PROCEDURE FOR ASSESSMENT IRREGULARITIES

This procedure applies to all cases of misconduct committed after 1 September 2009.

Impartial advice about these procedures may be sought from the Student Progress Service. Students may also seek advice from the Student Advice Centre of the Students' Union.

Introduction

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

2. For the purposes of this procedure, an assessment irregularity involves the use of improper means by a candidate in the assessment process. This includes, but is not limited to, the following:

   - Any breach of the rules for University examinations (http://www.ncl.ac.uk/examinations/RULES.htm), including copying from or conferring with other candidates or using unauthorised material or equipment in an examination room.
   - Impersonating or allowing another to impersonate a candidate.
   - Introducing examination scripts into the examination process otherwise than in the course of an examination.
   - Permitting another student to copy work.
   - The falsification (by inclusion or suppression) of research results.
   - 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.

3. 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 candidate'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.

[See also the University's Guidelines for Research Students, and the University's Notice to Students on Academic Conduct, both available from the Student Progress Service, 6 Kensington Terrace or at http://www.ncl.ac.uk/students/progress/student-resources/. The Senate procedure for revoking awards applies where an assessment irregularity is discovered after congregation. For students whose programme of studies includes professional accreditation, a proven assessment irregularity may also lead to proceedings required as a condition of accreditation such as, in the case of medical and dental students and Doctorate in Educational Psychology students under the relevant Fitness to Practise procedure.]
Confidentiality

All University staff and students involved in any investigation into an alleged assessment irregularity by a candidate have a duty of confidentiality to the candidate to limit disclosure to those who need to know.

Definitions

In this procedure the following terms are to be given the meaning assigned below:

Chair of Board of Examiners: the Chair of the Board of Examiners for the degree, diploma, certificate or other programme for which the candidate is registered. In cases of alleged assessment irregularities on the part of postgraduate research students, the relevant Dean of Postgraduate Studies shall be regarded as equivalent to 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).

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

Student Disciplinary Committee: the Committee established in accordance with Senate Minute 43 of 3 December 2001.

Disciplinary Appeals Committee: the Committee established in accordance with Senate Minute 43 of 3 December 2001.

Disciplinary Convenor: a member of academic staff appointed by Senate to convene Disciplinary Committees and Disciplinary Appeal Committees.

Part I of Procedure (Academic)

1. Action to be taken by the Person Discovering a Suspected Irregularity

   a) 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 candidate from the room and inform the candidate of the nature of the suspicion. The invigilator shall inform the candidate 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 candidate’s possession shall be confiscated. The candidate 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) If, on the basis of any written statement and any other evidence available, the Examinations Officer determines that there is clear prima facie evidence that an irregularity has occurred, the Examinations Officer shall immediately refer the matter to the Head of the Student Progress Service to determine whether disciplinary procedures should be pursued. The Examinations Officer shall then advise the Chair of the Board of Examiners of the circumstances leading to the referral to Student Progress Service. If disciplinary action is confirmed by Student Progress Service, the Chair of the Board of Examiners shall be asked to apply paragraph 2, sub-paragraphs (h) below.

      ii) All other suspected Assessment Irregularities identified in an Examination Room will, on the basis of any written statement and any other evidence available, be referred by the Examinations Officer to the Chair of the Board of Examiners.

   b) Outside an Examination Room

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.
2. **Action to be taken by the Chair of the Board of Examiners**

a) On receipt of a written report of a suspected assessment irregularity, the Chair of the Board of Examiners shall advise the Head of Student Progress Service that an investigation will be initiated, and shall investigate the alleged irregularity. In so doing, the Chair shall invite the candidate to submit a written statement and may require written statements from witnesses. The student shall be provided with a copy of this procedure, shall be advised of the allegation in writing and asked to respond in writing.

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

c) If, on the basis of the evidence, the Chair determines that there is a *prima facie* case that an irregularity has occurred, the candidate shall be given the opportunity to be interviewed in the presence of another academic colleague. The candidate shall be given the opportunity to be accompanied at the interview by a friend or representative.

d) If following the interview the Chair is satisfied that no irregularity has taken place, the candidate shall be so informed by the Chair in writing and no further action shall be taken.

e) If following the interview the Chair is satisfied that an irregularity took place but it was negligible, the candidate shall be informed by the Chair, in writing, of the irregularity, of the need to ensure full compliance with University policy in future, and that no further action shall be taken.

