

Reg. 11 Procedure to be Adopted in the Event of Suspected Cheating in a University Test

Definitions:

In these Regulations 'cheating' means an attempt to benefit oneself or another, by deceit or fraud. This shall include reproducing one's own work or the work of another person or persons without proper acknowledgement.

Faculty Board and Departmental Instructions

Each Faculty Board or Department, School, or Graduate School may issue instructions containing more specific definitions to apply in that Faculty or Department, School or Graduate School in the assessment of work not undertaken under invigilated examination conditions.

In these Regulations the words 'department' or 'departmental' include as appropriate Schools, or Graduate Schools of the University.

(A) Tests Conducted under Examination Conditions as Laid Down in the University Regulations for the Invigilation of Examinations

(1) Regulation 10.3 (7) of the Regulations for the Invigilation of Examinations states that 'Where an invigilator suspects a candidate of cheating the invigilator shall, after informing and consulting with the other invigilator(s), warn the candidate that a report will be made. The candidate shall then be permitted to finish the paper. A full report of the circumstances shall be made to the Academic Registrar immediately after the examination.' Accordingly, the student shall be warned that a report will be made to the Academic Registrar, and shall be informed that he/she may make a written statement, to be submitted to the Academic Registrar, before the meeting of an Investigating Committee. The student shall be provided by the Academic Registrar with a statement of the allegations made against him/her, together with copies of any supporting evidence, at least five days before the meeting of the Investigating Committee.

(2) The invigilator's report and the student's statement, if any, shall be considered by an Investigating Committee of the Senate, whose membership shall be appointed by the Vice-Chancellor (or his nominee) and shall be chaired by the Chair of a Faculty Board or the Chair of a Faculty Undergraduate or Graduate Studies Committee (as appropriate) other than that of the student's faculty (or his/her nominee), together with not fewer than two members drawn from a panel of up to twenty members appointed by the Senate on the recommendation of the Faculty Boards (up to five nominees per faculty, panel members to serve for a period of three years). The Investigating Committee shall not include any member of the student's department. The Head(s) of the Department(s) responsible for the module(s) concerned (or his/her authorised deputy) shall present the case and shall have a right to call the invigilators and/or other witnesses to appear before the Committee. The Chair of the appropriate Examiners' Board (or his/her authorised deputy where the Chair of the Examiners' Board is also the Head of the Department responsible for the module(s) concerned) shall be in attendance in an advisory capacity.

(3) If he/she wishes, the student shall have the right to appear before the Investigating Committee, and he/she may invite any one other person to attend the Committee. The name and status of any person accompanying the student must be notified to the Chair of the Investigating Committee via the Academic Registrar in advance of the meeting. The student shall also have the right to request witnesses to appear before the Committee and/or to provide the Committee with a written statement prior to its meeting.

(4) If the Investigating Committee is not satisfied that the candidate has cheated, he/she shall be informed and the matter shall end there. The Chair of the Investigating Committee may also take Chair's action to dismiss a case prior to any committee meeting if s/he judges that there is no case to answer.

(5) If the Investigating Committee is satisfied that cheating has taken place it shall determine the penalty and inform the appropriate Board of Examiners and the student accordingly. The maximum penalty shall not normally exceed a mark of zero in that examination paper, (if appropriate, with or without the opportunity to resit the paper), but in appropriate cases the Committee shall have the power to impose a more severe penalty, it being understood that such a penalty would be imposed without prejudice to the provisions of the Disciplinary Regulations. The Investigating Committee may refer cases it considers appropriate to the University Discipline Committee, the sanctions available to the Discipline Committee including termination of the student's registration.

(6) (a) The student shall have the right of appeal against either the decision of the Investigating Committee or the penalty, to an appeal committee appointed by the Vice-Chancellor (or his nominee), consisting of a Pro-Vice-Chancellor (as Chair) together with not fewer than two of the Chairs of the Faculty Boards or two of the Chairs of the Faculty Undergraduate or Graduate Studies Committees, as appropriate (or their nominees). No member of the relevant Investigating Committee shall also be a member of the appeal committee. Any appeal must be submitted in writing to the Academic Registrar within ten days of the notification of the Investigating Committee's decision to the student.

(b) The appeal committee will consider appeals from students made on the following grounds:

(i) that there was a material irregularity or failure in procedure in the conduct of the original hearing before the Investigating Committee;

(ii) that relevant evidence has come to light which the appellant was unable to present to the Investigating Committee at the original hearing;

(iii) that in light of new evidence the penalty imposed by the Investigating Committee is excessive in relation to the offence committed.

(c) Appeals shall be considered initially by the Chair of the appeal committee in consultation with one other member of the committee to establish that a prima facie case for appeal exists. Appeals shall not be considered where, in the opinion of the Chair and the consulted member of the appeal committee, the appellant has failed to bring the appeal within any of the grounds listed under (b)(i) - (iii) above.

