply)		
Learner Assessment Malpractice Decision		<input type="checkbox"/>
Learner Malpractice Sanctions		<input type="checkbox"/>
Please detail the reasons for your appeal. (Add a separate sheet if required)		
Learner Signature:	Date:	

APPEAL FORM- PART 2- TO BE COMPLETED BY THE PROGRAMME COORDINATOR		
APPEAL OF THE DECISION. <i>Please select the grounds for appeal. If none apply please select no.4</i>		
1	The alleged Learner Assessment Malpractice was not dealt with in line with fair procedures	<input type="checkbox"/>
2	New information has become available that was not available during the investigation	<input type="checkbox"/>
3	The decision was not supported by the evidence	<input type="checkbox"/>
4	There are no grounds for an appeal and the original decision stands	<input type="checkbox"/>
APPEAL OF SANCTIONS		
If the learner is appealing the sanctions please tick		<input type="checkbox"/>
PROGRAMME COORDINATORS DECISION		
Appeal Form to be sent to the Quality Assurance Support Service		<input type="checkbox"/>
Learner to be informed appeal is not proceeding		<input type="checkbox"/>
Documents to accompany this appeal:		
Programme Coordinator Signature:		Date:

APPEAL FORM -PART 3 - TO BE COMPLETED BY A MEMBER OF THE FET SENIOR MANAGEMENT TEAM (FETSMT)		
FETSMT Member Name:		
Appeal Decision		
Sanctions to be applied	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Sanction Details		
Signed (FETSMT Member):		Date:



Appendix 6: Letter Template- Notification of Appeal outcome

Name:

Address 1:

Address 2:

Address 3:

Date:

Subject: Notification of the outcome of the Appeal

Dear Mr/Ms,

I am writing to tell you about the finding of the appeal into the assessment malpractice decision and sanction.

The decision and sanctions have been as been upheld / not upheld **[delete as appropriate]**

[In the case where the decision has been upheld]

As the finding of Assessment Malpractice has been upheld, the following sanctions will be applied:

[Detail of sanctions]

If you require any further information, please do not hesitate to contact me.

Yours sincerely

Name

Programme Coordinator