f) If following the interview the Chair determines that an irregularity has taken place, that the candidate has admitted the irregularity in writing, has no previous proven record of plagiarism and / or there was no intention to deceive, and that the irregularity is minor, normally the Chair shall:

   i) Issue the student with a letter advising that the charge of plagiarism is considered to be upheld, that the letter is to act as a formal warning to the student. The letter shall also advise of any academic consequences which may be applied at the discretion of the Chair of the Board in relation to the plagiarised work, e.g.:
      - a mark of zero for the whole of the assessment, or
      - a mark of zero for the assessed element of the work.

   ii) Require the student 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 at least the minimum standard of a pass. For all academic purposes, notwithstanding a higher mark on re-submission, the mark shall be recorded as the minimum mark for a pass.

   In the case of final year undergraduate or for students who have already submitted the allowed number of assessments in accordance with programme regulations, the student may be requested to produce an additional piece of work to demonstrate their knowledge of the subject area.

   iii) Shall advise the student that an appeal against this outcome can be lodged with the Head of Student Progress Service within 15 working days, in accordance with Appendix I of the Procedure.

   iv) 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.

   v) Instruct those marking the assessment(s) in question that a mark of zero should be returned for the plagiarised element/ whole of the assessment.

* Thresholds relating to ‘negligible’, ‘minor’ and ‘not minor’ are matters of judgement for the Chair of the Board of Examiners.
g) If following the interview the Chair determines that an irregularity has taken place and that paragraph f) does not apply, the Chair shall:

i) Inform the candidate in writing that a report on the matter will be made to the Head of Student Progress Service.

ii) Make a written report on the matter to the Head of Student Progress Service 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 plagiarism
   - note any mitigation raised by the student
   - include a recommendation as to possible academic sanctions if the allegation of plagiarism is upheld.

h) The Chair shall inform the Board of Examiners when it meets of the following:

i) The academic consequences of the irregularity dealt with under regulation e) or f).

ii) The status of the candidate if disciplinary procedures under regulation e) or regulation f) have not yet been completed. (In such cases, the Board of Examiners will be unable to consider the progress of the candidate, as there may be academic consequences if the case is found to be proven.)

iii) Where a Student Disciplinary Committee\(^\text{v}\) has determined the case, any academic sanctions that have been imposed. In such a case, the Chair shall ensure that the academic sanctions imposed by the Student Disciplinary Committee\(^\text{v}\) are applied by the Board and that the Minutes of the meeting of the Board record the decision of the Student Disciplinary Committee\(^\text{v}\).

iv) Where a disciplinary hearing is pending, ensure that the mark sheets and minutes of the meeting of the Board of Examiners returned to the Examinations Office make it clear that the results of the candidate are provisional and shall not be published as long as a disciplinary hearing is pending.

[Note: if, as a result of the time the investigation into the alleged irregularity takes, the candidate's results cannot be published in time for the graduation ceremony, that is a consequence the candidate must accept.]

i) Where a Student Disciplinary Committee is established to consider the case, advise the Committee on the consequences of any academic sanctions which it might be considering.

\(^\text{v}\) Or Student Progress Service.
Part II of Procedure (Disciplinary)

1. **Action to be taken by Student Progress Service**

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

   b) 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 candidate and the Chair of the Board of Examiners will be so informed in writing and no further action shall be taken.

   c) If, on the basis of any further written statement and the evidence, the Student Progress Service determines that there is a *prima facie* case of misconduct established, the candidate shall be given the opportunity to be interviewed in the presence of an administrative colleague. The candidate shall be given the opportunity to be accompanied at the interview by a friend or representative.

   d) If following the interview the Student Progress Service is satisfied that there is no disciplinary case to answer, the candidate 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.

   e) If following the interview the Student Progress Service determines that there is a disciplinary case to answer, the Student Progress Service shall:

      EITHER

      i) Issue a written warning* to the candidate about future conduct in relation to academic assessment. Following consultation with the Chair of the Board of Examiners”, the letter shall also advise of any academic consequences which may be applied in relation to the plagiarised work, e.g.:

      - a mark of zero for those elements of the assessment/s.
      - a mark of zero for the whole assessment, or
      - a mark of zero for the whole module/s.

      The student may also be required 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, and passing the piece of work will be a condition of future progress on the programme†.

      In the case of final year undergraduate and postgraduate students or for students who have already submitted the allowed number of assessments in accordance with programme regulations, the student may be requested to produce an additional piece of work to demonstrate their knowledge of the subject area.

