ASSESSMENT IRREGULARITIES PROCEDURE

This procedure applies to all assessment irregularity cases. The assessment irregularity procedure is part of the overarching Student Disciplinary Procedures. In event of any conflict, the Student Disciplinary Procedures take precedence.

The principles of this procedure apply to all registered and partnership students in all locations on and off campus both in the UK and overseas. On a case by case basis some staff roles may vary from those detailed below.

Impartial advice about this procedure may be sought from the Student Progress Service or from the Student Advice Centre of the Students’ Union (www.nusu.co.uk/sac).

Introduction
The University is committed to ensuring fairness in assessment and has established this procedure for dealing with assessment irregularities.

These procedures seek to ensure that student misconduct matters are dealt with fairly and promptly at the appropriate level by those with clear authority from the University. The procedures apply to persons who are subject to the discipline of the University as prescribed in the General Regulations.

Definitions

Authorised Person: Term used to describe the Chair of the Board of Examiners, the Student Progress Service (including Examinations Officer), Student Disciplinary Committee, or nominated deputy.

Chair of Board of Examiners: The Chair of the Board of Examiners for the programme for which the student is registered. In cases of alleged assessment irregularities on the part of postgraduate research students, the relevant Dean of Postgraduate Studies shall be deemed to be the Chair of the Board of Examiners for taught programmes. Exceptionally, the Chair may delegate responsibility for investigating an alleged assessment irregularity on his or her behalf.

Disciplinary Appeals Committee: Where the Disciplinary Convenor decides that a Disciplinary Appeal Committee should determine an appeal from the decision of the Disciplinary Committee, the Convenor shall appoint two persons drawn from the staff members of the Disciplinary Panel (excluding the members who served on the Disciplinary Committee against whose decision the appeal is made) and one person drawn from the student members appointed by the Students’ Union to the Disciplinary Panel. The Convenor shall specify which of the two staff members shall act as Chair.

Disciplinary Convenor: A member of academic staff appointed by University Learning, Teaching and Student Experience Committee (ULTSEC) to convene Disciplinary Committees and Disciplinary Appeal Committees.

Disciplinary Convenor (Deputy): The Disciplinary Convenor is responsible for appointing a Deputy Disciplinary Convenor from the Disciplinary Panel. Each time that the Disciplinary Convenor is mentioned in these procedures, the Deputy Disciplinary Convenor may act in place of the Convenor. Where expedient, the Convenor may additionally appoint a member of the Disciplinary Panel as Acting Convenor.

Disciplinary Panel: The Disciplinary Panel comprises of members of academic or administrative staff appointed by ULTSEC who are qualified by reason of their experience of student welfare matters, and three students appointed by ULTSEC on the nomination of the Students’ Union.

Friend / Supporter: In accordance with all formal University procedures, a student can be accompanied by a friend or supporter of their choice. The friend / supporter cannot act as a representative unless they have permission of the person conducting the proceedings and explicit permission from the student. There are limitations on who the friend / supporter can be in a disciplinary context and anyone who may be involved in the incident is excluded. More details are
available at www.ncl.ac.uk/students/progress/assets/documents/RPSPSFriendSupporterRole.pdf

**Prima Facie:** A Latin term expressing meaning on first appearance, at first sight or on the face of it. It is used within these procedures to denote evidence that is considered sufficient to support the institution of proceedings or sufficient to support the establishment of an appeal hearing.

**Progress Panel:** For research degree programmes, the Annual Review Progress Panel is deemed to be equivalent to that of the Board of Examiners for taught programmes.

**Student Disciplinary Committee:** A Disciplinary Committee (or Student Disciplinary Committee when clarity is required) may, on the determination of the Convenor, consist of either three Disciplinary Panel members or a single Disciplinary Panel member, nominated by the Disciplinary Convenor from the Disciplinary Panel. The members of the Committee shall be members of academic staff selected by reason of their experience of student welfare matters.

**Student Progress Service:** The University service appointed by the Academic Registrar to act on the Academic Registrar’s behalf on assessment irregularities.

1. **Basis and Scope of Procedure**
   
   (a) The University shall have the right to investigate any allegation of misconduct against a student and may take disciplinary action where it decides, on the balance of probabilities, that an act of misconduct has been committed.
   
