

ASSESSMENT IRREGULARITIES PROCEDURE



Preliminary Notes

1. *This procedure applies to assessment irregularity cases. It is part of, and should be read in conjunction with, the overarching Student Disciplinary Procedure. In the event of any conflict, the Student Disciplinary Procedure shall take precedence.*
2. *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.*
3. *Advice on 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

This procedure applies from 1st September 2020

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.

Level 1 - Is the local disciplinary procedure for academic schools and university services who provide assessed modules. The authorised person in the school or service may investigate any allegation of an assessment irregularity against a student, and take disciplinary action where they believe, on the balance of probabilities, a minor assessment irregularity has occurred.

Level 2 - Is the central procedure administered by the Student Progress Service for alleged assessment irregularities which are not minor in nature and thus do not fall to be considered under Level 1. Level 2 applies to more serious allegations, repeat Level 1 offences or those where the student fails to engage with the Level 1 procedure. After consultation with the Head of Student Progress, Level 1 cases may be forwarded by the Level 1 authorised person for determination under the Level 2 Central Procedure of the University's "Assessment Irregularity Procedure".

Level 3 - Where the Head of the Student Progress Service determines that a case is sufficiently serious, the case shall be referred to the Disciplinary Convenor who shall determine arrangements for a disciplinary hearing by members of the University Disciplinary Panel appointed by the University Education Committee (UEC).

Definitions

Authorised Person: Under the Level 1 Local Procedure the authorised personal shall be the Chair of the Board of Examiners

Under the Level 2 Central Procedure, the authorised personal shall be the Head of the Student Progress Service or nominate 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 by postgraduate research students, the relevant Dean of Postgraduate Studies shall be deemed to be equivalent to the Chair of the Board of Examiners for taught programmes and may act as such under this procedure. For Postgraduate Research students, the Chair may delegate the investigation and determination of Level 1 allegations under this procedure to Directors of Postgraduate Study in the relevant academic unit.

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 Committee:	The Disciplinary Committee comprises of members of the Disciplinary Panel, appointed by the Disciplinary Convenor, to consider allegations of misconduct at a Disciplinary hearing.
Disciplinary Convenor:	A member of academic staff appointed by University Education Committee (UEC) to convene Disciplinary Committees and Disciplinary Appeal Committees.
Disciplinary Convenor (Deputy):	The Disciplinary Convenor shall nominate a Deputy Disciplinary Convenor from the Disciplinary Panel. In this procedure, the Deputy Disciplinary Convenor may act in place of the Convenor. Where expedient, the Disciplinary Convenor may additionally appoint a member of the Disciplinary Panel as Acting Disciplinary Convenor.
Disciplinary Panel:	The Disciplinary Panel comprises of members of academic or administrative staff appointed by UEC who are qualified by reason of their experience of student welfare matters, and three students appointed by UEC on the nomination of the Students' Union.
Friend / Supporter:	In accordance with all formal University procedures, a student may be accompanied by a friend or supporter of their choice. The friend/supporter may not act as a representative of the student unless they have permission of the person conducting the proceedings and 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
PGR Panels:	For postgraduate research degree programmes, both the Project Approval Panel and the Annual Review Progress Panel are deemed to act as and be equivalent to a Board of Examiners for taught programmes.
Student Progress Service:	The University service appointed by the Academic Registrar to act on the Academic Registrar's behalf on assessment irregularities. All references to the Head of Student Progress Service should be taken to include anyone nominated by the Head of the Student Progress Service to act on his/her behalf

1. **Basis and Scope of Procedure**

- (a) The University shall have the right to investigate any allegation of an assessment irregularity against a student and may take disciplinary action where it decides, on the balance of probabilities, that an assessment irregularity has occurred.
- (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) **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 (<https://www.ncl.ac.uk/exams/rules/>), 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 shall not apply to draft copies of research work; if a student is unsure, they should speak to a member of staff for clarity before submitting work.
 - (viii) Contract Cheating/Custom Essay Writing. Defined as procuring or attempting to procure assessed work created by another person which is then submitted as a student's own work. 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 and/or breach of academic integrity.
 - (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.
 - (x) Breach of Ethical Governance Breach of research ethics is any academic practice which is in contravention of good practice guidelines provided by schools/faculties for considering ethical issues in student research at undergraduate, taught postgraduate or postgraduate research level study
- (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.

- (f) Students who consider they have a disability or condition which affects their ability to engage with the appeal process, need to disclose this with appropriate evidence, for a reasonable adjustment to be made during the handling of the case.

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

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 Level 1 or Level 2 of the procedure, 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 IV (a) 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) **Written Cautions and Sanctions**

- A written caution may be issued on the determination of an allegation. 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. A caution will not be disclosed in references.