(d) If he/she wishes, the appellant shall have the right to appear before the appeal committee, and he/she may invite any one other person to attend the Committee. The name and status of any person accompanying the student must be notified to the Chair of the committee via the Academic Registrar in advance of the meeting.

(e) The Head(s) of the Department(s) responsible for the module(s) concerned (or his/her authorised deputy) shall be at the committee and shall be invited to present a response to the appeal.

(f) If required, the Chair of the Investigating Committee shall be asked to attend the appeal committee to answer any questions concerning the Investigating Committee's original decision, but shall attend for this purpose only and shall not remain present throughout the appeal hearing.

(g) The appeal committee shall have power to confirm or to set aside the decision of the Investigating Committee, or to set aside or vary the penalty imposed by the Investigating Committee. The decisions of the appeal committee shall be final and shall be communicated to the secretary of the appropriate Board of Examiners.

(7) An examiner who when marking examination scripts suspects that cheating has taken place shall consult the Head of his/her Department. If the Head of Department considers that cheating has occurred according to the definitions set out in University Regulations and/or his/her Faculty's instructions, he/she shall make a full report to the Academic Registrar and shall warn the student that this report has been made. He/she shall also inform the student that he/she may make a written statement to be submitted to the Academic Registrar before the meeting of the Investigating Committee. The procedure thereafter shall be governed by paragraphs (A)(2)-(6) above.

(B) Essays, Dissertations, Reports and Other Assessed Work, not Undertaken under Examination Conditions as Laid Down in the University Regulations for the Invigilation of Examinations

(1) Where there is suspicion that a candidate or former candidate has reproduced in a University assessment his/her own work which has previously been submitted for assessment or work of another person or persons without proper acknowledgement, the Head(s) of the Department (or the Head's authorised deputy) responsible for the module(s) concerned shall be consulted. This procedure shall also apply to work formally submitted by candidates for a research degree as part of the annual review or upgrade process.

(2) If the Head of the Department (or his/her authorised deputy) considers that an offence may have occurred according to the definition set out in the University Regulations or Faculty or departmental instructions, he/she shall (other than in the circumstances set out in paragraphs (3) and (4) below) either:

(a) Make a full report to the Academic Registrar, thereby invoking the procedures set out in paragraphs (5)-(9) below; or

(b) Exercise his/her discretion to pursue the matter without reference to an Investigating Committee, in which case he/she shall inform the student of the allegation and provide the student with reasonable opportunity to make representations on his/her own behalf, before determining whether an offence has occurred and, if so, determining the appropriate penalty, which shall not exceed a

mark of zero in the piece of work to which the offence relates (with or without the opportunity to resubmit or undertake a further assessment). The student, having been informed of the penalty, may choose either:

(i) to accept the penalty as a final decision in which case a report of the circumstances of the case and level of penalty exacted shall be lodged by the Head (or his/her authorised deputy) with the Secretary of the appropriate Board of Examiners; or

(ii) request, within ten days of being informed by the Head of Department of the penalty, that the matter is considered by an Investigating Committee, thereby invoking procedures (5)-(9) below, whereupon the Head (or his/her authorised deputy) shall make a report to the Academic Registrar. In exceptional circumstances the Head of Department may consider a request submitted after ten days.

(3) In the event that the examiners for a higher degree by research suspect a candidate of cheating, the examination process shall be stopped. The internal examiner or examination advisor shall inform the Head of Department of the allegation. The Head of Department shall make a full report to the Academic Registrar, thus invoking the procedures set out in paragraphs (5)-(9) below.

(4) Where the alleged offence relates to an assessment which contributed to the previous approval of an academic award or honour to the candidate, the Head of Department (or his/her authorised deputy) shall make a full report to the Academic Registrar, thus invoking the procedure set out in paragraphs (5)-(9) below.

(5) In all cases where a report has been submitted by the Head of Department (or his/her authorised deputy) to the Academic Registrar, the Head (or his/her authorised deputy) shall warn the student that this report has been made, and inform him/her that he/she may make a written statement to be submitted to the Academic Registrar before the meeting of an Investigating Committee. The student shall be provided by the Academic Registrar with a statement of the allegations made against him/her, together with copies of any supporting evidence, at least five days before the meeting of the Investigating Committee.