   (b) The assessment irregularity procedure has two aspects: the academic and the disciplinary. The leading principle guiding the academic response is to disregard that part of a student's work that is produced by improper means and to promote learning by the normal requirement for the work to be re-submitted. The second aspect of the procedure is disciplinary. The University reserves disciplinary power for all cases of misconduct and, in a case involving the use of improper means, the issue of disciplinary proceedings arises in principle.
   
   (c) **Examples of Misconduct**
   
   For the purposes of this procedure, an assessment irregularity involves the use of improper means by a student in the assessment process. This includes, but is not limited to, the following:

   (i) Any breach of the rules for University examinations (www.ncl.ac.uk/students/progress/exams/exams/examrules.htm), including: copying from or conferring with other students, being in possession of / using unauthorised material or equipment in an examination room, possession of / using a mobile phone during an exam, notes within / on a dictionary or other object, causing disruption during an exam (this includes leaving a mobile phone switched on).
   
   (ii) Impersonating or allowing another to impersonate a student.
   
   (iii) Introducing examination scripts into the examination process otherwise than in the course of an examination.
   
   (iv) Permitting another student to copy, verbatim or in substance, formative or summative assessed coursework (this includes providing an opportunity for another student to copy work, even if it was not the explicit intention that the work should be copied). Being party to any act, otherwise than for a bona fide academic reason, allowing the sharing of any such assessed work on a website or in any other medium; the fact that work has already been assessed when it is so copied or shared shall not negate the offence. The Student Disciplinary Procedures should normally be followed if the student subject to the offence has already received a confirmed mark for the work in question by the Board of Examiners at the point of investigation.
   
   (v) The falsification (by inclusion or suppression) of research results.
   
   (vi) Plagiarism. This is defined as the unacknowledged use of another person’s ideas, words or works either verbatim or in substance without specific acknowledgement. For the avoidance of doubt, plagiarism may occur in an examination script as well as in assessed coursework, projects, reports and like work and may involve the use of material downloaded from electronic sources such as the internet. Further, the inclusion of a source in a bibliography is not of itself a sufficient attribution of another's work.
   
   (vii) Auto (self) Plagiarism. This applies when work (or similar) has already been submitted for an assessment at Newcastle or elsewhere. This may be considered to be an attempt to gain double credit for the same piece of work and is unfair and dishonest. This should not
apply to draft copies of research work; if you are unsure, please speak to a member of staff for clarity before submitting your work.

(viii) Procuring or attempting to procure assessed work created by another person. Students are expected to produce their own work and therefore any submission of work by another person constitutes improper means. An attempt to procure such work shall be treated as an attempt to use improper means and may be considered as dishonesty.

(ix) Dishonesty. Any attempted assessment irregularity including that detected before submission of the work, is considered an attempt to use improper means and may be considered as dishonesty. Such dishonesty shall therefore be investigated in accordance with this procedure.

Guidance on avoiding the above is available at www.ncl.ac.uk/right-cite/ and further assistance can be sought at the Writing Development Centre www.ncl.ac.uk/students/wdc/.

(d) Where in this Procedure reference is made to any named University role, such references are to be read as including reference to their nominees.

For overseas campuses and programmes, educational partnerships and joint awards, the head of campus, unit, programme or equivalent or a nominee will follow the procedure within the relevant section relating to the allegation of misconduct and will consult with or refer the case to the Student Progress Service, if required.

(e) In implementing this Procedure, the University will at all times remain mindful of its duty of care of the confidential nature of assessment irregularity matters. It will also remain mindful of its obligations under the Data Protection Act 1998. All University staff and students involved in any investigation of misconduct by a student have a duty of confidentiality to the student to limit disclosure to those who need to know. The student is also expected to respect the confidentiality of the process.

See also the University's Code of Practice for Research Students www.ncl.ac.uk/students/progress/student-resources/PGR/ and the University's Notice to Students on Academic Conduct in the Student Charter www.ncl.ac.uk/pre-arrival/regulations/charter.htm.

A finding of an assessment irregularity may also lead to separate proceedings required as a condition of accreditation of a degree under the relevant Fitness to Practise Procedure. This applies for example to the MBBS, BDS, Speech and Language Sciences and Educational Psychology programmes.