When it is determined that misconduct (an assessment irregularity and/or breach of academic integrity) has been committed, one or more sanctions may be imposed. Guidance or direction may be given as to whether a finding of misconduct should be disclosed in a reference. Beyond this the disclosure of sanctions in references is at the discretion of the referee. The main sanctions available under the Assessment Irregularities Procedure are listed below. Note, however, that the full range of sanctions available at various levels are detailed under Part II, Levels 1, 2 and 3 of the Procedure (though some of these may not be appropriate for use in cases involving postgraduate research students) and that additional sanctions are available in some circumstances.

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

- 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 (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 be considered by the Board of Examiners if the re-submission achieves a specified minimum mark (normally the pass mark for the module). Subject to meeting the submission requirement, the mark 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 and there is no credit associated with the resubmission.

If the module is failed and the student is entitled to another attempt under the relevant examination conventions, then the resubmission will normally be regarded as the further attempt (or part of the further attempt) at the module, and the student should be advised (in advance). However in appropriate circumstances, the resubmission may be instead required as a stand-alone, non-credit bearing submission.

If the module is failed and either the student would not ordinarily require a further attempt or the student is not entitled to a further attempt under the relevant examination conventions, the resubmission is a stand-alone, non-credit bearing submission.

- A requirement to resubmit a project proposal or progress report within a defined timescale. (Postgraduate Research students only)
- A requirement to make minor corrections to a thesis submitted for examination. (Postgraduate Research students only)
- A requirement to resubmit the thesis, in accordance with research degree examination conventions. (Postgraduate Research students only)
- Being deemed to fail the whole academic year and required to pass the module or stage before being permitted to proceed.
- Disciplinary suspension from the University or such part as may be specified for a determined period of time.
- Deferred expulsion 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.
- Expulsion from the University with immediate effect. A student who is 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 made the discovery 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. (In the case of Postgraduate Research students, the Chair of the Board of Examiners may delegate the investigation and determination of allegations under this procedure to Directors of Postgraduate Study in the relevant academic unit). 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) In any case not dismissed under 3 (a) (iii), the Chair shall consider convening a meeting with the student as provided for in Part II of the Procedure in 4, Level 1. However, where the statement, provided by the student, does not dispute the allegation that an irregularity has occurred, the Chair may consider an appropriate sanction as set out in Part II of the Procedure in 4, Level 1 (ii)(a) and communicate this to the student in writing only.
- v) If the student receives a sanction in writing only but does not wish to accept that sanction, they should be given the opportunity to meet with the Chair, as provided for in Part II of the Procedure in 4, Level 1.
- vi) 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) in Section 2 above. In such a case, the investigation will take place under Level 2 of the procedure.

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 normally pursue the matter under Part II of the Procedure in 4, Level 2 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 II of the Procedure in 4, Level 1 below..
- 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 II of the Procedure in 4, Level 1 below.

4. Part II of Procedure - Disciplinary Proceedings

Level 1 - Action taken by the Chair of the Board of Examiners

In any case not concluded under 3 (a)(iv) above, 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 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, this shall be communicated to the student, by the Chair, in writing and no further action shall be taken other than the Chair may issue a caution in writing, as to future conduct.
- ii) If following the interview the Chair is satisfied that an irregularity occurred, the outcome will depend on the seriousness of the irregularity:
 - If the Chair determines that a negligible or minor irregularity occurred (or a major irregularity that Student Progress Service has agreed may be concluded at school level)¹, 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.

¹ Thresholds relating to 'negligible', 'minor' and 'major' are matters of judgement for the Chair of the Board of Examiners.
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- 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
- A requirement to resubmit a project proposal or progress report within a defined timescale. (Postgraduate Research students only)
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- A requirement to make minor corrections to a thesis submitted for examination, within a defined timescale.(Postgraduate Research students only)
- An alternative sanction agreed as appropriate and proportionate in consultation with the Student Progress Service.

See also guidance on Academic Sanctions at <https://newcastle.sharepoint.com/hub/sp/Pages/examiners.aspx>

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 Section 7, Part V 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.
- 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 <https://newcastle.sharepoint.com/hub/sp/Pages/procedures.aspx>

Level 2 - Action taken by the Student Progress Service

- i) In any case not dismissed under Level 1 of the procedure, 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 informed in writing and no further action shall be taken other than a caution may be issued in writing, as to future conduct.
- iii) If, on the basis of any further written statement and the evidence, the Student Progress Service determines that there is sufficient evidence that an assessment irregularity has occurred 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 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 other than a caution may be issued in writing, as to future conduct .
- v) If following the interview the Student Progress Service determines there has been an assessment irregularity, 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.
 - 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.
 - A requirement to resubmit a project proposal or progress report within a defined timescale. (Postgraduate Research students only)
 - A requirement to make minor corrections to a thesis submitted for examination.(Postgraduate Research students only)
 - A requirement to resubmit the thesis, in accordance with research degree examination conventions. (Postgraduate Research students only)
 - An alternative sanction agreed as appropriate and proportionate in consultation with the Student Disciplinary Convenor.

