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*Cavan and Monaghan  
Education and Training Board*



**QAES**  
QUALITY ASSURANCE AND  
ENHANCEMENT SERVICE

## Assessment Reference Framework Assessment Malpractice

Version	Reviewed by	Approved by	Last Modification Date	FET Management & Quality Council Ratification Date
2.0	QA Working Group	FET Management & Quality Council	23.05.2022	09.06.2022

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# 1. QQI Assessment Principles

*Validity - does it measure what it is supposed to measure?*

This is a key principle which underpins assessment and means that a valid assessment should measure what it is supposed to measure. An assessment is valid when it:

- Is fit for or appropriate to the purpose i.e., a practical assessment should be used to assess practical skills
- Allows the Learner to produce evidence which can be measured against the standards
- Facilitates reliable assessment decisions by Assessors
- Is accessible to all candidates who are potentially able to achieve it.

*Reliability – would it give the same result under similar conditions?*

This refers to the accuracy with which an assessment measures the skill or attainment it is designed to measure. An assessment which is unreliable cannot be valid. A reliable assessment consistently gives the same result under similar conditions and produces reliable assessment decisions. To be reliable, an assessment must:

- Be based on valid assessment techniques
- Ensure evidence is generated under consistently applied conditions of assessment
- Ensure reliability of Learner evidence
- Produce consistent decisions across the range of Assessors applying the assessment in different situations and contexts and with different groups of Learners
- Be consistent over time

*Fairness – does it provide equity of opportunity for Learners?*

A fair assessment in addition to being valid and reliable provides equity of opportunity for Learners. Unfairness in assessment is based on unequal opportunities i.e., lack of resources or equipment, inappropriate techniques, inexperienced Assessors. For assessment procedures and practices to be fair and equitable for Learners, the influence of these factors must be taken into account in the design and implementation of assessment.


*Quality - is it quality assured?*

Quality is a key principle in ensuring the credibility and status of QQI awards. Quality will be assured through the publication of national award standards, the providers own quality assurance, the establishment of an assessment framework, programme validation, the process of self-evaluation, monitoring and the application of an ongoing quality assurance cycle within centres.

*Transparency – is there a clear and transparent assessment process in place?*

A transparent assessment policy and guidelines will ensure clarity and understanding by all relevant stakeholders. This will include clear and unambiguous definitions and requirements with regards to fairness, consistency, validity and reliability.

*Complementarity - acknowledges the separate and distinct roles of the provider and QQI*



The principle of complementarity acknowledges the separate and distinct roles of the provider and QQI in the context of their explicit responsibilities relating to assessment as outlined in the Qualifications Act (2012).

*Further details are to be found on pages 5 and 6 of the Quality Assurance Assessment Guidelines for Providers (revised 2013).*

## 2. Definitions

### 2.1 Assessment System Irregularity and Assessment Malpractice

It is important to distinguish between assessment system irregularity and assessment system malpractice. The decision on whether an issue is deemed to be considered an assessment system alleged irregularity or malpractice will relate to the intent, scale or fraudulent nature of the incident by the offender. An issue that may initially be adjudged to be an assessment system irregularity could, after preliminary investigation, be determined to be an alleged malpractice issue. Where such an issue is deemed to be an alleged malpractice, the procedures outlined in this document must be utilised.

#### 2.1.1 Definition of Assessment System Irregularity

Assessment system irregularities are typically accidental omissions or mistakes which are detected by mechanisms within the assessment system, are corrected, and which do not impact on the validity of the assessment. These could include test administration errors, missing assessment data, errors in transcription etc. which are detected and rectified. All instances of irregularities should be documented and addressed in line with this procedure.

#### 2.1.2 Definition of Assessment Malpractice

An assessment system malpractice is any act or practice which brings into question the validity or integrity of the assessment process and which normally arises due to one or more non-accidental factors.

Two categories of malpractice exist:

- Learner Malpractice
- Staff Malpractice

This procedure relates to Learner Malpractice only.

## 2.2. Learner Malpractice

Learner Malpractice is defined as malpractice committed by a learner during the course of the assessment process.

Examples of learner malpractice include but are not limited to:

### 2.2.1 Plagiarism

Learner plagiarism is defined as the practice of learners submitting any work for assessment that is not their own original work. This could be any percentage of work that has not been referenced and has been copied from published work, the internet, other learners' work and/or other sources.

- The tutor/assessor will calculate if and how much of the content is plagiarised and follow the appropriate process i.e. Award zero marks for the plagiarised section as penalisation if not a first offence.
- Minor omissions in referencing does not constitute awarding zero marks.

It is the responsibility of the Centre/Service to securely hold a Register of Malpractice for the duration of the programme and to delete same once the final results have been agreed and the opportunity of appeals has passed. The Register of Malpractice will outline the action to be undertaken based on previous records inserted (if any).

Plagiarism in assessment may include but is not limited to:

- Representing work completed by and/or authored by another person (including other learners, family, work colleagues and friends) as their own
- Procuring work from a company or external source including the internet
- Copying work from any source or medium without reference (i.e. website, book, journal article)
- Taking a passage of text, or an idea, and summarising it without acknowledging the original source
- Passing off collaborative work as one's own
- Piecing together sections of others' work into a new whole
- Submitting another learner's work with or without their knowledge.

