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



Cardiff
Metropolitan
University

Prifysgol
Metropolitan
Caerdydd

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

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 Cardiff Metropolitan University, or after a Diploma, Licence or other academic award of Cardiff Metropolitan University has been conferred and granted. The allegation will be considered by the Academic Board of the University, which has the power to deprive the individual of the degree or to revoke such a Diploma, Licence or other academic award.

In the context of this document, the term “graduate” also applies to the recipient of any Diploma, Certificate or other award of the University.

Preliminary Investigation

1. Upon receipt of an allegation of unfair practice against a graduate already admitted to a degree of Cardiff Metropolitan University, the Assistant Registrar (Student Administration Services) or nominee shall be required to conduct a preliminary investigation and to prepare a report on that investigation.
2. If the preliminary investigation finds that a that a case exists, the Assistant Registrar (Student Administration Services) or nominee 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.

Establishment of a Committee of Enquiry

3. The Assistant Registrar (Student Administration Services) or nominee shall arrange for an appropriate Committee of Enquiry to be convened as soon as possible, normally within eight working weeks of the receipt from the graduate of his/her defence and evidence, and for a member of the Academic Registry to act as Secretary to the Committee. The timescale may be longer than eight working weeks where this would be in the best interests of the graduate to ensure a thorough investigation of the alleged unfair practice. The Assistant Registrar (Student

Administration Services), or his/her nominee, who shall present the case against the graduate, shall not act as Secretary to the Committee.

4. Each Committee of Enquiry shall consist of three members in accordance with paragraphs 6.1-6.3 of the University's student *Unfair Practice Procedure*. A person external to the University may be appointed as an additional member of the Committee at the discretion of the University.
5. Meetings of Committees of Enquiry shall normally be held on a campus of Cardiff Metropolitan University.
6. The Secretary of the Committee shall, at least 14 days before the date of the meeting of the Committee, inform the graduate of the date, place and time when the Committee of Enquiry will be meeting and that he/she has the right to be represented or accompanied, to hear all the evidence, to call and question witnesses and to submit other evidence, including evidence of mitigating circumstances.
7. The Secretary to the Committee of Enquiry shall send to each member of the Committee of Enquiry, at least 10 days before the date of the meeting of the Committee, the following:
 - (i) copies of the relevant works;
 - (ii) a copy of the report of a preliminary investigation (see 1 above);
 - (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.
8. Any further evidence made available on the date of the meeting may be presented to the Committee and to the graduate but only with express permission of the Chair.
9. The graduate shall be required to inform the Secretary whether or not he/she intends to attend the meeting of the Committee of Enquiry. If the graduate indicates that he/she does not wish to attend the meeting, the Committee of Enquiry shall proceed in his/her absence. In such a case the graduate can elect to be represented at the meeting. Where no response is received from the graduate, there may be one postponement of the Committee of Enquiry pending investigation (e.g. to establish whether the graduate has received the communications).
10. A graduate who intends to be accompanied and/or represented shall inform the Secretary of the name of the person accompanying and/or representing him/her in writing in advance of the meeting, and shall state whether or not the person representing or accompanying him/her has legal qualifications and or will be acting in a legal capacity.

11. Should a graduate not attend the meeting of the Committee of Enquiry, having previously indicated to the Secretary that he/she would attend, and provided that all reasonable means have been taken to contact the graduate, the meeting shall proceed in his/her absence.
12. The meeting of the Committee of Enquiry shall be conducted in accordance with the procedure in Appendix 1.

Functions of the Committee of Enquiry

13. The functions of the Committee of Enquiry shall be to determine:
 - (i) whether the allegation of unfair practice is substantiated beyond reasonable doubt;
 - (ii) if the allegation is substantiated, the appropriate penalty;
 - (iii) whether the graduate had been given adequate opportunity to defend himself/herself against the allegations made;
 - (iv) whether to make any recommendations arising from the case to the University's Academic Quality & Standards Board.

Penalties

14. The Committee of Enquiry shall decide one or any combination of the following penalties:

14.1 The issue of a formal reprimand to the graduate, a written record of which shall be kept.

14.2 The cancellation of the graduate's marks for:

- The assignment in question
- The module in question
- All marks associated with the year or level in question.