      OR

      ii) Refer the case to the Student Disciplinary Committee for a disciplinary hearing and inform the candidate and Chair of the Board of Examiners in writing that a disciplinary hearing is to be held. Pending the hearing, the Student Progress Service

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* Where a candidate has previously received a warning relating to academic assessment, or where the Student Progress Service otherwise deems it appropriate, the candidate may receive a final warning. The warning shall be copied to the Chair of the Board of Examiners;

† The Student Progress Service, or a Student Disciplinary Committee, will take into account any academic sanctions recommended by the Chair of the Board of Examiners, but will not be bound by them.

† In most instances the maximum mark that can be achieved after resubmission will be 40 (for undergraduate study) or 50 (for postgraduate study). Students who are required to resit will be required to pass the assessment in order to be able to proceed on the programme. In some instances it may also be appropriate to require the student to resubmit and pass, but record the mark of 0 for the future calculation of degree classifications etc.
may temporarily suspend a student from the University or from such facilities as the
Student Progress Service shall determine. In such a case, the decision to suspend
a student shall be reviewed by the Student Progress Service after every two week
interval, and the Committee shall hear the case, where reasonably practicable,
within four weeks.

2. Student Disciplinary Committee

a) The Disciplinary Convenor, appointed by Senate 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 staff selected by reason of
their experience of examining. The Student Progress Service shall provide such
secretarial and administrative support as is reasonably necessary.

b) 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 except that in the case of assessment irregularities reported to the Student
Progress Service by the Examinations Officer, the Examinations Officer may present the
charge(s). 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.

c) If the Committee is satisfied that the assessment irregularity does not amount to
misconduct, no further action shall be taken against the candidate but the academic
consequence of the assessment irregularity shall not be affected.

d) If the Committee is satisfied that the candidate committed an act of misconduct, one or
more of the following sanctions may be imposed:

   i) A warning, orally and in writing, about future conduct. Where a candidate has
      previously received a warning, or where the Committee deems it appropriate, the
      candidate may receive a final warning.

   ii) Notwithstanding the academic consequence of an assessment irregularity, such
       academic sanction as is deemed appropriate by the Committee. In determining
       whether or not an academic sanction is appropriate, 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 a sanction. Where an academic
       sanction is under consideration, marks returned to the Board of Examiners shall
       be disclosed to the candidate and the Committee.

   Academic Sanctions may include, e.g.:

   - a mark of zero for the whole of the assessment/s.

   - The 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 and also pass the piece of work in order to progress on the programme.

‡ The Student Progress Service, or a Student Disciplinary Committee, will take into account any academic sanctions
   recommended by the Chair of the Board of Examiners, but will not be bound by them.
- In the case of final year undergraduate and postgraduate students or for students who have already submitted the allowed number of assessments in accordance with programme regulations, the student may be requested to produce an additional piece of work to demonstrate their knowledge of the subject area.

- a mark of zero for the whole of the module/s.

- a mark of zero for the whole of the assessment/s.

- being deemed to fail the whole academic year and required to pass the module/stage before being permitted to proceed.

iii) Suspension from the University or such part or parts as may be specified.

iv) Expulsion from the University.

e) Notwithstanding paragraph f), the Committee may impose such other sanctions as are appropriate in all of the circumstances.

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

g) The Secretary to the Student Disciplinary Committee shall inform the candidate and the Chair of the Board of Examiners in writing of the Committee's decision.

3. Appeals Against the Decision of the Student Disciplinary Committee

A student wishing to appeal against a decision made under these procedures shall follow the appeals procedure set out in Appendix I.

4. General Provision for the Conduct of Hearings

In all proceedings before the Student Progress Service or Disciplinary Committee or Disciplinary Appeals Committee, the Student Progress Service 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 Student Progress Service 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 Officer responsible for the presentation of the original case shall attend to outline the case. The student shall, in all cases, have the right to attend and present their case, and to be present and be heard during the hearing. The student may be accompanied by a friend or representative and shall have the right to be informed of all the evidence. In all other respects, the conduct of the hearing shall be a matter for 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.

If the original Officer is unavailable, the Head of the Student Progress Service may appoint an alternate Case Presenter.
ASSESSMENT IRREGULARITIES 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 fifteen working days of receipt of the decision to the Head of the Student Progress Service. 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 Senate, 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 Union Society to the Disciplinary Panel from time to time appointed by Senate.

c) 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.

d) 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. A leaflet can also be obtained from the Student Progress Service, 6 Kensington Terrace.