

## Student Malpractice Policy

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QO	01.08.23	Addition of statement relating to use of AI as malpractice
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QO	23.03.23	Update to branding
QO	11.01.21	Updates to pages 5, 6, 7,8,9,12, 13 in accordance with updated SQA Malpractice Guidance
QO	04.02.19	Updates to SQA Malpractice Guidance
QO	20.12.17	Updates to SQA Malpractice Definitions
QO	01.11.17	Updates to Linked Policies/Related Documents links
QO	01.11.17	Update to malpractice appeal retention to 6 years.
QO	01.11.17	Qualification Wales added to list of Regulators
QO	15.05.17	New Policy implemented to meet the requirements of SQA Criteria 1.5 as identified by the SQA systems audit.

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# 1. Purpose

UHI Argyll expects students to act with honesty and integrity, and behave considerately, at all times.

This policy is a requirement for external awarding bodies whose qualifications are delivered by UHI Argyll, to ensure that all investigations into suspected student Malpractice are undertaken in a consistent manner and that the integrity of the qualification(s) is upheld.

This policy is designed to provide students with a clear framework within which to work and outlines the UHI Argyll definition of student Malpractice. This document provides advice and guidance on how student malpractice can be minimised and the procedures that must be adhered to when suspected or actual cases of malpractice are reported, and the responsibilities required for their investigation.

# 2. Scope

This policy applies to all students studying qualifications at SCQF Level 6 and below and includes all modes of study - full time, part time, open Learning, distance and online learning.

Where allegations relate to a UHI approved qualification or assessment at SCQF Level 7 or above, these will be dealt with under the [Academic Standards and Quality Regulations of the University of the Highlands and Islands](#), or relevant awarding body regulations.

The policy and procedures apply to all SQA qualifications and qualifications certificated by other awarding bodies, (including those that are subject to statutory regulation by SQA Accreditation).

# 3. Definition

SQA's definition of student malpractice is any act, default or practice (whether deliberate or resulting from neglect or default) which is a breach of SQA requirements including any act, default or practice which:

- Compromises, attempt to compromise or may compromise the process of assessment, the integrity of any SQA qualification or the validity of a result or certificate; and / or,
- Damages the authority, reputation or credibility of SQA or any officer, employee or agent of SQA.

UHI Argyll uses this definition of malpractice to cover all awarding body qualifications and confirmed or suspected malpractice, whether intentional or not,

will be investigated and acted upon to protect the integrity of the qualification and to identify any wider lessons to be learned.

Malpractice can arise for a variety of reasons:

- Some incidents are intentional and aim to give an unfair advantage or disadvantage in an examination or assessment (deliberate non-compliance).
- Some incidents arise due to ignorance of SQA requirements, or carelessness or neglect in applying the requirements (maladministration).

It is necessary to investigate any concerns of potential malpractice, whether they are intentional or not, to protect the integrity of the qualification and to identify any wider lessons to be learned.

UHI Argyll implements Quality policy and procedures that cover all these requirements, and these should be accessed by all staff at the following links:

- [About us - Structure and policies \(uhi.ac.uk\)](https://uhi.ac.uk/about-us/structure-and-policies)
- [Current Students - Student policies \(uhi.ac.uk\)](https://uhi.ac.uk/current-students/student-policies)
- For those qualifications that are subject to statutory regulation by SQA Accreditation, centres are **required** to report any suspected case of **student malpractice** to SQA.
- The matter must also be reported to the police if the malpractice involves a criminal act.

## 4. Responsibilities

At Induction students will be made aware of the Student Malpractice Policy and Procedure. Students will also be informed at the start of every assessment/exam, and during the compilation of project work to be used for assessment, what constitutes malpractice and the student's responsibility in ensuring malpractice does not occur.

Even when robust steps are taken to prevent malpractice, it is possible that the college may still face cases of actual or suspected student malpractice. SQA and other awarding bodies expect UHI Argyll to be vigilant to possible instances of malpractice and to deal with such concerns in an open, fair and consistent manner.

## 5. Identifying Malpractice

Student malpractice means any type of malpractice by a student which threatens the integrity of an examination or assessment.