The procedure for revoking awards applies where an assessment irregularity is discovered after an award has been confirmed.

2. Procedures: General

(a) The University shall have the right to investigate any allegation of academic misconduct against a student, and may take disciplinary action where it decides, on the balance of probabilities, that an act of misconduct has been committed.

(b) Any investigation into an alleged act of academic misconduct, whether carried out under part I or part II of the procedures, shall normally include in its early stages an interview of the student(s) concerned by the relevant authorised person in accordance with the provisions for the Conduct of Hearings set out in Part V / 1) below.

(c) Failure to attend an assessment irregularity interview or provide a statement / response to alleged misconduct when requested to do so by the relevant person of authority, may itself lead to disciplinary proceedings. When the subject of an assessment irregularity allegation refuses to engage, the case may be concluded in their absence and reasonable inference may be drawn from non-engagement.

(d) For cases where a student withdraws from the University whilst an assessment irregularity investigation is ongoing, the case shall normally be concluded in the student’s absence, if necessary, by the Student Progress Service or a Disciplinary Committee.

(e) Sanctions and other actions available under the Procedure:

(i) Any authorised person may issue a caution, in writing. A caution is considered to be advice on future conduct together with a record that the advice has been given. The student should be informed that the fact that a caution has been issued may be taken into account should any misconduct be found in the future. The issuing of a caution is not a sanction and does not, of itself, imply misconduct; a caution may be issued even when no misconduct has been found. However a caution may also be issued as a minimal response to a finding of misconduct when the assessment irregularity is negligible. If relevant, the
Chair may also instruct the student to complete the online tutorial guide to plagiarism available on the right-cite web pages http://mbbs-tutorials.ncl.ac.uk/plag. A caution will not normally be disclosed in references.

If it is determined at a hearing that misconduct has been committed, one or more sanctions may be imposed. The main sanctions available under the Assessment Irregularities Procedure are listed below. Note, however, that the range of sanctions available at various levels are detailed under Part II A, B and C of the Procedure and that additional sanctions are available in some circumstances. Disciplinary sanctions may be disclosed in reference requests; this is at the discretion of the referee.

(i) A formal warning advising the student about their future conduct. This represents a serious statement by the University of a finding of misconduct (the gravity/level of misconduct will be identified on a case by case basis) and shall be held on record for the duration of the student’s studies.

(ii) Where a student has previously received a warning, or where it is deemed fit, the student may receive a final warning.

(iii) A reduced mark (which may be zero). In relation to the plagiarised work, this could be for example, a reduced mark or a mark of zero for those elements of the assessment/s where plagiarism has been determined, or a mark of zero for the whole assessment.

(iv) A mark of zero for one or more modules.

(vi) A mark of zero for the future calculation of stage averages and degree classification.

(vii) A requirement to resubmit the assessment (or an alternative determined by the Chair of the Board of Examiners) within timescales determined by the Chair of the Board; a student so required to re-submit may only progress further on the programme if the re-submission achieves a specified minimum mark (normally the pass mark for the module).

Subject to meeting the resubmission requirement, the mark returned for the module will be calculated following the decision in iv) above. If the module is passed, then the resubmission will not be regarded as another attempt; thus the returned mark will be for the attempt in which the irregularity arose. If the module is failed and the student is entitled to another attempt under the relevant examination conventions, then where appropriate the resubmission may be regarded as a next attempt, or part of a next attempt, provided that the student has been advised of this possibility in advance; if it is not appropriate for the resubmission to be regarded as a next attempt, or part of a next attempt, the resubmission requirement must be met before the student proceeds to the next attempt. If the module is failed and either the student would not ordinarily require another attempt or the student is not entitled to another attempt under the relevant examination conventions, the resubmission requirement must be met before the student can be considered by the Board of Examiners.

In the case of a research student, a new assessment by the Progress Panel may be required.

(viii) Being deemed to fail the whole academic year and required to pass the module or stage before being permitted to proceed.

(ix) Disciplinary suspension from the University or such part as may be specified for a determined period of time.

(x) Deferred suspension from the University. This means that expulsion has been determined in principle to be an appropriate sanction but that the sanction is deferred. Should the student be found to have committed further misconduct the student shall normally be expelled from the University.