The submission of such plagiarised materials for assessment purposes is fraudulent and all suspected cases will be investigated and dealt with appropriately using the procedures outlined in this document.

Suspected cases of plagiarism will only be investigated when there is a declaration of authenticity which has been signed by the learner. Any electronic assessment submitted is deemed as having been declared as authentic by the learner.

### 2.2.2 Minor Cases of Plagiarism

Minor cases are those in which the suspected plagiarism is a first offence and represents poor academic practice. Such cases include:

- Those in which the suspected plagiarism represents a proportion of the work and/or an element in a piece of work which makes a contribution to the mark for the module.
- Apparently innocent misuse of materials
- Inadequate citation such as poor referencing, inappropriate paraphrasing
- Over-reliance on sources without sufficient input of the candidate's own work

### 2.2.3 Dealing with Alleged Minor Cases of Plagiarism

If the occurrence is a first offence and constitutes a minor case of plagiarism, the learner shall be given the opportunity to resubmit their assessment within a 2-day timeframe or in the case of a practical assessment timeframe as specified by the tutor. The tutor, in such cases, will not impose any reduction of marks. Learner to be advised that a second case of plagiarism will be treated as a major case. This must be reported to the course co-ordinator or designated other and added to the Register of Malpractice. A second similar occurrence can only be penalised after the official communication of a first offence e.g where a learner has submitted two assignments in a similar time with poor referencing/citation found in both.

### 2.2.4 Major Cases of Plagiarism

Major cases are those which may include, for example:

- Copying multiple paragraphs in full without acknowledgement of the source.
- Taking essays from the internet without revealing the source.
- Copying all or much of the work of any learner with, or without, his/her knowledge or consent.
- A second offence as confirmed by the course co-ordinator/administer of the Register of Malpractice where the learner has been in receipt of an earlier warning.

## 2.2.5 Dealing with Alleged Major Cases of Plagiarism

### Sanctions

In such major cases, where the teacher/tutor is satisfied that an act of plagiarism has occurred, the teacher will impose an immediate penalty, which will normally be the award of zero marks to the plagiarised piece within the assessment. This must be reported to the course co-ordinator or designated other and added to the Register of Malpractice.

### 2.3.1 Unacceptable Behaviour

Unacceptable behaviour in assessment may include but is not limited to:

- Unauthorised removal of assessment material from the assessment location
- Deliberate damage to or destroying of assessment related materials
- Use of electronic communication device/technology or other unauthorised materials during the assessment
- Assisting other learners during the assessment
- In an assessment event (e.g. examination), any form of communication with other learners (written, verbal, gestures, expressions, pointing, etc.)
- Collusion by working collaboratively with other learners, beyond what is allowed
- Copying from another learner (both parties involved in the investigation)
- Fabrication of results and/or evidence
- Falsification (faulty data collection methods)
- Behaving in such a way as to undermine the integrity of the assessment event or process.
- Impersonation by pretending to be someone else in order to produce the work for another or arranging for another to take one's place in an assessment
- Engaging in unsafe practices in assessment
- Disruptive, violent and offensive behaviour in relation to assessment
- Tampering or interfering with assessment materials or another learner's work
- Submission for assessment of a piece of work that has been purchased/procured from another source where the work is not the learner's own work.
- List is not exhaustive

Multiple offences will cause further implications. For Sanctions regarding Unacceptable Behaviour please see Section 6.

## 3. Malpractice Roles and Responsibilities

### 3.1 All Staff

All staff involved in the assessment process, have a responsibility for ensuring the integrity and validity of the CMETB assessment system. All staff must ensure that they are aware of policies and procedure in relation to:

- Planning for assessment
- Conducting of assessment
- Conclusion of assessment

A person making an allegation of malpractice invoking the Protected Disclosures Act 2014 must follow the CMETB's Protected Disclosures policy and procedures.

Additionally, all staff involved in the assessment process must ensure that the assessment process is conducted in line with quality assurance policies and procedures and that any variances in assessment system practices are investigated appropriately as outlined in this procedure.

### 3.2 The Programme Co-ordinator/Manager

The Programme Co-ordinator/Manager is required to adhere to the role and responsibility outlined above for all staff. The Programme Co-ordinator/Manager must ensure that Tutor/Teachers are made aware of the policies and procedures in relation to the assessment process and the process of investigation of any suspected malpractice.

### 3.3 Course Co-ordinator/Head of Department

The Course Co-ordinator will hold a record of penalties imposed until such a time that the learner has completed their award. Once final results have been agreed and the opportunity of appeals has passed, this record will be deleted once the final results have been agreed and the opportunity of appeals has passed.

### 3.4 The Tutor/Teacher

The Tutor/Teacher is required to adhere to the role and responsibility outlined above for all staff. Additionally, the Tutor/Teacher must be aware of the policies and procedures in relation to the assessment process.

## 4. Suspected Learner Malpractice Procedure

Any suspected learner malpractice should follow the process outlined in Figure 1.1.

If not a first offence will proceed to Learner Malpractice Internal Investigation and also if denied at first offence will proceed to Learner Malpractice Internal Investigation.

If on the first offence a learner denies plagiarism the consequences should be made clear to them, by the tutor. If after the consequences are clarified in a conversation with the learner and they still deny plagiarism, then it moves to the Investigation Procedure.