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

14.3 The reduction of the degree result by one class or the deprivation of a merit or distinction, as appropriate.

- 14.4 To recommend the degree or other award be revoked by the University's Academic Board.
- 14.5 The disqualification of the graduate from any future examination of Cardiff Metropolitan University (or of any successor body).
15. If a Committee of Enquiry decides that the above penalties are inappropriate, the Panel may use its discretion to recommend the appropriate penalty.
16. If the penalty imposed would result in depriving the individual of the degree or revoking a Diploma, Licence or other academic award, a recommendation to this effect must be presented to the University's Academic Board for approval once any opportunity for the graduate to appeal has passed.
17. If the penalty results in a reduction in the class of degree previously awarded (including merits or distinctions on degrees or other awards), the Vice-Chancellor shall have authority to deem the graduate to have been admitted to the lower class of degree.

Actions following the Committee of Enquiry

18. The Secretary to the Committee of Enquiry shall inform the graduate in writing, within 5 working days of the hearing, of the committee's decision on the allegation, the penalties imposed and the reasons for the Committee's decisions.
19. The Secretary to the Committee of Enquiry shall further inform the graduate of his/her right to appeal, and provide a copy of the Appeals Procedure (Unfair Practice) and the Application for Appeal (Unfair Practice) form.
20. In exceptional circumstances where an allegation has been substantiated and the University is concerned that this may affect the graduate's ability to practise in a particular profession, a report shall be submitted to the relevant professional body.
21. Normally, Cardiff Metropolitan University shall not make any public pronouncements of the decision of the Committee of Enquiry. However, a graduate, in respect of whom a determination has been made, shall have the right to require the University to publish any determination should the graduate so wish.

Procedure for the Conduct of a Meeting of the Committee of Enquiry

For the purposes below, the Assistant Registrar (Student Administration Services) may nominate another member of staff to act in his/her stead.

- A1 In cases where two or more graduates are accused of related offences, such as in the case of collusion, the Chair may decide to deal with the cases together. However, each graduate shall be given the opportunity to request that the cases be heard separately.
- A2 The Assistant Registrar (Student Administration Services) (or the legal representative acting for the University) shall present the case against the graduate, calling such witnesses and presenting such evidence as the Assistant Registrar (Student Administration Services) thinks fit. Additional documentary evidence in support of the case against the graduate may only be presented to the Committee on the day of the hearing, with the express permission of the Chair.
- A3 The Assistant Registrar (Student Administration Services) may question both the graduate and witnesses. The graduate may question the witnesses called by the Assistant Registrar (Student Administration Services).
- A4 The graduate shall have the right to be represented or accompanied, to hear all the evidence brought against him/her, to call and to question witnesses, and to submit other evidence. Additional documentary evidence including evidence of mitigating circumstances may only be presented to the Committee on the day of the hearing, with the express permission of the Chair. The Chair may invite contributions from the person accompanying the student.
- A5 Members of the Committee of Enquiry may ask questions of the graduate, the Assistant Registrar (Student Administration Services) and of the witnesses.
- A6 Witnesses shall be concerned only with evidence relating directly to the allegation and shall normally withdraw after questioning. The Chair may wish to consider allowing witnesses to remain in the hearing throughout the submission of evidence. The agreement of both parties to this shall be obtained.
- A7 When the submission of evidence and the questioning of witnesses are completed, all persons, other than the members of the Committee and the Secretary shall withdraw.
- A8 The Chair of the Committee may approve an adjournment of the hearing following a reasonable request from any party.

A9 The Committee of Enquiry shall then consider whether the allegation has been substantiated. The Committee would not normally be required to prove intent on the part of the graduate to engage in an act of unfair practice in order to substantiate the allegation, but additional proof of intent may be relevant to the Committee in arriving at an appropriate penalty.

A10 The Committee of Enquiry shall not normally be informed, before reaching its verdict on the allegation under consideration, of any evidence of previously substantiated allegations of unfair practice. The Committee shall however be so informed before determining the penalty in appropriate cases. In exceptional cases, evidence of previous substantiated acts of unfair practice may be disclosed prior to the verdict of the Committee where such evidence;

- (i) rebuts a claim of previous good character made by the graduate/representative;
- (ii) is relevant to the allegation under consideration (other than merely showing that the graduate had a disposition to commit the facts alleged) and that its prejudicial effect does not outweigh its probative value.

A11 If the Committee finds that the case has been substantiated, it shall then consider the penalty to be imposed.

A12 When determining the penalty to be imposed, the Committee shall consider the graduate's record, including profile of marks, and any assessment conventions and regulations for the programme of study in question. The Committee should also consult any guidelines issued on the appropriateness of penalties for different levels of offences.

A13 The Chair of the Committee of Enquiry may inform the graduate orally, *but there shall be no discussion of the Committee's decision with the graduate*. Irrespective of whether or not the graduate is informed orally, the Secretary to the Committee of Enquiry shall inform the graduate in writing of the findings and the penalty imposed.