(xi) Expulsion from the University with immediate effect. A student so expelled shall not be eligible for an exit award and thus, relevant Boards of Examiners may not consider an award unless instructed to do so by the Disciplinary Committee.

A student expelled or suspended as a result of disciplinary proceedings shall have no right to a refund of fees.

3. **Part I of Procedure - Suspicion or Allegation**

Action to be taken by the Person Discovering a Suspected Irregularity:

A) **Outside an Examination Room**

i) Where a suspected irregularity is discovered outside an examination room, for example when an examination script or assessed coursework is being marked, the person who
discovers it shall make a written report to the Chair of the Board of Examiners (for the student's degree programme).

ii) On receipt of a written report of a suspected assessment irregularity, the Chair of the Board of Examiners shall advise the Head of the Student Progress Service (casework@ncl.ac.uk) that an investigation will be initiated, and shall investigate the alleged irregularity. The Chair shall provide the student with a copy of this procedure, advise the student of the allegation in writing, provide the student with a copy of the affected work (where relevant) and ask the student to respond in writing. The Chair may also request statements from witnesses.

iii) If, on the basis of any written statement and the evidence, the Chair is satisfied that no irregularity has taken place, the student shall be so informed by the Chair in writing and no further action shall be taken.

iv) If, on the basis of the evidence, the Chair determines that there is a prima facie case that an irregularity has occurred, the Chair shall convene a meeting with the student as described in Part II A) of the procedure below.

v) In appropriate circumstances the investigation of a suspected irregularity discovered outside an examination room may be passed to the Student Progress Service before the completion of a) and b) above. In such a case, the investigation will become part of Part II B) below.

When investigating an alleged irregularity in an external module, the Chair of the Board of Examiners may seek the assistance of the Module Leader and/or the Chair of the Board of Examiners normally associated with the module.

B)  In an Examination Room

i) Where a suspected irregularity is discovered by an invigilator in an examination room during an examination, the invigilator shall remove the student from the room and inform the student of the nature of the suspicion. The invigilator shall inform the student that the matter will be reported to the Examinations Officer. The invigilator shall make a note of the questions answered in whole or in part at the relevant time and any illicit material in the student's possession shall be confiscated. The student shall be permitted to return to the examination room to complete the rest of the examination. The invigilator shall make a written report to the Examinations Officer.

ii) As a member of the Student Progress Service, the Examinations Officer shall determine if there is clear prima facie evidence that an irregularity has occurred by following Part II B) below.

iii) Notwithstanding i) and ii) above, in appropriate circumstances the Examinations Officer may ask the Chair of the Board of Examiners to investigate a suspected irregularity during an examination under Part I A) above.

iv) If an irregularity is discovered in a School organised test / examination, this should be reported to the Chair of the Board of Examiners who shall investigate under Part I A) above.

4.  Part II of Procedure - Disciplinary Proceedings

A)  Action taken by the Chair of the Board of Examiners

If the Chair determines that on the face of it (prima facie) that an irregularity has occurred, the student shall be given the opportunity to see the evidence and to be interviewed by the Chair together with another academic colleague. The student shall be given the opportunity to be accompanied at the interview by a friend / supporter. The Chair of the Board of Examiners shall ensure that a brief written record of the meeting is kept.

i) If following the interview the Chair is satisfied that no irregularity has taken place, the student shall be so informed by the Chair in writing and no further action shall be taken except the Chair may issue a caution in writing.

ii) If following the interview the Chair is satisfied that an irregularity occurred, the outcome will depend on the seriousness of the irregularity:
a) If the Chair determines that a negligible\(^1\) or minor\(^1\) irregularity occurred (or a major\(^1\) irregularity that Student Progress Service has agreed may be concluded at school level), and if either the student has no previous proven record of plagiarism or there was no intention to deceive, normally the Chair shall impose one or more sanctions or other actions listed below.

- A caution, in writing (if the irregularity is deemed negligible).
- A warning, in writing.
- A reduced mark or a mark of zero for those elements of the assessment/s where plagiarism has been determined, or a mark of zero for the whole assessment.
- A requirement to resubmit the assessment.
- An alternative sanction agreed as appropriate and proportionate in consultation with the Student Progress Service.