If the learner subsequently admits to malpractice during the investigation, the investigation process can cease and proceed to the appropriate sanction.

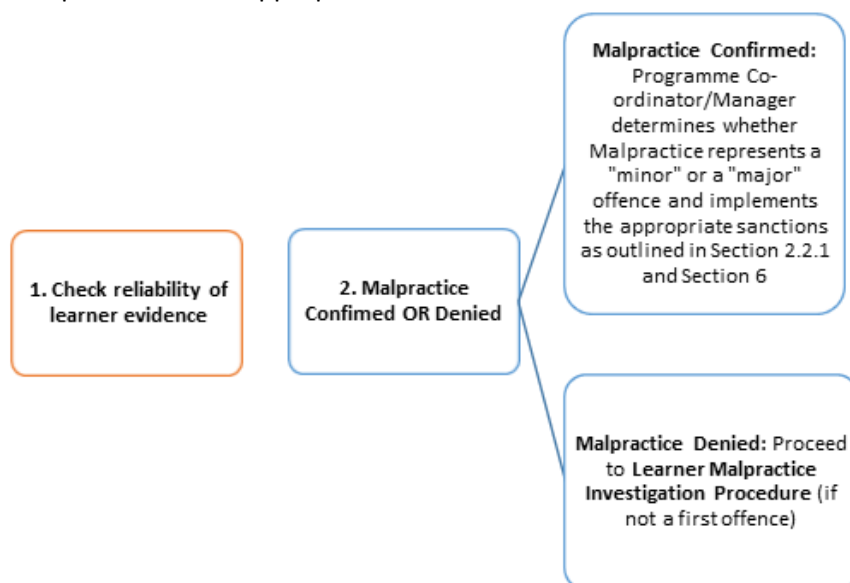
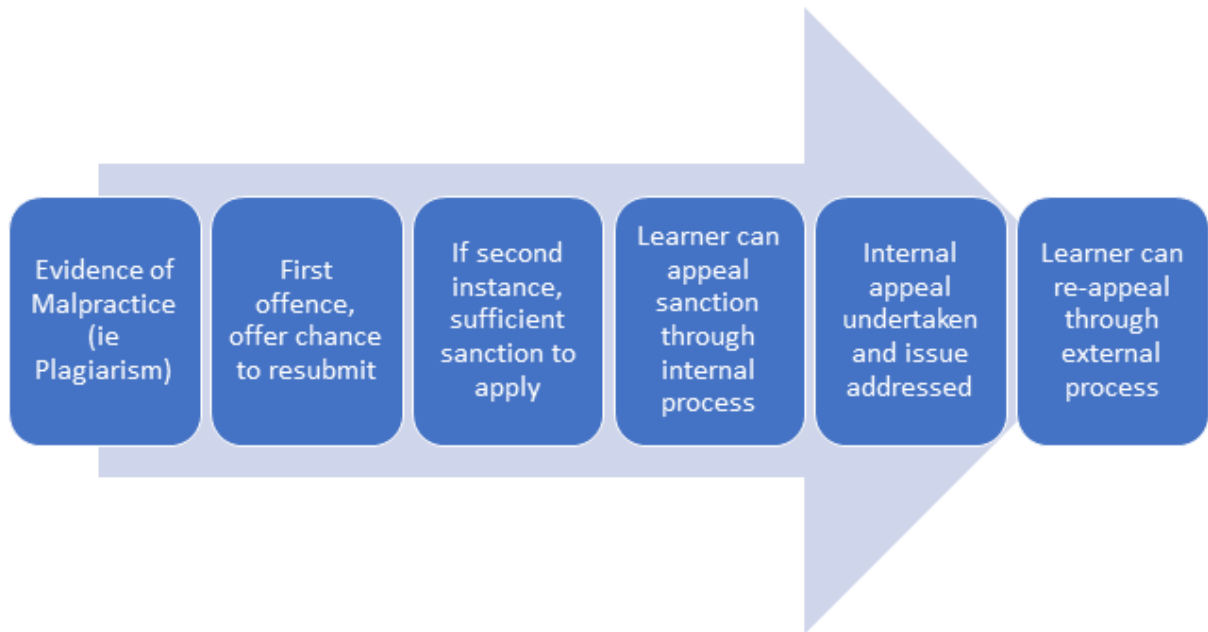




Figure 1.1 Suspected Learner Malpractice (Plagiarism) Procedure



#### 4.1 Check Reliability of Learner Evidence

In the event of suspected learner malpractice, the Tutor/Teacher must initially check the learner assessment evidence for reliability using tutor evidence and/or plagiarism software and/or questioning outlined in Table 1 and meet with the learner to discuss the assessment evidence.

