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|  <b>ICB</b><br>INTERNATIONAL<br>CERTIFICATIONS FOR BUSINESS | <b>Policy Name:</b>   | <b>Student Malpractice Policy</b> |
|  | <b>Policy Number:</b> | <b>2022.V1</b>                    |
|  | <b>Approved date:</b> | <b>May 2022</b>                   |
|  | <b>Review date</b>    | <b>May 2024</b>                   |

## 1. GENERAL PRINCIPLES AND RULES

1.1 The Student Malpractice Policy is aimed at:

- 1.1.1 Setting out guidelines and principles for the Conduct Code of ICB students
- 1.1.2 maintaining order, discipline, safety and security at the ICB;
- 1.1.3 ensuring the upholding the name and reputation of the ICB;
- 1.1.4 integrity of the academic processes of the ICB; and
- 1.1.5 assuring the quality of the assessment processes at the ICB.

1.2 Any conduct of a student which contravenes the Conduct Code and/or negatively impacts on these goals may be regarded as misconduct and subject to disciplinary measures.

1.3 The general supervision and control of student discipline at the ICB vests with ICB Management and Academic Board Committee (ABC) and are administered in terms of the Students' Conduct Code of the ICB.

## 2. GENERAL

2.1 Malpractice can be defined as any deliberate activity, neglect, default or other practice that compromises the integrity of the institution, the learning process, the assessment process, and / or the validity of certificates. Malpractice may include a range of issues from the failure to maintain appropriate records or systems to the deliberate falsification of records to claim certificates; plagiarism of any nature by students, and the introduction of unauthorized material into an examination room.

2.2 The ICB treats all cases of suspected malpractice very seriously and will report all alleged or suspected incidents.

2.3 Anonymity is assured in instances where a student feels the need to report an instance of malpractice, be this report against a fellow student or a member of staff.

2.4 All student must comply with the rules and regulations published by the ICB.

2.5 This ICB Student Malpractice Policy is also be referred to as the ICB Conduct Code for Students or Student Code of Conduct.

## 3. IMPLEMENTING THE POLICY

The ICB will communicate the policy to staff and students through:

- Student induction
- Staff induction
- All policies and procedures to be made available on internal and online storage sites for

access to all staff and students.

#### **4. MISCONDUCT**

4.1 A student is guilty of misconduct if she/he:

- 4.1.1 intentionally or negligently contravenes or subverts, or attempts to contravene or subvert, or assists, encourages or persuades any other person to contravene or subvert a code, regulation, rule or instruction of the ICB;
- 4.1.2 refuses or fails to comply with a lawful instruction or request of an employee of the ICB authorised to give such instruction or make such request, or acts contrary to such instruction or request;
- 4.1.3 commits any statutory or common law crime whilst on the premises of the ICB;
- 4.1.4 intentionally or negligently misuses, damages, defaces, destroys or alienates, or without authorisation, uses any building, and/or removes furniture, equipment, electronic equipment, vehicle, notes, documents or any other thing owned or controlled by the ICB or by any employee of the ICB, or by any registered student of the ICB for purposes other than official ICB business;
- 4.1.5 intentionally or negligently mismanages and/or misappropriates funds of the ICB;
- 4.1.6 uses abusive or offensive language when engaging with ICB employees during official ICB business ignoring common courtesy and etiquette, or during a meeting, conference or any gathering organised by or whilst representing the ICB;
- 4.1.7 uses confidential information without authorisation;
- 4.1.8 introduces intoxicating liquor onto the premises of the ICB without the consent of a person duly authorised or management of the regional centre, or consumes or abuses intoxicating liquor and/or is under the influence of such liquor while on the premises of the ICB;
- 4.1.9 introduces an illegal dependence-producing drug (as defined in section 1 of the Drugs and Drug Trafficking Act, 1992) onto the premises of the ICB, or is found to be in possession of such illegal substance or is under the influence of such substance whilst on the premises of the ICB;
- 4.1.10 without proper authorisation:
  - 4.1.10.1 brings onto or stores on the premises of the ICB a firearm, other dangerous weapon, fuel that cannot reasonably be shown to be required for the operation of a motor vehicle or any explosive device; or
  - 4.1.10.2 allows or arranges for the foregoing (as per paragraph 4.1.8) to be brought onto or stored on the premises of the ICB;