See also guidance on Academic Sanctions at [www.ncl.ac.uk/right-cite/Staff](http://www.ncl.ac.uk/right-cite/Staff/)

The Chair shall also:

- Issue the student with an outcome letter advising that the assessment irregularity charge is considered to be upheld, and informing the student of the sanctions or actions imposed.
- Advise the student that an appeal against this outcome can be lodged with the Head of Student Progress Service (casework@ncl.ac.uk) within 21 calendar days, in accordance with Appendix I of the Procedure.
- Send a copy of the outcome letter to the Head of Student Progress Service to be held on the student’s record for the duration of the student’s studies.
- If relevant, instruct those marking the assessment(s) in question to apply the relevant sanctions.

b) If following the interview the Chair determines that an irregularity has taken place and that it is more serious than in paragraph a) above, the Chair shall

- Inform the student in writing that a report on the matter will be made to the Head of Student Progress Service.
- Make a written report on the matter to the Head of Student Progress Service (casework@ncl.ac.uk) and:
  - attach all written evidence gathered during the investigation
  - describe how the academic mark(s) for the assessment(s) in question have been determined
  - include the credit rating of the affected module(s) and the assessment percentage of the affected assignment(s)
  - advise on the extent of the possible irregularity
  - detail the academic consequences for the student if a mark of zero is returned for the element / whole of the assessed work
  - provide details of the arrangements the School has taken to disseminate rules and policies on good academic practice such as the avoidance of plagiarism (e.g. a copy of degree programme handbook, referencing guidance, etc)
  - note any mitigation raised by the student
  - provide a copy of the notes of the meeting with the student and any other relevant documentation
  - include a recommendation as to possible academic sanctions if the allegation of an irregularity is upheld.

The Chair shall inform the Board of Examiners as outlined in Part IV of the Procedure below.

See also the Assessment Irregularity Supplementary Guidance at [www.ncl.ac.uk/students/progress/assets/documents/Assess_Irreg_Supp_Guidance.pdf](http://www.ncl.ac.uk/students/progress/assets/documents/Assess_Irreg_Supp_Guidance.pdf)

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\(^1\) Thresholds relating to ‘negligible’, ‘minor’ and ‘major’ are matters of judgement for the Chair of the Board of Examiners.
B) \textit{Action taken by the Student Progress Service}

i) On receipt of a report from the Chair of a Board of Examiners or an Examinations Invigilator, the Student Progress Service shall determine whether there is a disciplinary case to answer. In order to do this, the student shall be invited to submit a further written statement and the Student Progress Service shall gather such further written evidence as is deemed necessary.

ii) If, on the basis of any further written statement and the evidence, the Student Progress Service is satisfied that there is no disciplinary case to answer, the student and the Chair of the Board of Examiners will be so informed in writing and no further action shall be taken except the Chair may issue a caution in writing.

iii) If, on the basis of any further written statement and the evidence, the Student Progress Service determines that on the face of it \textit{(prima facie)} a case of misconduct is established, the student shall be given the opportunity to be interviewed by two members of the Student Progress Service. The student shall be given the opportunity to be accompanied at the interview by a friend / supporter.

iv) If following the interview the Student Progress Service is satisfied that there is no disciplinary case to answer, the student and the Chair of the Board of Examiners shall be informed by the Student Progress Service in writing and no further action shall be taken except a caution in writing may be issued.

v) If following the interview the Student Progress Service determines that there is a disciplinary case to answer, the Student Progress Service shall take one of the following actions:

a) In a standard case, impose one or more sanctions or other actions listed below.

\begin{itemize}
  \item A caution, in writing (if the irregularity is deemed negligible).
  \item A warning, in writing.
  \item A final written warning, in writing.
  \item A reduced mark or a mark of zero for those elements of the assessment/s where plagiarism has been determined, or a mark of zero for the whole assessment.
  \item A mark of zero for one or more modules.
  \item A mark of zero for the future calculation of stage averages and degree classification.
  \item A requirement to resubmit the assessment.
  \item An alternative sanction agreed as appropriate and proportionate in consultation with the Student Disciplinary Convenor.
\end{itemize}

Any recommendations by the Chair of the Board of Examiners will be taken into account, and there may be further consultation regarding the consequences of possible academic sanctions\textsuperscript{2}.