Table 1: Reliability of Learner Evidence

Reliability of Learner Evidence	
<p><b>Where the Tutor/Teacher is not in a direct position to observe the learner carrying out the assessment activity or collecting the evidence first-hand, e.g. when a portfolio or project is used, s/he must be confident that the evidence was actually produced by the learner, i.e. it is reliable learner evidence. This is particularly important when group assessment is used. The following are ways in which the Tutor/Teacher may ascertain that the learner evidence produced is reliable and genuine. The Tutor/Teacher should, where appropriate, implement a range of these.</b></p>	
<p><b>Questioning:</b></p>	<p><b>This involves asking the learner to explain and describe part of the evidence. It is important to concentrate on how the evidence was produced. This will enable the learner to show that s/he was responsible for producing the evidence and will also give the learner the opportunity to apply the knowledge and skills required.</b></p> <p><b>Questioning may include using the following methods:</b></p>

<b>Authorship Statement:</b>	<b>An authorship statement from the learner testifying the evidence as being his/her original work. An authorship statement could be provided with regard to all evidence submitted.</b>
<b>Personal Log:</b>	<b>This is a record of how the learner planned and developed the evidence. A personal log should identify problems and how they were overcome by the learner.</b>
<b>Personal Statements:</b>	<b>A personal statement may be used to explain the actions of the learner in carrying out activities or producing the evidence. Personal statements should be clear and explain the learner's role and the context in which the evidence was produced. Personal statements can provide evidence of knowledge and understanding.</b>
<b>Peer Reports:</b>	<b>Peer reports are especially suitable for group work. Peer reports are reports drafted by all group members which can help explain individual involvement in a task or project.</b>
<b>Independent Testimony:</b>	<b>This is a statement produced by an individual other than the Tutor/Teacher, which confirms that the learner has carried out a series of tasks or produced a product. It should record what the learner has demonstrated and corroborate the learner evidence submitted. The identity and role of the individual to provide the testimony for the learner should be agreed in advance between the Tutor/Teacher and the learner. The use of independent testimony is not intended as a mechanism for assessing learner evidence but as a tool to corroborate the reliability of that evidence.</b>

## 4.2 Malpractice Confirmed/Denied

### 4.2.1 Malpractice Confirmed

On completion of the checking of learner evidence and meeting with the learner, the learner may acknowledge that his/her assessment evidence has been plagiarised either by unintentional academic impropriety or dishonesty. In this case, the Programme Co-ordinator/Tutor/Teacher/Course Co-ordinator issues a written warning if this is the learner's first offence on this programme and learner evidence for that element of module is treated/marked according to sanctions.

### 4.2.2 Malpractice Denied

On completion of the checking of learner evidence and meeting with the learner, the learner may deny that their assessment evidence has been plagiarised either by unintentional academic impropriety or dishonesty. In this case (if not a first offence), an investigation must take place (see Section 5: Learner Malpractice Investigation Procedure).

If it is a first offence and the learner denies the malpractice and refuses the opportunity to resubmit, having had the consequences explained to them then an internal investigation must take place.

## 5. Learner Malpractice Investigation Procedure

In the case where plagiarism is detected by the teacher/tutor but the learner does not admit to same, the following investigation procedure may occur:



### 5.1 Initial Notification

In the event of suspected learner malpractice in an assessment event (e.g. examination), this should be dealt with promptly by the Assessment Invigilator and in accordance with the Tutor/Teacher Guidelines (Tutor/Teacher Handbook). These instances must be recorded by the Invigilators Report.

In all cases where an alleged malpractice is identified and a discussion with the learner has taken place, it must be notified to the Programme Co-ordinator and/or other personnel with responsibility for the operation of the programme. Notification must be in writing.

The tutor/teacher may choose to discuss the alleged malpractice with the Programme Co-ordinator before discussing with the learner.

### 5.2 Appointment of Investigators

The Centre Manager will decide who should undertake the investigation in consultation with his/her senior management team. It is recommended that at least two staff members are involved in the investigation and should include the Programme Co-ordinator and a Tutor/Teacher with assessment experience (unless there is a conflict of interest, see 5.2.1). In the event where the Programme Co-ordinator is the Tutor/Teacher, a suitable person may be appointed by the Centre Manager. Where the Programme Co-ordinator is the Tutor/Teacher it must then be referred to the Centre Manager. The Centre Manager (or designated appropriate personnel) is required to co-ordinate the investigation. In certain cases, if required, and in conjunction with the relevant Manager, an investigation may be undertaken by:

- An external investigator
- Internal Audit

However, CMETB will endeavour to conduct this as an independent internal process.

The Centre Manager (or nominee) must complete the *Alleged Assessment System Malpractice Report* (see Appendix 1: [Section 1: General](#)). It is important that only one report per learner is completed. If the alleged assessment system malpractice is suspected for more than one learner, separate forms must be used. Any person who has a possible conflict of interest should not be involved in any investigation or subsequent making of judgments (see 5.2.1. Conflict of Interest).

### Conflict of Interest

Conflict of interest means any issue that might unfairly influence, or appear to influence, the outcome of an investigation. Possible Conflict of Interest relates to situations where personnel:

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

The relevant Centre Manager shall be responsible for ensuring that a conflict of interest does not arise and that all members of an investigation panel sign a declaration to that effect (see Appendix 2). In cases where conflict of interest is identified, alternative arrangements must be put in place.