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 sanctions².

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:

- 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 Section 7, Part V of the Procedure.
- Hold a copy of the outcome letter on the student's record for the duration of

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.

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.
- vi) In a complex or more serious case, refer the case to a Disciplinary Committee for a disciplinary hearing (see Level 3 of the procedure) 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.

Level 3 - Disciplinary Committee

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

- i) The Disciplinary Convenor 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 member or members and Chair of the Committee. 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. 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 providing administrative support for the Hearing. If the Committee 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 Secretary in writing and no further action shall be taken other than a caution may be issued in writing, as to future conduct.
- iii) If the Committee determines that there is a disciplinary case to answer and, 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
 - A requirement to resubmit a project proposal or progress report within a defined timescale. (Postgraduate Research students only)
 - A requirement to make minor corrections to a thesis submitted for examination.(Postgraduate Research students only)
 - A requirement to resubmit the thesis, in accordance with research degree examination conventions. (Postgraduate Research students only).
 - 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 sanctions³.

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 an outcome letter advising the student of the decision reached by the Committee, 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 Section 7, Part V 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, Levels 1, 2 or 3 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, Levels 1, 2 or 3 above).
- iii) The Chair shall inform the Board of Examiners of the status of the student if disciplinary procedures have not yet been completed⁴. For such a student, any marks presented to the Board must remain provisional and shall not be released until the disciplinary procedures have been concluded⁵.

6. Part IV of the Procedure – Supplementary Provisions

General Provision for the Conduct of Hearings:

- i) Except as provided in 6 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 where a student is appealing against the decision of the Student Progress Service or a Disciplinary

³ 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.

⁴ 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.

⁵ Notwithstanding this provision, the Student Progress Service may advise the student of the marks if circumstances dictate that this action is advisable.

Committee, the Student Progress Service Officer conducting the interview or responsible for the presentation of the original case shall attend to outline the case⁶. The student shall, in all cases, be invited to attend and present their 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 so⁷. In such a case the parties shall be given appropriate notice and invited to make a full submission in writing.

7. Part V of the Procedure - Appeals

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 considered initially by the Disciplinary Convenor to decide if there is sufficient evidence under the specified grounds for consideration of an appeal. The Convenor may dismiss a case in which there is not sufficient evidence. Where, however, the Convenor determines that there is sufficient evidence, the appeal shall be considered as follows:
 - i) In a case determined under Level 1 or 2 of the procedure, the appeal shall be to a member of the Disciplinary Panel nominated by the Disciplinary Convenor.
 - ii) In a case determined under Level 3 of the procedure, the appeal shall be considered by a Disciplinary Appeal Committee.
- c) The general provisions for the conduct of an appeal hearing are detailed in Part IV(i) of the Assessment Irregularity procedure.

⁶ If the original Officer is unavailable, the Head of the Student Progress Service may appoint an alternate Case Presenter.

⁷ 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.

- d) The Disciplinary Appeal Committee may, in determining the appeal, confirm, 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 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.

Where a student submits their case to the OIA, for external review, all relevant information shall be disclosed to the OIA to allow a review to take place.

8. Monitoring

The Head of the Student Progress Service shall make an annual report to University Education Committee (UEC) of all allegations of assessment irregularities investigated under this procedure, including:

- The number of formal Level 2 and 3 referrals made, and whether they were upheld or rejected;
- The nature of the assessment irregularities and whether any University level action is needed to address the cases arising.

9. Confidentiality

All information obtained during an investigation into an alleged Assessment Irregularity will be held in accordance with Data Protection legislation and the University's Student Privacy Notice. <https://www.ncl.ac.uk/media/wwwnclacuk/dataprotection/StudentPrivacyNotice.pdf>

All information provided to the School, Student Progress Service or the adjudicating bodies in the course of the investigation and hearing of any allegation of an assessment irregularity shall be treated as confidential, except that (i) the student against whom the allegation is made shall be entitled to know the source of such information in the interests of open justice and (ii) any requirements of the Data Protection Act shall apply. It is equally important for the student against whom the allegation is made to respect the need for confidentiality through the Assessment Irregularity process. Improper use of such confidential information may result in disciplinary proceedings.

Students should avoid disclosing unnecessary personal information (e.g. medical conditions etc.) during the investigation unless they feel that it is relevant to the issues raised. Students must also avoid disclosing personal data of another person/s in their complaint unless they have been given permission by them to do so.

Relevant members of staff with a need to know may receive in confidence a copy of the determination of the Assessment Irregularity proceedings and senior University staff may similarly in confidence receive such a copy in order for the University to learn and/or act on issues identified in the proceedings.