Malpractice by a student can occur, for example, in:

- the preparation and authentication of coursework
- the preparation or presentation of practical work

- the compilation of a portfolio of assessment evidence
  - the completion of an examination paper, or the controlled write-up stage of externally assessed coursework; and
  - conduct during or after an assessment.

## 5.1 Artificial Intelligence

Students cannot submit AI outputs as their own work. This constitutes plagiarism (definition below).

## 5.2 Examples of Student Malpractice.

This list is not exhaustive, and other instances of malpractice\ maladministration may be considered:

- **breaching the security of assessment materials** in a way which threatens the integrity of any exam or assessment — including the early and unauthorised removal of a question paper or answer booklet from the examination room.
- **breaching the defined conditions** of an assessment (e.g., completing work outside of controlled conditions)
- **collusion** — working collaboratively with other students beyond what is permitted.
- **copying** from another student
- **frivolous content** — producing content that is unrelated to the assessment.
- **misconduct** — inappropriate behaviour in an assessment room that is disruptive and/or disrespectful to others. This includes talking, shouting and/or aggressive behaviour or language in the examination room.
- **offensive content** — content in assessment materials that includes vulgarity and swearing that is outwith the context of the assessment, or any material that is discriminatory in nature (including discrimination in relation to the protected characteristics identified in the Equality Act 2010). This should not be read as inhibiting students' rights to freedom of expression.
- **personation** — assuming the identity of another student, or a student having someone assume their identity during an assessment.
- **plagiarism** — failure to acknowledge sources properly and/or the submission of another person's work as if it were the student's own.
  - Submission of information produced by Artificial Intelligence (AI) platforms, such as ChatGP, is considered malpractice as this is not the student's own original work.
- **prohibited items** — possessing items that students must not have with them at their allocated seat in the examination room because they can give an unfair advantage, including (but not restricted to): mobile phones; electronic devices such as an MP3 player, iPod, tablet, smartwatch or any other device that is web-enabled or stores information; books, notes, sketches or paper; pencil case; calculator case; calculator or dictionary (except in specified assessments) — unless approved by SQA as part of an assessment arrangement

## 6. Reporting and Investigating suspected malpractice

- Students can notify any member of staff if they suspect staff or other student malpractice has occurred. In all cases, the member of staff notified should notify the Quality Officer ([ACQualityAssurance@uhi.ac.uk](mailto:ACQualityAssurance@uhi.ac.uk)) immediately using the form in Appendix A.
- Students can also notify the Quality Officer directly ([ACQualityAssurance@uhi.ac.uk](mailto:ACQualityAssurance@uhi.ac.uk)) using the form in Appendix A, or by emailing the QO directly if they are unable to access this form.
- All malpractice/maladministration investigations will be conducted by the Quality Officer.
- Any malpractice investigation should be completed within 10 working days of the incident taking place. Where this is not achievable the student or member of staff will be notified of the delay.
- Where a concern of malpractice is brought to SQA's attention by someone other than the college staff, SQA will take steps to establish the merits of the allegation and will contact the SQA Co-ordinator (Jen McFadyen). Further information on this can be found using the links in Section 6.

All Investigations to internal and external malpractice allegations will be carried out using statements from relevant members of staff or students involved with the reporting of the malpractice incident, reviewing supplied evidence, interviewing of students/members of staff as required.

If an instance of suspected malpractice related to the following, SQA will be notified in the first instance.

1. For qualifications that are subject to statutory regulation by SQA, the investigating officer is required to report any suspected cases of student malpractice to SQA.
2. There are other exceptional circumstances, for example the centre believes that the malpractice case involves a criminal act.

**If malpractice involves a criminal act, this must also be reported to the police.**

Details of any Malpractice incident should be outlined on the relevant Incident Form (please see Appendix A). Records should include:

- A report containing a statement of the facts; a detailed account of the circumstances of alleged malpractice and details of any investigations carried out by the college into the suspected case of students or centre malpractice.
- Written statements from the college staff and students involved.
- Any work of the student; internal assessment or verification records relevant to the investigation.

- Details of any remedial action the college is taking to ensure the integrity of certification now and in the future.

## **7. Internal and External assessment malpractice investigation procedures**

The response to any concern of suspected malpractice may vary depending on the type of assessment affected.