### Natural Justice

Those responsible for conducting an investigation shall establish the full facts and circumstances of any alleged assessment system malpractice. It should not be assumed that an allegation equates to proof of a malpractice. Any investigation into an alleged malpractice shall have due regard to the principles of natural justice. As such, it is necessary that those responsible for managing the conduct of any investigation must ensure adherence to these principles. This includes ensuring that:

- All investigations do not disadvantage the person against whom the allegation is made and are concluded within a reasonable timeframe (it is expected that this should be completed as promptly and as efficiently as possible except in exceptional circumstances which may take a maximum of 40 working days excluding holiday periods from the date of the notification to the Centre Manager of the alleged malpractice)
- The learners in question are made aware of the allegation by the tutor/teacher and are given the opportunity to respond
- Care is taken to avoid conflict of interest (see Section 5.2.1)

The learner/learners against whom an allegation is made should therefore:

- Know what evidence exists to support that allegation
- Know the possible consequences should an assessment system malpractice be proven
- Have the opportunity to consider their response to the allegations (if required)
- Have an 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 particular malpractice may be shared with other relevant parties

## 5.3 Investigation

All notified alleged assessment system malpractices must be investigated.

It is expected that the investigation should be completed as promptly and as efficiently as possible except in exceptional circumstances which may take up to a defined timeframe (maximum of 40 working days

excluding holiday periods) from the date of the notification to the Centre Manager of the alleged malpractice.

### Communication with Learner/Learners to be Investigated

Once a decision is made to go to investigation in relation to the alleged assessment malpractice(s) an official communication - letter or email will be issued. The relevant Centre Manager (or nominee) shall be responsible for communicating with the learner.

The initial communication shall:

- Provide notification that an allegation of an assessment system malpractice has been received
- Advise that the Centre Procedures for Managing Assessment System Malpractices contain full details of how the investigation will be conducted
- Emphasise that the investigation will be carried out in a discreet and confidential manner except in exceptional circumstances. Exceptional circumstances cannot guarantee this confidentiality as identity may need to be disclosed to:
  - An Garda Síochána, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime including fraud)
  - The courts (in connection with court proceedings)
  - Other person(s) to whom CMETB and/or awarding bodies are required by law to disclose identity
- Avoid implying or suggesting that conclusions have already been determined or that decisions have been made in respect of the application of corrective actions

Note: Template for this communication (see Appendix 3).

### Establishing the Facts within the Investigation

The investigating team should endeavour to obtain all the relevant facts about the alleged assessment system malpractice. This may be done through some or all of the steps outlined below:

- Review of allegation details
- Interview with the learner being investigated
- Interview with personnel and or management connected to the course, project or alleged malpractice
- Interview with learners connected to the course, project or alleged malpractice
- Interview with the other relevant parties
- Written statement(s) from the learner being investigated
- Written statement(s) from learners connected to the course, project or alleged malpractice
- Written statement(s) from personnel connected to the course, project or alleged malpractice
- Written statement(s) from other relevant parties
- Review of related assessment reports
- Review Register of Malpractice to seek to establish whether there has been any previous malpractice investigations for this learner/learners on that specific programme. The Register of Malpractice will be held by the nominated responsible person in that centre.
- Other related records

## Confidentiality

Confidentiality is a key aspect in the conduct of an investigation into an alleged malpractice, due to the risk of reputational damage to learners involved. In order to ensure confidentiality is maintained before, during and after an investigation, the following conditions should apply:

- Material relating to any allegations, findings or conclusions must not be made known to any parties, either internally or external to the Centre, beyond those key to the 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
- The name or other details of the learner making the malpractice allegation should not be divulged to the learner/learners to be investigated without consent
- All material relating to the investigation must be held and stored in a secure manner.

## 5.4 Results of Investigation

### The Investigation Report

Typically, the Investigation Report (see Appendix 1: [Section 2: Investigation Report](#)) that results from the investigation of an assessment system malpractice shall contain the following:

- Number of learners affected and/or implicated
- How the alleged malpractice was identified and notified to the relevant Centre Manager/ Programme Co-ordinator
- The nature of the malpractice and the specific assessment procedure(s) or assessment rule(s) or assessment regulation(s) that has/have allegedly been breached, as well as the award details
- Details of the scope of the investigation carried out
- The findings:
  - details of the procedure, rule and/or regulation that is alleged to have been breached
  - a statement of the facts as described by all parties
  - details of any mitigating factors.
- Any recommendations based on the findings
- Conclusion (whether the malpractice allegation is substantiated or unsubstantiated)

While the investigating team are required to make recommendations based on the findings, the team should not adjudicate on the report findings.

The report will be signed and dated by the investigating team. Any written statements, notes of interviews or other relevant documentation reviewed or obtained as part of the investigation must be filed separately and securely as part of the investigation process.

### Report Findings Adjudication

The Investigation Report is submitted to the relevant Centre Manager. The relevant Centre Manager (or nominee) adjudicates on the report findings and notifies the person(s) involved in writing as to whether the allegation has been substantiated or not. Where the allegation is substantiated, the notification will include details of the appeal process in regard to the findings and the sanctions/consequences for this breach of the assessment malpractice. The Centre Manager must complete the Findings Adjudication and Communication of Findings (see Appendix 1: [Section 3: Findings Adjudication and Communication of Findings](#)).

## Communicating the Results

The relevant Centre Manager (or nominee) is responsible for ensuring that the notification of the alleged assessment system malpractice investigation finding is communicated to the relevant learners in a timely manner from the date of receipt of the investigator's report.

The finding of an investigation into an alleged assessment system malpractice may be:

- Unsubstantiated Assessment System Malpractice
- Substantiated Assessment System Malpractice.