- 4.1.11 sexually or otherwise harasses any person (as defined in the Sexual Harassment Policy (students) and the Protection from Harassment Act, 17 of 2011) whilst on the ICB premises;
- 4.1.12 acts in a racist manner towards any person whilst on the ICB premises;
- 4.1.13 commits an indecent act on the premises of the ICB;
- 4.1.14 unlawfully expresses, publishes or disseminates in speech, writing, print or other medium on the premises of the ICB any views, beliefs or ideology which would infringe upon the dignity or other human rights of any student or groups of students, or any employee of the ICB, or person invited by the ICB as a guest of the ICB;
- 4.1.15 without the written permission of the ICB management uses the name of the ICB, or uses or displays the logo of the ICB;
- 4.1.16 convenes an assembly on the premises of the ICB without obtaining the prior approval of the person duly authorised or the management of the regional centre, or attends a gathering prohibited by the management of the regional centre;
- 4.1.17 knowingly makes a false statement about the ICB or otherwise intentionally provides materially false information to anyone in- or outside of the ICB about the ICB;
- 4.1.18 making a false declaration in order to obtain a benefit or to prejudice the ICB or prejudice or benefit another student;
- 4.1.19 intimidates students with the intent to compel another person within the ICB to act or not to act against the will of that student;
- 4.1.20 intentionally or negligently tenders or presents to any employee of the ICB any document which he or she knows or ought reasonably to know to be false or a forgery and which causes or has the potential to cause prejudice to the administrative, financial or academic interests of the ICB;
- 4.1.21 accepts or offers a bribe to students, employees or any other official of the ICB;
- 4.1.22 reproduces or transmits in any form or manner, whether electronically or mechanically (including photocopying and faxing), any study guide, book, thesis, dissertation, article, examination paper, lecture, printed tutorial matter or any other study aids in respect of which copyright exists, unless such reproduction or transmission is done in a manner authorised in terms of the Copyright Act, 1978 (as amended), and unless the copyright owner's permission for the reproduction or transmission is obtained;

- 4.1.23 contravenes the provisions of the Copyright Infringement and Plagiarism Policy of the ICB as it relates to plagiarism;
- 4.1.24 collects money or offers goods for sale or advertises goods on the premises of the ICB without the permission of a person duly authorised or the management of the regional centre;
- 4.1.25 neglects or refuses to return material borrowed from the ICB;
- 4.1.26 behaves in any way that leads or may lead to the consequences described below, if such consequences were or should reasonably have been foreseen at the time when such behaviour occurred. Such behaviour includes conduct by which:
  - 4.1.26.1 the good name and reputation of the ICB is or may be impaired,
  - 4.1.26.2 the maintenance of order, discipline and security at the ICB is or may be prejudiced or imperilled, or
  - 4.1.26.3 the process of tuition, research and administration and general ICB activities are or may be prejudiced or imperilled.

4.2 With regard to assessments, a student is guilty of misconduct if he/she cheats in any ICB examination.

- 4.2.1 For purposes of this rule 'examination' includes all assessments of a student's performance organised and/or conducted in the name of the ICB.
- 4.2.2 Further for purposes of this rule, 'cheating' includes:
  - 4.2.2.1 the possession of any unauthorised notes and/or aid(s) in the examination venue after the first answer book or question paper is made available to students;
  - 4.2.2.2 the use or attempt to use during an examination writing paper not supplied by the ICB, any note or aid(s) or electronic devices for the purpose of assisting in the examination;
  - 4.2.2.3 the communication or attempted communication of any information relating to an examination with any other candidate whilst the examination is in progress;
  - 4.2.2.4 the removal or attempted removal from an examination room of any examination book or writing paper supplied by the ICB for the purposes of answering an examination;
  - 4.2.2.5 the use of a false name, identity number or student number in an examination;
  - 4.2.2.6 the submission for examination as own work any matter that has been copied, reproduced, or extracted in whole or in part from the work of another student or some other person, or

which is substantially the same in whole or in part as the work of another student;

4.2.2.7 intentionally or negligently assisting another student to cheat as defined in 4.2; and

4.2.2.8 the commission of any other fraudulent or dishonest practice whereby a student, whilst being examined by the ICB, seeks to mislead or deceive the examiner or the examination officer.

