

# Malpractice process

## 1 Purpose

- 1.1 This document sets out the steps that must be followed when reporting suspected cases of malpractice and the actions that will take place on receipt of such a report.

## 2 Definitions and examples

- 2.1 The following definitions are used:

Term	Definition
	The act or an instance of improper practice. For this policy, malpractice is defined as any act that gives one or more candidates an unfair advantage or disadvantage, or which threatens the integrity of the assessments and the reputation of the IoD.
Plagiarism	Passing off the work (either completely or in part) of another person as one's own. Any material submitted for assessment that draws on the work of others must be referenced, using the appropriate convention.
Invigilator	Encompasses both individual invigilators and any organisation which employs or subcontracts invigilators for the IoD's examinations.
Partners	Include any organisation which partners with the IoD in respect of any part of its examination processes and procedures.
Contractors	Include any individual who the IoD contracts to carry out work in respect of developing delivering training and/or workshops and developing learning content.

- 2.2 Examples of malpractice by candidates are provided in Annex A.

- 2.3 Examples of malpractice by staff members, invigilators, contractors and partners are provided in Annex B.

## 3 Record and Review

- 3.1 The Institute operates a record and review system for its examinations. This means that whilst a candidate is taking their examination three recordings are made simultaneously.

- 3.1.1 A sound recording detects whether a candidate may be consulting with another person during the examination.
- 3.1.2 The computer's camera records a candidate's facial, eye and body movements to ensure no additional material is being used to help in answering the questions set.
- 3.1.3 The computer screen is recorded to ensure a candidate does not leave the delivery platform during the examination.
- 3.1.4 Once an examination is completed the recordings are reviewed to identify whether any malpractice may have taken place and a report is produced within seven working days of the examination detailing any issues which have arisen.

- 3.2 Where any cases of possible malpractice have been identified, a member of the Professional Standards team will, within five working days of receiving the report:
- 3.2.1 Email the candidate, set out the findings and ask the candidate to comment on the issues identified within five working days.
  - 3.2.2 Once in possession of the Candidate's explanation the member of the Professional Standards team will consult with the Professional Standards Lead to agree on what action, if any, should be taken.

#### 4 Where further action is deemed necessary

- 4.1 The individual(s) who is/are the subject of suspected malpractice will be:
- 4.1.1 notified as to the nature of the investigation which will be launched and informing them of the procedures and timeframe that will apply,
  - 4.1.2 informed that, if the case of suspected malpractice is proven, one or more penalties could be imposed (see Section 5 below)
  - 4.1.3 notified of any requirement for the IoD to report cases of proven malpractice to the relevant authorities/regulators, subject to completion of the process, and only after time for appeal has passed or the appeal process has been completed.
- 4.2 Any other individuals who it is thought may be able to provide further evidence relevant to the incident in question will be contacted within 10 working days of receipt of the malpractice report, informing them that an investigation is to be launched and asking them to provide any relevant information concerning the incident within five working days.
- 4.3 The individual(s) concerned should, at this stage, be reminded of their right to respond by way of a personal written report to the Professional Standards Lead within five working days of receipt of the notification that the incident is to be investigated.
- 4.4 Where more than one individual is involved, e.g., where candidates are suspected of working collaboratively, each individual concerned will be contacted separately.
- 4.5 All reasonable steps will be taken to ensure that reports and the relevant accompanying evidence have been submitted and are complete. If it thinks it is necessary, the IoD reserves the right to request further information and/or to extend the period of investigation.
- 4.6 In cases where an individual who is the subject of suspected malpractice does not respond to communications, this will not affect the IoD's right to take action.