Note: Template for this communication (see Appendix 4).

## Unsubstantiated Assessment System Malpractice

If the assessment system malpractice is found to be unsubstantiated, the relevant Centre Manager (or nominee) will convey the findings of the investigation, in writing and within the timeline specified, to the learners(s) involved. A record of the investigation is kept on file.

## Substantiated Assessment System Malpractice

Where the allegation is substantiated, the relevant Centre Manager (or nominee) will convey the findings of the investigation, in writing and within the timeline specified, to the learners(s) involved and should include details of the sanctions/consequences of the assessment system malpractice.

In addition, the notification to the person must also outline the Assessment System Malpractice Appeal process and the timeline in regard to the appealing the findings.

## Communicating the Findings to Other Persons

In addition, the relevant Centre Manager (or nominee) will convey, as appropriate, the outcome of the assessment system malpractice investigation in writing to the relevant personnel.

# 6. Sanctions for Assessment System Malpractice

Depending on the findings of an investigation and the outcome adjudicated, further steps, such as sanctions or disciplinary action, may be required.

## 6.1 Sanctions

About SANCTIONS	
<b>Sanctions are dependent on:</b>	<ul style="list-style-type: none"><li>• The severity of the malpractice</li><li>• History of substantiated assessment malpractice by learner on their current programme (if, for example, findings from a previous investigation have evidence of substantiated assessment malpractice against the learner on an earlier assessment related to the same programme). All records are deleted once the assessment process has been completed.</li><li>• Nature of assessment activity</li></ul>

Examples of sanctions which may be taken (this list is not exhaustive):	
<b>Written warning and assignment is marked, depending on whether it is a</b>	<b>When might this happen?</b> <ul style="list-style-type: none"><li>• Unacceptable Behaviour – see Section 2.2.2</li></ul>

<p><b>“minor” or a “major” case.</b></p>	<p><b>Minor Cases of Plagiarism</b></p> <p>Minor cases are those in which the suspected plagiarism is a <u>first offence</u> and represents poor academic practice. Such cases include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Those in which the suspected plagiarism represents a proportion of the work and/or an element in a piece of work which makes a contribution to the mark for the module.</li> <li>• Apparently innocent misuse of materials.</li> <li>• Inadequate citation such as poor referencing, inappropriate paraphrasing.</li> <li>• Over-reliance on sources without sufficient input of the candidate’s own work.</li> <li>• Copying multiple paragraphs in full without acknowledgement of the source.</li> <li>• Taking essays from the internet without revealing the source.</li> <li>• Copying all or much of the work of a fellow student with, or without, his/her knowledge or consent.</li> </ul> <p><b>What happens?</b></p> <p>Where the learner has been allowed to resubmit, the tutor may not impose any reduction of marks as per QQI guidelines. The tutor will request a resubmission of assessment in a 2-day timeframe (see Section 2.2.1). In cases of assessment malpractice denial, see Section 4.2.</p> <p><b>Major Cases of Plagiarism</b></p> <p>Major cases are those which may include, for example:</p> <ul style="list-style-type: none"> <li>• A second offence where the student has been in receipt of an earlier warning.</li> </ul> <p><b>What happens?</b></p> <p>In such major cases, where the tutor/teacher is satisfied that an act of plagiarism has occurred and it is the learner’s second offence and the decision is not contested by the learner, the tutor/teacher will impose an immediate penalty, which will be the award of zero marks for the full assessment. If the decision is contested by the learner, the learner malpractice investigation procedure will be invoked.</p> <p>In the event that the learner appeals and after the completion of the investigation (if the allegation of malpractice is upheld) then zero mark will be awarded.</p> <p>This must be reported to the course co-ordinator or designated other and recorded on the Register of Malpractice.</p>
<p><b>Evidence for the entire module marked as zero</b></p>	<p><b>When might this happen?</b></p> <p>It is envisaged that this will occur in the following instances (this list is not exhaustive):</p> <ul style="list-style-type: none"> <li>• Unacceptable behaviour (see 2.2.2)</li> <li>• Large element of assessment evidence is not the original work of the learner (copied from another learner, poor academic honesty in assessment evidence, etc.).</li> </ul>



	<p><b>What happens?</b></p> <ul style="list-style-type: none"> <li>Evidence from the learner is marked as zero.</li> </ul>
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<p><b>Results will not be submitted, or will be cancelled (exceptional case)</b></p>	<p><b>When might this happen?</b></p> <p>It is envisaged that this will occur in the following instances (this list is not exhaustive):</p> <ul style="list-style-type: none"> <li>Unacceptable behaviour (see 2.2.2)</li> </ul>
	<p><b>What happens?</b></p> <p>CMETB may withhold or cancel results and/or certificates if there is evidence to prove, or on the balance of probabilities it is found, that the results/certificate(s) issued to the learner are invalid.</p>

If the occurrence is a first offence and constitutes a minor case of plagiarism, the learner shall be given the opportunity to resubmit their assessment within a 2-day timeframe as specified by the tutor. The tutor, in such cases, may will not impose any reduction of marks. Learner to be advised that a second offence of plagiarism will be treated as a major case. This must be reported to the course co-ordinator or designated other. A second similar occurrence can only be penalised after the official communication of a first offence e.g where a learner has submitted two assignments in a similar time with poor referencing/citation found in both.