If a research student is required to resubmit material it might be appropriate to require either a new assessment or, if the thesis has been submitted for examination, a resubmission in accordance with the University examination conventions\textsuperscript{3}.

The possession of unauthorised material or an unauthorised device or equipment in an examination room should normally be regarded as a serious assessment irregularity, regardless of evidence of use or of intent to use. This should be reflected in any sanctions imposed.

The Student Progress Service shall also:

\begin{itemize}
  \item Issue the student with an outcome letter advising that the assessment irregularity charge is considered to be upheld, and informing the student of the sanctions or actions imposed.
\end{itemize}

\textsuperscript{2} The Student Progress Service or a Disciplinary Committee will not be bound by any academic sanctions recommended by the Chair of the Board of Examiners.

\textsuperscript{3} The Progress Panel or the Chair of the Board of Examiners may be consulted for advice on appropriate sanctions.
• Advise the student that an appeal against this outcome can be lodged with the Head of Student Progress Service (casework@ncl.ac.uk) within 21 calendar days, in accordance with Appendix I of the Procedure.
• Hold a copy of the outcome letter on the student’s record for the duration of the student’s studies.
• If relevant, ask the Chair of the Board of Examiners to instruct those marking the assessment(s) in question to apply the relevant sanctions.

b) In a complex or more serious case, refer the case to a Disciplinary Committee for a disciplinary hearing (see Part II C) below) and inform the student and Chair of the Board of Examiners in writing that a disciplinary hearing is to be held. Pending the hearing and when there are reasonable grounds for doing so, the Student Progress Service may impose on a student an interim suspension from the University or from such facilities as the Student Progress Service shall determine. Paragraph 5 of the Student Disciplinary Procedures applies to cases where interim suspensions have been applied.

The Student Progress Service shall inform the Chair of the Board of Examiners as outlined in Part III of the Procedure below.

C) Disciplinary Committee

A Disciplinary Committee shall be convened when a case is referred to such a Committee by the Student Progress Service.

i) The Disciplinary Convenor, appointed by ULTSEC from time-to-time, shall determine whether the case shall be heard by a Disciplinary Committee of three Disciplinary Panel members or by a single Disciplinary Panel member. The Disciplinary Convenor shall nominate the members and Chair of the Committee or the single Panel member. The members of the Committee shall be members of academic or administrative staff selected by reason of their experience of assessment. The Student Progress Service shall provide such secretarial and administrative support as is reasonably necessary.

ii) The Student Progress Service staff shall not be a member of any Disciplinary Committee, but shall be responsible for the preparation and presentation of the charge or charges before the Committee. The Student Progress Service shall inform the student(s) concerned in writing of the allegations and shall inform the student(s) that the case is to be heard by a Disciplinary Committee or single Disciplinary Panel Member, as determined by the Disciplinary Convenor. A member of administrative staff who has had no involvement in the case shall be appointed as secretary to the hearing and shall be responsible for sending the student(s) any relevant documents, the summoning of witnesses, and generally for the proper presentation of the case.

iii) If the Committee is satisfied that that there is no disciplinary case to answer, the student and the Chair of the Board of Examiners shall be informed by the Secretary in writing and no further action shall be taken except a caution in writing may be issued.

iv) If the Committee determines that there is a disciplinary case to answer, then notwithstanding the academic consequence of an assessment irregularity, the Committee decides on such further academic sanction or sanctions or other actions as it deems appropriate. Examples of possible sanctions or other actions are listed below.

• A caution, in writing (if the irregularity is deemed negligible).
• A warning, in writing.
• A final written warning, in writing.
• A reduced mark or a mark of zero for those elements of the assessment/s where plagiarism has been determined, or a mark of zero for the whole assessment.
• A mark of zero for one or more modules.
• A mark of zero for the future calculation of stage averages and degree classification.
• A requirement to resubmit the assessment.
• Being deemed to fail the whole academic year and required to pass the module or stage before being permitted to proceed.
• A Disciplinary Suspension from the University or such part as may be specified for a determined period of time.
• Deferred expulsion from the University.
• Expulsion from the University with immediate effect.