- 4.7 Initial enquiries in cases of suspected malpractice will be carried out by a person chosen by the Professional Standards Lead at the IoD. The selected person will be responsible for ensuring that all relevant documentary and video information/evidence has been requested and that each individual involved has been given the opportunity to submit a written report relating to the suspected malpractice.
- 4.8 When all relevant documentary and recorded evidence has been received, each individual involved will be notified by the IoD that the allegation will be considered by a Malpractice Panel set up under the auspices of the Chair of the IoD's Assessment Committee and informed that they will be notified of the outcome within 30 working days.
- 4.9 The Malpractice Panel will consist of a minimum of three people, who will not be members of IoD staff or other individuals who may have a real or perceived interest in the outcome of the investigation.
- 4.10 The Malpractice Panel will review the documentary and recorded evidence available and, where necessary, request that further investigations be undertaken. In this respect, the Malpractice Panel reserves the right to request further information. In such cases, if there is likely to be any delay to the outcome, the individuals involved will be informed accordingly.
- 4.11 When all appropriate evidence is available, the Malpractice Panel will review the case and decide whether the act constitutes malpractice.
- 4.12 If the Malpractice Panel decides that there is no case to answer, the individual(s) involved will be informed accordingly. If such cases relate to an examination candidate, they will be given full credit for the examination work submitted.
- 4.13 If the Malpractice Panel decides that malpractice has taken place, it will determine what penalty is to apply. The panel will set out its reasons for the chosen penalty and this will be communicated to the relevant parties.

## 5 Penalties in cases of proven malpractice

- 5.1 The Malpractice Panel is empowered to impose one or more penalties upon the individual(s) guilty of malpractice.
- 5.2 Penalties applicable to a proven case of malpractice will be dependent upon the type and seriousness of the act. The Malpractice Panel will ensure that any penalties imposed reflect the seriousness of the act and that all similar cases are treated in an equitable, fair and unbiased manner.
- 5.3 Examples of possible penalties are provided below. The list is not exhaustive, and the Malpractice Panel will reserve the right to recommend to the IoD further penalties, on a case-by-case basis.
- 5.4 The following penalties may be applied:
- 5.4.1 A written warning about future conduct.
  - 5.4.2 Loss of marks for one or more defined assessment criteria within the relevant module of the Certificate examination or for a specific section of the Diploma examination or the Chartered Director assessment.
  - 5.4.3 Loss of marks for the entire examination.
  - 5.4.4 An overall mark of zero is recorded as the result.
  - 5.4.5 The candidate is prohibited from resitting the examination either indefinitely or for a specified period of time.

- 546 The candidate is prohibited from sitting or resitting any other modules relating to that award either indefinitely or for a specified period of time.
- 547 The candidate is prohibited from sitting or resitting any other assessment relating to any award made by the IoD either indefinitely or for a specified period of time.
- 55 The following additional penalties may be applied to staff member(s), invigilator(s), contractor(s), and partner(s) who are found to have contravened this policy:
- 551 A written warning about future conduct, with possible retraining in IoD procedures/requirements to the satisfaction of the IoD.
- 552 Dismissal as an IoD staff member.
- 553 Termination of any contract between the IoD and the invigilator, contractor or partner.
- 554 Notification to the organisation employing the individual that the person in question is not permitted to have any involvement with IoD examinations until retrained in IoD procedures/requirements to the satisfaction of the IoD.
- 555 Notification to the organisations employing the individual that the person in question is not permitted to have any future involvement with IoD qualifications at all.
- 6 **Communication of the outcome of an investigation into malpractice by the IoD**
- 6.1 When a case of suspected malpractice has not been proven in the view of the Malpractice Panel, the individual(s) concerned will be notified accordingly within two working days of the decision being made.
- 6.2 When a case of suspected malpractice has, in the view of the Malpractice Panel, been proven, the individual(s) concerned will be notified in writing within two working days of the decision being made. The individual(s) concerned will be informed that the Malpractice Panel has agreed that the case has been proven, provide details of the panel's findings and what penalties are to be applied.
- 6.3 The individual concerned will be informed of their right to appeal and, should they decide to do so, the course of action they must take (see Section 7 below).
- 6.4 If the case is proven, the individual(s) concerned will also be notified of any obligations which the IoD has for the reporting of proven malpractice to the relevant authorities/regulators, subject to completion of the process and only after time for appeal has passed or the appeal process has been completed.
- 7 **Appeals**
- 7.1 The individual(s) concerned has/have the right to appeal against any decision(s) or penalty(ies) imposed by the Malpractice Panel.
- 7.2 An appeal should be submitted on an appeals application form to [professionalstandards@iod.com](mailto:professionalstandards@iod.com) within 15 working days of the decision being communicated to the candidate.
- 7.3 An appeal application form is available on the IoD website or on request from [professionalstandards@iod.com](mailto:professionalstandards@iod.com).
- 7.4 It is the responsibility of the candidate to ensure the appeals application form includes a clear statement of the grounds on which the appeal is being made and is accompanied by supporting evidence.