## 6.2 Disciplinary Action

About DISCIPLINARY ACTION	
<p><b>Disciplinary Action is dependent on:</b></p>	<ul style="list-style-type: none"> <li>The severity of the malpractice</li> <li>History of substantiated assessment malpractice by learner in the centre (if, for example, findings from a previous investigation have evidence of substantiated assessment malpractice against the learner in the Centre)</li> <li>Nature of assessment activity</li> </ul>
Disciplinary Action	
<p><b>Disciplinary Action will be in line with the relevant Centre and CMETB policy guidelines.</b></p>	

## 6.3 Communication of Sanctions to the Learner

If no internal malpractice appeal has been lodged, the relevant Centre Manager (or nominee) can proceed to notify the learner, in writing, of any sanctions being imposed. The notification will include details of the Assessment Malpractice, Sanction, and the Appeal process, including the timeline for an appeal of a sanction.

## 6.4 Implementation of Sanctions to Learners

If no internal malpractice appeal has been lodged, the relevant Centre Manager (or nominee) can proceed to implement the sanctions.

## 7. Internal Appeals of Assessment Malpractice Finding

The learner has the right to appeal the decision in relation to assessment malpractice. Internal appeals must be made within a defined timeframe of ten (10) working days excluding holiday periods of the

decision. In exceptional circumstances the Programme Co-ordinator/Manager may extend this. All appeals must be made in writing using the Appeals Assessment Malpractice Application Form (see Appendix 5). An independent internal review will take place to review the circumstances and findings will be discussed with the relevant personnel and the learner.

An internal appeal of Assessment Malpractice process can be activated on the following grounds:

- The alleged malpractice was not dealt with in accordance with fair procedures
- The regulations did not adequately cover the circumstances relating to malpractice.
- New information has become available that was not available previously
- The decision is not supported by evidence

## 8. Results Process Appeal

Where the learner is not satisfied with the implementation of the internal malpractice appeal they may choose to evoke a Results Process Appeal. The Appeals process is implemented in line with CMETB appeals policy and timeframes associated with appeals.

The grounds on which the appeal process can be activated are as follows:

- The alleged malpractice was not dealt with in accordance with fair procedures
- The regulations did not adequately cover the circumstances relating to the malpractice
- New information has become available that was not available to the investigation
- Decision was wrong and not supported by evidence

Decisions on appeals are final.

## References

QQI (2013) Quality Assuring Assessment Guidelines for Providers. Available at:

<https://www.qqi.ie/Downloads/Quality%20Assuring%20Assessment%20-%20Guidelines%20for%20Providers%2c%20Revised%202013.pdf>

# APPENDIX 1: Alleged Assessment Malpractice Report Template

**STRICTLY PRIVATE AND CONFIDENTIAL**

## SECTION 1: GENERAL

Case Ref: \_\_\_\_\_

Provider Details			
Centre Name:			
Address:			
Course Reference Number/Contract Number/Course Code (as applicable):			
Tutor Name:		Position:	
Email Address:		Contact No:	
Assessment Details			
Award Details (Type/Level/Title):	<i>e.g. Level 5 Minor Computer Applications</i>		
Title of Assessment:			
Assessment Location:			
Description of Alleged Malpractice			
Date of Alleged Malpractice:		Time of Alleged Malpractice:	
Description of Alleged Malpractice <i>(Specify the assessment procedure/rule that has allegedly been breached. Include details of mitigating factors, if any):</i>			
Number of Learners Impacted (if any)			
Nature of Impact on Learners			
Certification Status at time of Allegation Notification (tick as appropriate)			
Certificates not requested and will not be progressed until process is concluded			
Certificates have been issued and are to be retrieved and held pending outcome of process			
Certificates have not been issued and will be held until the process is concluded			
Certification will not be impacted			
Notification of Malpractice Allegation			

Name of relevant Programme Co-ordinator/Centre Manager:			
Notified by (name):			
Date of Notification:			
Learner to be investigated notified in writing	Yes <input type="checkbox"/>	Date:	
Name(s) of Investigator(s):		Contact Number:	
		Email Address:	
Comment:			

## SECTION 2: INVESTIGATION REPORT

If this section is not applicable, please tick

Case Ref: \_\_\_\_\_

Investigation			
Name(s)/ Learner No's of person(s) spoken to/met:			
Documents reviewed:			
Evidence reviewed:			
Investigation Findings			
Investigation Findings:			
Supporting Documents/ Evidence/Testimony:			
Allegation substantiated:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Investigation Report submitted to relevant Centre Manager:	Date:		
Signed (Investigator):		Date:	
Print Name:			

## SECTION 3: FINDINGS ADJUDICATION AND COMMUNICATION OF FINDINGS

If this section is not applicable, please tick

Case Ref: \_\_\_\_\_

Findings Adjudication by Centre Manager			
Malpractice Allegation Findings	Substantiated <input type="checkbox"/>	Not Substantiated <input type="checkbox"/>	
Comment:			
Signed (Centre Manager):		Date:	

Communication of Adjudicated Findings				
	Communicated to: (as relevant)	Please tick	Date	Informed by
Adjudicated Findings	Investigated Learner	<input type="checkbox"/>		
	Relevant Manager	<input type="checkbox"/>		
	Other	<input type="checkbox"/>		