## **5. THE PROCESS THE ICB WILL ADOPT WHEN A CASE OF SUSPECTED OR ACTUAL MALPRACTICE IS IDENTIFIED**

### **a. Notification of Misconduct**

A student will not be formally charged with malpractice until a written and signed statement containing a complaint or allegation made against the student has been submitted to the Head of Academics or a person authorised by him / her to receive such a complaint.

### **b. Preliminary Investigation**

- The Head of Academics appoints one or more persons to conduct a preliminary investigation into a complaint or allegation brought to his / her attention. The Head of Academics may, at his / her discretion, conduct the investigation him / herself.
- Such person(s) so appointed will submit a written report to the Head of Academics.

The person(s) appointed to conduct the preliminary investigation may consult with or obtain information from any person, including the student against whom the complaint or allegation has been made.

### **c. Referral to the Academic Board Committee**

- If the Head of Academics is of the opinion that there is a prima facie case and that there are reasonable grounds for a charge of malpractice and that the malpractice is of a serious nature, he / she will draft a written charge.
- If the Head of Academics is of the opinion that an alleged malpractice of a student constitutes a minor contravention, the Head of Academics may exercise his / her discretion to decide what further steps should be taken in response to the alleged malpractice.

#### **d. Notice to the Accused Student**

- When proceedings against a student are instituted in terms of point C (above), the Head of Academics will give the student concerned not less than seven calendar days' notice in.
- The Notice under this rule will inform the student:
  - that proceedings under the Student Malpractice Policy are to be instituted against him / her
  - of the Rule that the student is alleged to have breached and / or the act(s) of malpractice that the student is alleged to have committed
  - of his / her right to answer the charge in writing at least four calendar days before the hearing

#### **e. Service of Notice**

- Service of any written notice and the furnishing of particulars in terms of this policy will be by prepaid, registered post to the address provided either on the most recent application form completed by the student for the purpose of registration or on any later written notice submitted by the student to the ICB of a change of address.
- In the case of such service, the student will be deemed to have received the Notice and particulars within five calendar days of the date of posting thereof.

#### **f. Suspension**

- No student will be suspended from the ICB before a hearing is held. However, depending on the severity of the case, the Head of Academics may call an emergency Academic Board Committee meeting that will determine the need for a temporary suspension which will serve to prohibit the student from:
  - using any institution resources as an enrolled student.
- Such a temporary suspension may remain in force for the period not exceeding thirty calendar days or until the disciplinary proceedings in terms of this policy have been completed, whichever instance may occur first.
- The suspended student may make written representations to the Head of Academics within five calendar days of receipt of written notice of his / her suspension, advancing reasons why he / she should not be suspended.

## **6. SANCTIONS**

- 6.1 When considering an appropriate sanction, the ABC takes account of all mitigating and aggravating factors presented during the hearing. Further, when considering the appropriateness of the disciplinary measures to be imposed, the ABC ensures that such disciplinary measures are, as far as possible, appropriate to and commensurate with the nature and gravity of the misconduct of which the student has been found guilty. And still further, it is noted that the ABC is also bound by the rules of administrative law and natural justice and the principles of precedent.
- 6.2 After finding a student guilty of misconduct, the ABC may impose one or more of the following sanctions:
  - 6.2.1 revocation of a degree, diploma or other qualification obtained from the ICB in an improper manner;
  - 6.2.2 a written reprimand and/or warning;
  - 6.2.3 denial of the opportunity to enrol as a student at the ICB;
  - 6.2.4 a fine not exceeding twice the annual tuition fee for the full first year of study of the qualification for which the student is registered;
  - 6.2.5 payment of compensation or requiring the accused student to repair the damage caused by his/her misconduct;
  - 6.2.6 denial of the opportunity to register for a particular study module or course offered by the ICB;
  - 6.2.7 annulment of examination results and/or withdrawal of a credit(s) obtained in a study modules and/or courses;
  - 6.2.8 confirmation of the temporary suspension of a student, and/or the suspension of the student for a specified period or further period subject to any condition(s) which the ABC deems reasonable;
  - 6.2.9 denial of the opportunity to register or enrol again as a student at the ICB for a specified period;
  - 6.2.10 any other appropriate sanction(s) which the ABC deems suitable in the particular circumstances.

## **7. RELATED POLICIES**

- Assessment Policy
- Invigilation and Irregularity Policy