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PROCEDURE FOR CONSIDERING AN ALLEGATION OF UNFAIR PRACTICE AGAINST A UNIVERSITY OF WALES GRADUATE

The Unfair Practice Procedure (University of Wales Graduates)

*Procedure for considering an Allegation of Unfair
Practice against a University of Wales Graduate*

OCTOBER 2006

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University of Wales Registry
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Cardiff
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Procedure to consider an Allegation of Unfair Practice made against a University of Wales Graduate

This procedure shall apply to cases where an allegation of unfair practice arises at any time **after** an individual has been admitted to a degree of the University of Wales, or after a Diploma, Licence or other academic award of the University of Wales has been conferred and granted. The allegation will be considered by the Academic Board of the University of Wales. The Academic Board shall have the power to deprive the individual of the degree or to revoke such a Diploma, Licence or other academic award [Statute 19 (3) and (4)].

1. The graduate's own institution shall be required to conduct a preliminary investigation and to submit a report on that investigation to the Secretary to the University of Wales Academic Board. In the case of graduates from Collaborative Partner Institutions, such preliminary investigation shall be conducted by the University of Wales Validation Unit.
2. If the preliminary investigation finds that a *prima facie* case exists, the Secretary to the Academic Board shall inform the graduate of the allegation, shall send to the graduate a copy of the report on the preliminary investigation and a copy of any evidence submitted by any person(s) who may have brought the case to the attention of the University, and shall invite the graduate to submit a defence and any relevant evidence or other documentation within a reasonable and adequate timescale to be agreed in writing with the graduate.
3. The University of Wales' Academic Board shall conduct an investigation into the allegation made and to that end shall constitute a Panel of Enquiry composed of the following:
 - (i) one senior member of the academic staff of a UK University other than the University of Wales (who will also act as Chair of the Panel);
 - (ii) one member of the academic staff of a UK University other than the University of Wales with relevant expertise in the subject matter in question;
 - (iii) one member of the University of Wales' Academic Board who shall not be a member of staff of the graduate's own institution.

The Senior Vice-Chancellor shall be asked to approve the composition of the Panel.

4. The Secretary to the Academic Board shall send to each member of the Panel of Enquiry the following:
 - (i) copies of the relevant works;

- (ii) a copy of the report of a preliminary investigation conducted by the graduate's own institution or by the University of Wales Validation Unit;
- (iii) a copy of the defence and evidence submitted by the graduate;
- (iv) a copy of evidence (if any) submitted by any person(s) who may have brought the case to the attention of the University.

Each member of the Panel of Enquiry shall be sent a list of all documents sent to them and shall be asked to confirm in writing that they have received all those documents.

5. Each member of the Panel of Enquiry shall be asked to consider the documents in 4 above, to decide whether the allegation should be substantiated and any recommendations in respect of a penalty or other matters, and shall submit a report to the Secretary of the Academic Board, who shall collate and circulate those reports to the three Panel members. Normally, no formal meeting of the Panel will be necessary, but the Chair shall be empowered to call such a meeting if required.
6. After consideration of the individual reports from the three Panel members, the Chair of the Panel shall prepare a draft final report for agreement by the other two Panel members, and shall submit the final report to the University of Wales Academic Board. The report shall include the following:
 - (i) whether the allegation of unfair practice is substantiated beyond reasonable doubt;
 - (ii) if the allegation is substantiated, the penalty to recommend to the University of Wales Academic Board;
 - (iii) whether the graduate had been given adequate opportunity to defend himself/herself against the allegations made;
 - (iv) irrespective of (i) above, whether the Academic Board of the University of Wales should consider making any general recommendations to the institution concerned (e.g. regarding supervision, examination arrangements, etc).
7. The Panel of Enquiry shall recommend to the University of Wales' Academic Board one or any combination of the following penalties:
 - (i) The issue of a formal reprimand to the graduate, a written record of which shall be kept.
 - (ii) The cancellation of the graduate's marks in part or in whole for module(s) concerned, or in all of the modules for the year in question or the equivalent for a part-time candidate, with a recommendation as to

whether or not a re-assessment should be permitted, either with eligibility for the bare pass mark only or for the full range of marks.

- (iii) The reduction of the degree result by one class or the deprivation of a distinction, as appropriate.
- (iv) The disqualification of the graduate from the degree (research degrees only).
- (v) The disqualification of the graduate from any future University of Wales examination.

If a Panel of Enquiry decides that the above penalties are inappropriate, the Panel may use its discretion to recommend the appropriate penalty.

8. The University of Wales' Academic Board shall consider and decide upon the recommendations of the Panel of Enquiry.

The Board may require an Examination Board to re-determine, in accordance with the regulations of the institution concerned and any Examination Board conventions, the graduate's eligibility for a degree and the degree class, if the graduate's marks in part or in whole for module(s) concerned, or in all of the modules for the year in question, have been cancelled.

If the penalty recommended would result in the Academic Board depriving the individual of the degree or revoking a Diploma, Licence or other academic award, it is a requirement, under Academic Ordinance 3(I) for the graduate to be given the opportunity to be heard by the Academic Board itself.

- 9 In exceptional circumstances where an allegation has been substantiated and the University of Wales' Academic Board is concerned that this may affect the candidate's ability to practise in a particular profession, a report shall be submitted to the relevant professional body.
10. The Secretary to the Academic Board shall inform the graduate of the outcome by means of a Completion of Procedures Letter. If the Panel finds that the allegation has not been substantiated all record of the case shall be removed from the student's file.
11. Normally, the University of Wales shall not make any public pronouncements of the decision of the Academic Board on the recommendations of the Panel of Enquiry. However, a graduate, in respect of whom a determination has been made, shall have the right to require the University of Wales to publish any determination should the graduate so wish, and the University of Wales shall maintain a record of all such cases, which will be available to the public on request.
12. Pursuant to the Higher Education Act 2004, the Office of the Independent Adjudicator for Higher Education (the OIA) has been designated by the

National Assembly for Wales from 1 January 2005 as the operator of an independent scheme in Wales for the review of student complaints.

Once all the relevant University of Wales procedures above have been exhausted a candidate may submit a complaint to the OIA. Any such complaint must be submitted by sending a completed Scheme Application Form together with all relevant information to the OIA within three months of the date on the “Completion of Procedures Letter” from the University of Wales upon completion of its internal procedures. A Scheme Application Form can be obtained from the University of Wales Registry (Ref OIA), downloaded from the OIA website www.oiahe.org.uk or by telephoning or writing to the OIA. The contact details for the OIA are as follows:

OIA for HE, Third Floor, Kings Reach, 38-50 Kings Road, Reading, RG1
3AA
Tel: 0118 959 9813
Email: enquiries@oiahe.org.uk