## SECTION 4: SANCTIONS FOR ASSESSMENT MALPRACTICE (LEARNER ONLY)

If this section is not applicable, please tick

Case Ref: \_\_\_\_\_

Sanction	
The sanction(s) recommended:	
Approved: Signed (Relevant Centre Manager):	Date:

Communication of the Sanction				
Sanction being imposed:	Communicated to: (as relevant)	Please tick	Date:	Informed by:
	Relevant Learner(s)	<input type="checkbox"/>		
	Relevant Manager	<input type="checkbox"/>		
Other party informed (specify):				



## APPENDIX 2: Declaration regarding Conflict of Interest

### Declaration regarding Conflict of Interest

for Persons involved in the Investigation of an Alleged Malpractice with the CMETB Centre Assessment System

*Conflict of interest means any issue that might unfairly influence, or appear to influence, the outcome of an investigation. A conflict of interest for a person investigating an alleged malpractice with CMETB Centre assessment system shall be deemed to exist if the personnel:*

- *Were engaged in any aspect of the assessment process (including quality assurance functions)*
- *Have a personal relationship or family relationship with the party being investigated*
- *Are perceived to have a professional relationship with the party being investigated that may unfairly influence the investigation process*

*Where a conflict of interest exists, there can be no involvement in the investigation of the alleged malpractice, or the decision-making surrounding the outcome of the alleged malpractice.*

Centre:	
---------	--

This is to certify that, as far as I am aware, no conflict of interest exists in relation to my participation in the investigation of the above-mentioned Alleged Assessment Malpractice.

Name (Block Capitals):	
Signature:	
Position:	
Date:	

Case Ref: \_\_\_\_\_

## APPENDIX 3: Notification of Investigation Letter Template\*

\*To be used in the case of denial of minor offence or denial of major offence

NAME  
COMPANY NAME (if applicable)  
ADDRESS 1  
ADDRESS 2  
ADDRESS 3

Reference Number:

Date: <dd/mm/yy>

Subject: Alleged Assessment Malpractice

Dear Mr/Ms < Name>,

I wish to inform you that it has come to our attention that an assessment malpractice may have occurred relating to: *(delete as appropriate)*

<Assessment Title> held at <Location> on <date>.

<Assessment Event> held at <Location> on <date>.

<other - specify what the alleged malpractice relates to, when and where it is alleged to have occurred if known>

The < Centre Name> intends to conduct an inquiry into the alleged malpractice in accordance with CMETB *Assessment Malpractice Procedures* (copy attached). You will be contacted in due course.

I wish to assure you that the review will be carried out in a discreet and confidential manner and will have be completed in a fair and transparent manner for all parties concerned.

If you require any further information, please do not hesitate to contact me. Please quote the reference number above in all your correspondence with the < Centre Name> in this regard.

Yours sincerely

---

<Name>

Manager

## APPENDIX 4: Notification of Assessment Malpractice Finding Letter Template

NAME  
ADDRESS 1  
ADDRESS 2  
ADDRESS 3

**Reference Number:**

Date: <dd/mm/yy>

Subject: Finding of the Alleged Malpractice Inquiry

Dear Mr/Ms < Name>,

I am writing to tell you about the finding of our inquiry into the malpractice allegation. We have <upheld / not upheld > (*delete as appropriate*) the allegation.

(In the case of an allegation that has been upheld)

<If you want to appeal this finding, you must complete the attached application form and return it to me **within ten (10) working days** excluding holiday periods from the date of this letter.

If you require any further information, please do not hesitate to contact me. Please **keep this letter** as you will need the above reference number to complete the appeal form (if you are taking one) and when you contact us on this matter.

Yours sincerely

---

<Name>

Manager

## APPENDIX 5: Appeals of Assessment Malpractice Application Form

### Instructions

Please complete **all** parts of this form in BLOCK letters. Send it to the relevant Centre Manager who wrote to tell you about the assessment system malpractice finding. Please do this within a **defined** timeframe **Ten (10) working days excluding holiday periods** from the date of their letter.

<b>Nature of Appeal:</b>	Appeal on Findings <input type="checkbox"/> Appeal on Sanctions <input type="checkbox"/> (please tick one box)
<b>Name:</b>	
<b>Address:</b>	
<b>Reference Number (you will find this on your letter):</b>	
<b>Contact number:</b>	
<b>Email address:</b>	

<b>Reason for your appeal (please tick one box only)</b>	
Malpractice was not dealt with in line with the Centre procedures	<input type="checkbox"/>
Regulations did not adequately cover the circumstances around the malpractice	<input type="checkbox"/>
New information is now available that was not available to the inquiry	<input type="checkbox"/>
Sanction does not align with alleged malpractice	<input type="checkbox"/>
<b>Please explain your reason for this appeal application:</b>	
<b>Print Name:</b>	
<b>Signature:</b>	<b>Date:</b>

<b>Part B: (Office Use) This section must be completed by the relevant ETB Manager</b>	
<b>Name:</b>	
<b>Receipt date of application:</b>	
<b>Application:</b>	I can confirm that a review of the Application has been completed and that the Appeal is Granted <input type="checkbox"/> Declined <input type="checkbox"/>
<b>Reason:</b>	
<b>Signature:</b>	
<b>Date:</b>	