- 7.5 A fee of £150 is chargeable for any appeal. An invoice will be sent to the candidate on receipt of the completed form, which should be paid according to the instructions in the form.
- 7.6 The appeal will not proceed until the IoD has received payment of the fee. If the appeal is upheld the fee will be refunded.
- 7.7 The Chair of the Assessment Committee (AC) will be notified along with members of the Malpractice Panel and the Chair of the Accreditation and Standards Committee (ASC).
- 7.8 The Chair of the ASC will identify and instruct an independent person with relevant skills to review the case and make a recommendation to the ASC. The Chair of the ASC will agree the timescale for the review with the appointed independent person.
- 7.9 This independent person can be, but doesn't have to be, a member of the ASC (including the Chair). The person cannot be a member of IoD staff, a Lead Examiner, an item writer, a member of the Diploma-marking team, a Chartered Director interviewer or a member of the Malpractice Panel, or anyone with a vested interest, whether real or perceived, in the outcome of the review.
- 7.10 Unless it will contravene any data security legislation, the individual(s) concerned will have the right of access to all the evidence used by the Malpractice Panel in coming to its decision.
- 7.11 The person(s) charged with reviewing the decision of the Malpractice Panel will complete their investigations within the agreed timescale. In the first instance, this will be communicated to the ASC and the Chair of the ASC will, in turn, communicate the decision to the person accused of the suspected malpractice within two working days.
- 7.12 Where the appeal is accepted the case will be dealt with as described in Clause 6.1.
- 7.13 Where the appeal is rejected, the case will be dealt with as described in Clause 6.2 and Section 8 below.
- 7.14 There is no further right of appeal.
- 8 Reporting cases of malpractice to external parties and retention of records**
- 8.1 Where the IoD is obliged to report proven cases of malpractice to any relevant body, e.g., the Scottish Qualifications Authority (SQA) or the IoD's own Ethics Panel, the notifications will be made as necessary.
- 8.2 Whatever the outcome of the investigation, the Professional Standards Lead is responsible for ensuring adequate records are kept concerning any suspected or real malpractice.
- 8.3 The record will be made available to the Assessment Committee each time it meets and, at the discretion of the Chairman of the AC, debated accordingly.
- 8.4 The records will be kept for three years.
- 9 Supporting documents**
- Suspected malpractice report form
  - Appeal application form

## Annex A – Examples of malpractice by candidates

The following section provides examples of actions by candidates that would constitute malpractice:

- A candidate arranging for someone else to sit their examination or submitting evidence for assessment which is not their own work.
- Impersonation of another candidate by sitting an examination or undertaking a professional discussion or phone-based type of assessment on their behalf.
- Possession of materials not permitted in the examination room, e.g., notes, books, dictionaries/calculators (when prohibited), personal organisers, whether or not the candidate uses them, and whether or not the information contained within the materials is relevant to the examination being sat.
- Communicating with other candidates in the examination room.
- Copying the work of another candidate or knowingly allowing a candidate to copy from their own work.
- Working collaboratively with any other candidate(s) by whatever means during an examination or to prepare evidence for assessments.
- Damaging another candidate's work.
- Including offensive/inappropriate material in examination and assessment answers.
- Plagiarism or misrepresentation of assessment outcomes.
- Failure to adhere to published IoD assessment regulations or protocols.
- Downloading or printing of examination materials.
- Failure to adhere to instructions given by an examination invigilator in relation to the examination regulations, e.g., not adhering to warnings relating to conduct during the examination.
- Disruptive behaviour (including offensive language and aggressive/violent conduct).
- Tampering with, or forgery of, results documentation, including Record of Achievement or Certificate.
- Falsely obtaining a Record of Achievement or Certificate either for a component, unit or award.