### **7.1 Before the suspected malpractice arises and throughout an investigation**

UHI Argyll will ensure that all students and staff are aware of our centre's policies for malpractice, and their responsibilities and rights during and following an investigation into alleged malpractice, including their rights of appeal.

When UHI Argyll becomes aware of the suspected malpractice **no** student results relevant to an investigation will be submitted to SQA (or any other Awarding Body) during the course of the investigation

The investigating Officer at UHI Argyll will ensure that the following principles are followed during the malpractice investigation.

UHI Argyll investigating staff will ensure that the investigations into student malpractice are:

- focused
- impartial and unbiased
- proportionate to the nature of the issue under investigation
- robust and thorough
- evidence-based
- conducted with discretion
- fair to all involved; and
- carried out in compliance with the law and relevant regulations

### **7.2 Malpractice identified during Internal assessment**

This is an assessment for an SQA (or other Awarding Body) qualification, where the assessment judgement is made within the centre. Internal assessments are subject to both internal verification by UHI Argyll and external verification by SQA and other relevant Awarding Bodies. Procedures for dealing with malpractice in internal assessments apply where the

assessment is set by the Awarding Body but marked by UHI Argyll (including e-marking of online assessments)

### **7.3 Where malpractice has been established by an investigation**

UHI Argyll will apply an appropriate action/decision when a case of suspected student malpractice has been upheld.

UHI Argyll will also review internal quality assurance procedures following malpractice investigations, to minimise the risk of further malpractice, and implementing any required corrective actions.

UHI Argyll will retain appropriate records for the relevant period. This is detailed in the [AC FE Academic Records Management and Retention Policy](#)

UHI Argyll will contact SQA regarding malpractice in internal assessments in the following circumstances:

- the concern came to the college's attention after submission of internal assessment marks,
- the concern relates to student malpractice for a qualification regulated by SQA Accreditation.
- a student affected by an UHI Argyll malpractice decision has exhausted their right of appeal through the college processes,
- other exceptional circumstances, for example if the malpractice case involves a criminal act.

### **7.4 Malpractice identified during an External assessment**

This is an assessment set and marked by SQA examiners. Most SQA external assessments relate to the National Qualifications (National 5, Higher and Advanced Higher courses with Externally marked exams). These procedures will rarely apply to the Higher National or vocational qualifications as very few of these have externally marked elements.

If UHI Argyll staff identify a concern that there may have been student malpractice in relation to an SQA externally assessed folio, project, coursework piece or online assessment, the appropriate procedure depends on what stage has been reached:

1. If the assessment materials have not yet been submitted to SQA, UHI Argyll will investigate and resolve the issue in line with our malpractice procedures. The assessment materials will not be submitted to SQA for marking.

2. If the external assessment materials have already been submitted to SQA, UHI Argyll will notify SQA as soon as we have carried out an initial screening exercise to establish the nature of the concerns.
3. Identification of student malpractice concerns with SQA external assessments after the assessment materials have been submitted to SQA, will be reported to SQA immediately.

During an investigation, the conduct of the student in other examinations or assessments should not be considered in reaching a finding of malpractice. However, if it is established that the student has engaged in malpractice, any previous findings of malpractice against the same student may be considered by the SQA malpractice panel for the purposes of determining the appropriate penalty.

For an investigation into an **external assessment** malpractice allegation, a full written report will be provided to SQA by the SQA Co-ordinator, accompanied by supporting documentation as appropriate. The report will include:

- a statement of the facts and a detailed account of the circumstances relating to the malpractice concerns,
- details of any investigation undertaken by the centre,
- written statements from relevant candidates or staff members, as appropriate,
- details of any mitigating factors,
- candidate seat numbers (if applicable,)
- details of unauthorised material found in the assessment environment,
- any work of the candidate(s) and any associated material (for example, source materials for coursework) that is relevant to the investigation.