Any recommendations for sanctions by the Chair of the Board of Examiners will be taken into account, and the Committee may, in order to inform its decision, call for such evidence as is necessary to determine the possible academic and progress consequences of such sanctions.4

Where an academic sanction is under consideration, provisional marks for an assessment, for a module or for all modules may be disclosed to the student and the Committee.

On behalf of the Committee, the Secretary shall also
• Issue the student with an outcome letter advising that the assessment irregularity charge is considered to be upheld, and informing the student of the sanctions or actions imposed.
• Advise the student that an appeal against this outcome can be lodged with the Head of Student Progress Service (casework@ncl.ac.uk) within 21 calendar days, in accordance with Appendix I of the Procedure.
• Arrange for the Student Progress Service to hold a copy of the outcome letter on the student’s record for the duration of the student’s studies.
• If relevant, ask the Chair of the Board of Examiners to instruct those marking the assessment(s) in question to apply the relevant sanctions.

5. Part III of the Procedure - Reporting to the Board of Examiners and similar bodies

In a case considered by a Disciplinary Committee or by the Student Progress Service, the Chair of the Board of Examiners shall be informed of the status of the case and, when available, the outcome of the case.

i) Where relevant, the Chair shall ensure that sanctions determined in Part II A), B) or C) above are conveyed to the relevant module leaders and to the Module Moderation Board (or any alternative group responsible for moderating marks), and (where appropriate) to the Personal Extenuating Circumstances Committee, and shall ensure that the sanctions are applied.

ii) The Chair shall inform the Board of Examiners when it meets of any academic sanctions that constrain its power to exercise discretion in respect of a particular student (e.g. where a Board cannot allow a student to pass a module by discretion because that would set aside a disciplinary requirement imposed under PART II A), B) or C) above.

iii) The Chair shall inform the Board of Examiners of the status of the student if disciplinary procedures have not yet been completed5. For such a student, any marks presented to the Board must remain provisional and shall not be released until the disciplinary procedures have been concluded6.

6. Part IV of the Procedure – Supplementary Provisions

A) General Provision for the Conduct of Hearings:

(i) Except as provided in 6 A) ii) below, in all proceedings before an authorised person, Disciplinary Panel member, Disciplinary Committee or Disciplinary Appeal Committee, such a person or Committee shall take evidence and receive submissions, either in writing or in person, and consider the allegation and all other circumstances which appear to them to be relevant. The person or Committee may take evidence from such other persons as they think fit in order to reach a decision. In cases in which a student is appealing against the decision of the Student Progress Service or a Disciplinary Committee, the Student Progress Service Officer responsible for the presentation of the original case shall attend to outline the case7. The student shall, in all cases, be invited to attend and present their

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4 The Student Progress Service or a Disciplinary Committee will not be bound by any academic sanctions recommended by the Chair of the Board of Examiners.

5 In such cases, the Board of Examiners will be unable to consider the progress of the student, as there may be academic consequences if the case is found to be proven. If, as a result of the time the investigation into the alleged irregularity takes, the student’s results cannot be published in time for the graduation ceremony that is a consequence the student must accept.

6 Notwithstanding this provision, the Student Progress Service may advise the student of the marks if circumstances dictate that this action is advisable.

7 If the original Officer is unavailable, the Head of the Student Progress Service may appoint an alternate Case Presenter.
case, and to be present and be heard during the hearing. Students may waive their right to attend; the hearing shall proceed in their absence. The hearing shall also proceed if the student fails to attend the hearing or give any advance notification of absence for the Chair of the Committee to assess whether there is good cause for an adjournment of the hearing to a later date. All students shall be informed of the allegation against them and given an opportunity to make a written statement. The student may be accompanied by a friend / supporter and shall have the right to be informed of all of the evidence. In all other respects, the conduct of the hearing shall be a matter for the authorised person or the Chair to determine. The student and any other persons present, except, where appropriate, the Secretary to the Committee, shall withdraw whilst the decision is reached. A written record (not verbatim) of the hearing shall be made by the Secretary.

(ii) In the case of an appeal only, the Disciplinary Convenor may authorise a hearing on the basis of the papers alone where it is expedient and just to do so. In such a case the parties shall be given appropriate notice and invited to make a full submission in writing.