(6) The reports shall be considered by an Investigating Committee of the Senate, whose membership shall be appointed by the Vice-Chancellor (or his nominee) and shall be chaired by the Chair of a Faculty Board or the Chair of a Faculty Undergraduate or Graduate Studies Committee (as appropriate) other than that of the student's faculty (or his/her nominee), together with not fewer than two members drawn from a panel of up to twenty members appointed by the Senate on the recommendation of the Faculty Boards (up to five nominees per faculty, panel members to serve for a period of three years). The Investigating Committee shall not include any member of the student's department. In considering the case the Investigating Committee shall take into account the Faculty and/or departmental instructions in relation to assessed work as well as the definitions in relation to cheating set out in University Regulations. The Head(s) of the Department(s) responsible for the module(s) concerned (or his/her authorised deputy) shall present the case and shall have a right to call witnesses to appear before the Committee. The Chair of the appropriate Examiners' Board (or his/her authorised deputy where the Chair of the Examiners' Board is the Head of the Department responsible for the module(s) concerned) shall be in attendance in an advisory capacity.

(7) If he/she wishes, the student shall have the right to appear before the Investigating Committee, and he/she may invite any one other person to attend the Committee. The name and status of any person accompanying the student must be notified to the Chair of the Investigating Committee via the Academic Registrar in advance of the meeting. The student shall also have the right to request any witnesses to appear before the Committee and/or to provide the Committee with a written statement prior to its meeting.

(8) If the Investigating Committee is not satisfied that an offence has taken place, the student shall be informed and the matter shall end there. The Chair of the Investigating Committee may also take Chair's action to dismiss a case prior to any committee meeting if s/he judges that there is no case to answer.

(9) If the Investigating Committee is satisfied that an offence has taken place it shall:

(a) determine the penalty and inform the secretary of the appropriate Board of Examiners and the student accordingly. The maximum penalty shall not normally exceed a mark of zero in that unit of study* in which the piece of work is being assessed (with or without the opportunity to resubmit or undertake a further assessment) but in appropriate cases the Committee shall have the power to impose a more severe penalty, it being understood that such a penalty would be imposed without prejudice to the provisions of the Disciplinary Regulations. The Investigating Committee may refer cases it considers appropriate to the University Discipline Committee, sanctions available to the Discipline Committee including termination of the student's registration, or

(b) where the offence relates to an assessment which contributed to the previous approval of an academic award or honour to the candidate, make such recommendations to the Senate (or to the Senate Steering Committee acting on the Senate's behalf) to take such action under University Statutes, Ordinances and Regulations as it may consider appropriate (including that the previous academic award or honour to the candidate should be revoked).

(10) (a) The student shall have the right to appeal against either the decision of the Investigating Committee or the penalty, to an appeal committee appointed by the Vice-Chancellor (or his nominee), consisting of a Pro-Vice-Chancellor (as Chair) together with not fewer than two of the Chairs of the Faculty Boards or two of the Chairs of the Faculty Undergraduate or Graduate Studies Committees, as appropriate (or their nominees). No member of the relevant Investigating Committee shall also be a member of the appeal committee. Any appeal must be submitted in writing to the Academic Registrar within ten days of the notification of the Investigating Committee's decision to the student.

(b) The appeal committee will consider appeals from students made on the following grounds:

(i) that there was a material irregularity or failure in procedure in the conduct of the original hearing before the Investigating Committee;

(ii) that relevant evidence has come to light which the appellant was unable to present to the Investigating Committee at the original hearing;

(iii) that in light of new evidence the penalty imposed by the Investigating Committee is excessive in relation to the offence committed.

(c) Appeals shall be considered initially by the Chair of the appeal committee in consultation with one other member of the committee to establish that a prima facie case for appeal exists. Appeals shall not be considered where, in the opinion of the Chair and the consulted member of the appeal committee, the appellant has failed to bring the appeal within any of the grounds listed under (b)(i) - (iii) above.

(d) In considering any appeal the appeal committee shall take into account the definitions in relation to cheating set out in the University Regulations, and, if relevant, the Faculty and/or departmental instructions in relation to assessed work.

(e) If he/she wishes, the appellant shall have the right to appear before the appeal committee, and he/she may invite any one other person to attend the committee. The name and status of any person accompanying the student must be notified to the Chair of the committee via the Academic Registrar in advance of the meeting.

(f) The Head(s) of the Department(s) responsible for the module(s) concerned (or his/her authorised deputy) shall be at the committee and shall be invited to present a response to the appeal.

(g) If required, the Chair of the Investigating Committee shall be asked to attend the appeal committee to answer any questions concerning the Investigating Committee's original decision, but shall attend for this purpose only and shall not remain present throughout the appeal hearing.

(h) The appeal committee shall have power to confirm or to set aside the decision of the Investigating Committee, or to set aside or vary the penalty imposed by the Investigating Committee. The decisions of the appeal committee shall be final and shall be communicated to the secretary of the appropriate Board of Examiners.

(11) In cases where cheating is proven and the circumstances are such that it is appropriate for the University to inform a regulatory body for the student's intended profession of the finding, the Academic Registrar shall be responsible for informing the regulatory body.

**A unit of study is defined as that part of a student work load, in a given year, which is allocated an approved separate examination weighting by the appropriate body.*