## **8. UHI Argyll Responsibilities to students who are under investigation for malpractice**

Individual students who are under investigation for suspected malpractice should be provided with:

- information about the concern made against them and information about the evidence there is to support that concern,
- information about the possible consequences should malpractice be established,
- the opportunity to seek advice (if necessary) and the right to be accompanied and supported in any interviews or meetings,
- the opportunity to have any adjustments to meeting arrangements to enable them to fully and fairly participate in the process,

- the opportunity to consider their response to the concerns raised about them.
- the opportunity to submit a written statement,
- a written response providing the student with the outcome of the investigation,
- information on the applicable SQA or other Award Body appeals procedure, should a decision be made against them.
- During an investigation, the conduct of the student in other examinations or assessments should not be taken into account in reaching a finding of malpractice. However, any previous findings of malpractice against the same student may be taken into account for the purposes of determining the appropriate sanction.
- SQA reserves the right to conduct a malpractice investigation and may investigate concerns of malpractice directly in cases where SQA view the following:
  - that a centre does not have the capacity to conduct an investigation
  - that a centre's interests may impede its ability to carry out a truly impartial investigation, or
  - that the nature of the concern is very serious.
- SQA may also initiate a direct investigation at a later stage if they decide that investigation led be a centre has not been completed in line with their policy, [Malpractice: Standards for Devolved Investigations \(sqa.org.uk\)](https://www.sqa.org.uk/malpractice-standards-for-devolved-investigations), or SQA has unanswered questions.

Where SQA investigates a concern of malpractice directly, the student will be provided with an opportunity to review the investigation findings to comment on their factual accuracy.

- SQA expects centres to bring student malpractice concerns for internal assessments to their attention only if:
  - the concern came to the centre's attention after submission of internal assessment marks,
  - the concern relates to student malpractice for a qualification regulated by SQA Accreditation.
  - students affected by a centre's student malpractice decision, who having exhausted their right of appeal within the centre, wishes to exercise their right of appeal to SQA; or
  - there are other exceptional circumstances, e.g, the centre believes that the malpractice case involves a criminal act.
- Concerns regarding malpractice that involves Ofqual and Qualifications Wales qualifications are now outlined in a separate policy available from the SQA website at this link: [Malpractice policy and procedures for SQA Qualifications regulated by Ofqual and/or Qualification Wales](#).

## **9. Additional requirements for student malpractice – only for qualifications regulated by SQA Accreditation**

- For those qualifications that are subject to regulation by SQA Accreditation, centres are required to report any suspected cases of candidate malpractice to SQA. For regulated qualifications, candidate malpractice concerns should be reported promptly to: [candidate.malpracticeHNVQ@sqa.org.uk](mailto:candidate.malpracticeHNVQ@sqa.org.uk).
- The centre must provide SQA with a report of its investigation findings and any recommended actions, supported by relevant documentation. SQA and centres should keep such student malpractice investigation records for six years where the investigation relates to these regulated qualifications.
- In a case of alleged fraud or serious threat to the integrity of certification for regulated qualifications, SQA, as an awarding body, is required to escalate the matter to the appropriate regulatory body. The centre should be aware that SQA Accreditation reserves the right to conduct its own investigation. SQA and our centres would be required to co-operate in full, providing information and taking the appropriate action after the regulator's investigation.
- Students have the additional right to ask the regulator to conduct a review of the case once they have exhausted their right of appeal within the centre.

## **10. Actions and sanctions if malpractice is proven**

- If the allegation of malpractice is proven and deemed to be minor, the Quality Officer, Head of Curriculum, Head of Student Services and Quality, assessor and internal verifier, will determine an appropriate penalty.
- The student will be advised in writing of the outcome of the malpractice interview/meeting within two working days of the interview, and that details of the offence and the penalty will be held on their student record, in accordance with [UHI Argyll Academic Records Management and Retention Policy and Procedures](#). Notification of the outcome will be sent to the student's lecturer, assessor, IV, Curriculum Leader and the Head of Student Services and Quality.
- The Head of Student Services and Quality is responsible, where relevant, for ensuring that the student record system (SITS) is updated in accordance with the outcome of the investigation, including modification to marks.
- Students under investigation for malpractice will have any relevant results suspended, pending the outcome of the malpractice

investigation. This suspension of results will remain in force if an appeal is made.

- Any certification will be put on hold pending the outcome of the malpractice investigation. If the result of the investigation proves malpractice, Student Disciplinary procedures will be carried out.
- The level of severity of the sanctions will depend on the circumstances and the seriousness of the malpractice. Sanctions may include formal warning, assessment re-sits, failure of assessment or exclusion from the course.