B) Appeals Against the Decision of the Disciplinary Committee:
A student wishing to appeal against a decision made under this procedure shall follow the appeals procedure set out in Appendix I.

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8 Normally such a hearing would only take place when the facts of the case are not disputed, when the level of sanctions is likely to be lower than a disciplinary suspension and when the case is to be heard by a single Disciplinary Panel member.
APPENDIX I:
ASSESSMENT IRREGULARITIES PROCEDURE
- APPEALS / REQUEST FOR REVIEW

A student wishing to appeal against a decision under the Assessment Irregularities Procedure shall follow the procedure set out below. Where the decision against which a student is appealing involves partial or full suspension or expulsion, the student shall not, subject to this paragraph, be permitted to attend that part or all of the University, as appropriate, while the appeal is being determined. Students may apply for permission to attend if they can demonstrate that it would be unreasonable to debar them from attending their programme of study pending the appeal. Grounds for such an appeal may include, but are not limited to, a change in circumstances since the disciplinary hearing or the fact that the timing of an appeal hearing means that a successful appellant will be prevented from returning to study immediately because of the University’s General Regulations governing registration. Applications shall be made to the Head of the Student Progress Service who may refuse or grant permission to attend the University and may, if granting permission to attend, limit attendance to specific locations and/or times.

a) An appeal shall be lodged within 21 calendar days of the decision to the Head of the Student Progress Service (casework@ncl.ac.uk). The Appeal shall be in writing and shall specify the grounds of appeal which may only be one or more of the following:
   i) That fresh material evidence is available, which was not available on reasonable enquiry or application at the time of the original hearing;
   ii) Procedural Irregularity;
   iii) Bias or Prejudice;
   iv) Excessive or Inappropriate punishment;
   v) That the decision reached was perverse in that it was one which no reasonable person could have reached on the available evidence.

The appeal shall be accompanied by supporting documentation that shall be relied upon in the event of a hearing. It shall be for the Disciplinary Convenor to decide whether a late appeal shall be allowed.

b) The appeal shall be to the following:
   i) In a case determined by the Chair of a Board of Examiners or the Student Progress Service, the appeal shall be to a member of the Disciplinary Panel nominated by the Disciplinary Convenor. Initially, it shall be presented to the Disciplinary Convenor, who may dismiss an appeal which does not provide a *prima facie* case under the specified grounds.
   ii) In a case determined by a Disciplinary Committee or single Disciplinary Panel member, the appeal shall be considered by a Disciplinary Appeal Committee. Initially, it shall be presented to the Disciplinary Convenor, who may dismiss an appeal wholly or in part where there is no *prima facie* case under the specified grounds.
   iii) If the Disciplinary Convenor decides that a Disciplinary Appeal Committee should proceed, he or she shall appoint the Committee which shall consist of the following persons:
      a) two persons drawn from the staff members of a Disciplinary Panel from time to time appointed by ULTSEC, excluding the three panel members who served on the Disciplinary Committee which considered the case. The Convenor shall specify which of the two members shall act as Chair;
      b) one person drawn from the student members appointed by the Students’ Union to the Disciplinary Panel from time to time appointed by ULTSEC.

c) The general provisions for the conduct of an appeal hearing are detailed in Part IV / 1) of the Assessment Irregularity procedure.

d) The Disciplinary Panel member or Disciplinary Appeal Committee may, in determining the appeal, confirm or vary or quash the original decision. If a student is reinstated to the University on an appeal against suspension or expulsion, he or she shall not suffer any loss of time counted towards residence qualifications for a particular course. The student, nevertheless, shall be required to pay appropriate fees, notwithstanding temporary loss of tuition and other facilities in the University.

e) Where the Disciplinary Convenor dismisses an appeal wholly or in part or the nominated Disciplinary Panel member or Disciplinary Appeal Committee confirms the decision appealed against, there shall be no further appeal within the University. Provision for independent external review is made through the existence of the Office of the Independent Adjudicator. The Independent Adjudicator’s role is to review the application by the University of its own internal procedures. Further information about the Adjudicator’s role is available from www.oiahe.org.uk.