## 11. Staff Malpractice/Maladministration concerns arising from student malpractice investigations

Where the college identifies a new concern of possible staff or centre malpractice in the course of investigating a concern of student malpractice, the procedures for responding to centre/staff malpractice should be applied.

## 12. Appeals

Students have the right to appeal the outcome of a malpractice investigation.

All appeals should be directed in the first instance to the relevant Course Lecturer, Curriculum Lead or a member of Centre Management staff, who will then contact the Quality Officer ([ACQualityAssurance@uhi.ac.uk](mailto:ACQualityAssurance@uhi.ac.uk)) for further guidance.

- Appeals will be fully investigated by an investigating officer as identified by the College Management Team. The Appeal investigating officer will be a member of staff that has not been involved in any matters pertaining to the allegation of the malpractice levelled against the student. This will ensure impartiality and fairness during the appeal process.
- Following the appeal investigation, an **Outcome of Appeal** letter will be sent to the student detailing the full results of the investigation. This will happen no later than 15 working days after receipt of the initial malpractice appeal request.
- Students may also have a right to appeal to the SQA and other awarding bodies. For awarding bodies other than SQA, please refer to each awarding body guidelines. The Quality Officer can provide further details if required.

## 13. Student right to appeal to SQA

SQA registered students have a right to appeal to SQA where:

- UHI Argyll has conducted its own investigation and the student disagrees with the outcome, and has exhausted the UHI Argyll internal appeals process,
- SQA has conducted an investigation, an SQA malpractice panel has found student malpractice and the student disagrees with SQA's decision,
- SQA has asked the centre to conduct an investigation and the student disagrees with the outcome,
- **For Regulated Qualifications only:** Students have the right to request a review by the appropriate regulator (SQA Accreditation) of the awarding body's process in reaching a decision in an appeal of a malpractice decision for qualifications subject to regulation.

To appeal to SQA the student should follow the procedure below:

- An appeal must be submitted in writing to an SQA director within **15 working days** of being notified of the decision letter and/or Notification of Penalty form. SQA may consider appeals lodged outside this timescale if there are legitimate reasons for the delay.
- The appeal must be presented by the centre, the student or the student's authorised representative directly.
- The appeal must be submitted, **clearly marked as an appeal**, to an SQA director at the Chief Executive's Office at SQA's Glasgow office: [investigation.enquiries@sqa.org.uk](mailto:investigation.enquiries@sqa.org.uk)
- The appeal must include a written account of why the appellant believes that the decision is wrong and address the reasons for the original decision. Any evidence made to support the appeal must be relevant to the case being made.
- The SQA director considering the appeal may seek additional relevant information to assist their review of the case.
- The SQA director considering the appeal may seek additional relevant information to assist their review of the case.
- The director will respond in writing, giving SQA's decision within **15 working days** of receiving all information relevant to the appeal. SQA will deal with the appeal as quickly as possible and, in any event, within **15 days** of receiving all information relevant to the issues in the appeal. If, for any reason, the matter cannot be resolved within this period, SQA will keep the appellant informed of progress.

If the SQA director does not change the original decision, the appellant has the right to take the case to the SQA Appeals Sub-committee. An appeal can only be made to the Appeals Sub-committee when all other relevant forms of enquiry and internal appeal to the relevant director have been exhausted, or where the appellant believes that there has been procedural irregularity in SQA's handling of the initial appeal.

The decision of the assessment arrangements panel is final.

## **14. Appeals on Assessment arrangements decisions for disabled students and/or those with additional support needs**

UHI Argyll can appeal on a student's behalf if the head of centre disagrees with SQA's decision on approving assessment arrangements in internal and external assessments.

## **15. Exceptional circumstances (National Qualifications only)**

The SQA Head of Centre at UHI Argyll can appeal on a student's behalf if:

- they believe that SQA's decision to refuse the reason for an Exceptional Circumstances Consideration Service (ECCS) request, based on all the evidence available to SQA at the time, is wrong or
- they believe that SQA's decision on the grade awarded to a student following consideration of an exceptional circumstances case, based on all the evidence available to SQA at the time, is wrong.
- The process for an appeal is as follows:
  1. If a Head of Centre disagrees with an SQA decision on approval of assessment arrangements for students with disabilities and/or those with additional support needs, the head of centre, or his or her representative, should first contact the SQA Assessment Arrangements Team by e-mail within 10 working days to arrange a time to discuss the matter with an appropriate SQA manager. If, after this discussion, the head of centre is not satisfied, an appeal can be raised.
  2. The appeal must be submitted to an SQA director at the Corporate Office at SQA's Glasgow office: Optima Building, 58 Robertson Street, Glasgow, G2 8DQ). It should be submitted in writing, clearly marked as an appeal, by the head of centre within 15 working days of the date of the discussion with the SQA manager. SQA may consider appeals lodged outside this timescale if there are legitimate reasons for the delay.
  3. The appeal must include full details of the student's disability and/or additional support needs and the effect this has on the candidate's ability to demonstrate their attainment, as well as a statement of why the head of centre thinks SQA's decision is wrong.
  4. The account must address the reasons for the original decision given by SQA. Medical certificates or reports by educational psychologists may only be considered where they are relevant to the particular appeal. The decision of the assessment arrangements panel is final.

## 16. Data Protection

When conducting investigations and engaging with concerns of malpractice UHI Argyll staff will comply fully with data protection law.

## 17. Retention of Evidence

Where an investigation of suspected malpractice is carried out, the Quality Officer must retain related records and documentation in accordance with SQA (and Other Awarding Body) regulations. Full detail of the Retention requirements are outlined in the [UHI Argyll Academic Records Management and Retention Policy and Procedures](#). Access to this document can be requested by emailing the Quality Officer on [jen.mcfadyen@uhi.ac.uk](mailto:jen.mcfadyen@uhi.ac.uk)

## 18. Linked Policies/Related Documents

**Student Policy documents are available from the [UHI Argyll website](#).**

All other information requested can be directed to the Quality Officer – [jen.mcfadyen@uhi.ac.uk](mailto:jen.mcfadyen@uhi.ac.uk)

- [FE Academic Appeals Policy](#)
- [UHI Academic Standards and Quality Regulations \(uhi.ac.uk\)](#)
- UHI Argyll Academic Records Management and Retention Policy and Procedures - available from Centre reception staff
- [UHI Argyll Student Disciplinary Procedures](#)
- [UHI Argyll Student Code of Conduct](#)
- [ICT Acceptable Use Policy](#)
- [SQA – information for student](#)
- [Malpractice policy and procedures for SQA Qualifications regulated by Ofqual and/or Qualification Wales \(sqa.org.uk\)](#)
- [Malpractice: Standards for Devolved Investigations \(sqa.org.uk\)](#)

## 19. Review of this policy

Every 4 years or sooner if changes in linking policies or awarding bodies necessitate amendments.

## Appendix A



### Malpractice Incident Form

Full name of member(s) of staff/student declaring a Malpractice incident:	
Date and location of Malpractice Incident:	
Name of Student/staff involved in the Incident:	
Student/staff member directly involved with the malpractice incident - statement of events:	
Name of Witnessess to incident (please attached witness statement of events)	
Documentary evidence provided:	
Qualification the student is undertaking (if applicable):	
Unit (s) involved (if applicable):	
Assessment (s) involved (if applicable):	
Technical Actions/IT Analysis (if applicable)	
Minutes of malpractice investigation meeting:	

Head of Student Services Actions (if applicable):
HR Actions (if applicable):
Quality Officer (SQA Co-ordinator) action taken – date notified to SQA or Awarding body (if required)
Further action/sanctions agreed by Head of Curriculum, Head of Student Services, and Quality Officer
Date and decision of investigation informed to staff/student involved in Malpractice incident:
Details of any remedial action being implemented to ensure the integrity of certification now and in the future.
<b>APPEAL ON MALPRACTICE DECISION</b> (n/a if no pending appeal)
Date Appeal request received by Quality Officer:
Full Details of Appeal Investigation outcome:
Date Appeal Investigation outcome details forwarded to student/member of staff:
Further action/sanctions:
Further Appeals to Awarding Body:
<b>Retention: All documents relating to Malpractice/Maladministration Investigations to be returned to the Quality Officer (<a href="mailto:jen.mcfadyen@uhi.ac.uk">jen.mcfadyen@uhi.ac.uk</a>) for retention in accordance with FE and HE Retention Policy Guidelines.</b>