

08.1

UNFAIR PRACTICE PROCEDURE

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Scope of this Procedure

This procedure shall apply to all allegations of unfair practice on any assessed component contributing to an award of Cardiff Metropolitan University (or to an award of the University of Wales for all programmes over which the University has responsibility). It also applies to Edexcel, SQA and other awarding body qualifications.

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 under the separate *Unfair Practice Procedures (Graduates of Cardiff Metropolitan University)*.

Note: University of Wales Awards only

*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 under separate procedures. The Academic Board of the University of Wales shall have the power to deprive the individual of the degree or to revoke such a Diploma, Licence or other academic award [UW Statute 19 (9) and (10), 2007/08]. [See: University of Wales Unfair Practice Procedure (Graduates)]*

As part of its commitment to quality and the maintenance of academic standards, the University reserves the right to use plagiarism detection systems, including Turnitin. Further details of this system are available from <http://www.cardiffmet.ac.uk/registry/Pages/Plagiarism.aspx>

1. Definition of Unfair Practice

It is unfair practice to commit any act whereby a person may obtain for himself/herself or for another, an unpermitted advantage. This shall apply whether the candidate acts alone or in conjunction with another/others. Any action or actions shall be deemed to fall within this definition whether occurring during, or in relation to, a formal examination, a piece of coursework, or any form of assessment undertaken in pursuit of a qualification of Cardiff Metropolitan University or other awarding body. The University has distinct procedures and penalties for dealing with unfair practice in examination or non-examination conditions.

Without prejudice to the generality of the forgoing, examples of unfair practice are shown below. These examples are not exhaustive and other cases may fall within the general definition of unfair practice.

2. Examples of Unfair Practice in Non-examination Conditions

- (i) Plagiarism, which can be defined as using without acknowledgement another person's words or ideas and submitting them for assessment as though it were one's own work, for instance by copying, translating from one language to another or unacknowledged paraphrasing. Further examples of plagiarism are given below:
- Use of any quotation(s) from the published or unpublished work of other persons, whether published in textbooks, articles, the Web, or in any other format, which quotations have not been clearly identified as such by being placed in quotation marks and acknowledged.
 - Use of another person's words or ideas that has been slightly changed or paraphrased to make it look different from the original.
 - Summarising another person's ideas, judgments, diagrams, figures, or computer programmes without reference to that person in the text and the source in the bibliography.
 - Use of services of essay banks and/or any other agencies.
 - Use of unacknowledged material downloaded from the Internet.
 - Re-use of one's own material except as authorised by the department.
- (ii) Collusion, which can be defined as when work that has been undertaken by or with others is submitted and passed off as solely as the work of one person. This also applies where the work of one candidate is submitted in the name of another. Where this is done with the knowledge of the originator both parties can be considered to be at fault.
- (iii) Fabrication of data, making false claims to have carried out experiments, observations, interviews or other forms of data collection and analysis, or acting dishonestly in any other way.

- (iv) Presentation of evidence of special circumstances to Examination Boards, which evidence is false or falsified or which in any way misleads or could mislead Examination Boards.

3. Examples of Unfair Practice in Examination Conditions

- (i) Introduction into an examination room and/or associated facilities any unauthorised form of material such as a book, manuscript, data or loose papers, information obtained via any electronic device, or any source of unauthorised information.
- (ii) Copying from or communication with any other person in the examination room and/or associated facilities except as authorised by an invigilator.
- (iii) Communication electronically with any other person, except as authorised by an invigilator.
- (iv) Impersonation of an examination candidate or allowing oneself to be impersonated.
- (v) Presentation of an examination script as one's own work when the script includes material produced by unauthorised means.
- (vi) Presentation of evidence of special circumstances to Examination Boards, which evidence is false or falsified or which in any way misleads or could mislead Examination Boards.

4. Unfair Practice in a Formal Examination – Initial Stages

4.1 Unfair Practice in the Examination Room

- (i) Where it is considered or suspected that a candidate is engaging in unfair practice, the candidate shall be informed, preferably in the presence of a witness, that the circumstances will be reported. The candidate shall, however be allowed to continue the examination and any subsequent examination(s) without prejudice to any decision, which may be taken. Failure to give such a warning shall not, however, prejudice subsequent proceedings.
- (ii) Where appropriate, the invigilator shall confiscate and retain evidence relating to any alleged unfair examination practice, so that it is available to any subsequent investigation. The invigilator shall as soon as possible report the circumstances orally, in the first instance and thereafter in writing, with any evidence retained, to the Examinations Officer, who shall in turn notify the Deputy/Associate

Dean (L&T) or appointed nominee, and the Assistant Registrar (Student Administration Services) or nominee.

- (iii) In the case of an unseen written test contributing to the final module result, which is conducted under the aegis of the School, the invigilator should report the case to the Dean of School in the first instance, who in turn shall report the case to the Assistant Registrar (Student Administration Services) or nominee.
- (iv) The following must be sent by the Examinations Officer or School to the Academic Registry (Student Administration Services):
 - Name/Number of Candidate
 - Identity of Programme and Module concerned
 - Weighting of Examination to Credit Value of Module
 - Copy of exam question paper
 - The student's marked answer script (including annotation at point where unfair practice discovered)
 - The actual notes or whatever unauthorized items were found on the student in the exam room (if relevant) or other relevant evidence
 - Contact details (including email if available) for witnesses (e.g. invigilators, module tutor who set/marked the paper)
 - Invigilator's Report(s)

4.2 Suspected Unfair Practice Detected During or Subsequent to the Marking Period

An internal or external examiner or any other person who, whether in the course of the marking period or subsequently, considers or suspects that a candidate has engaged in an unfair practice, shall report the matter in writing to the Deputy/Associate Dean (L&T) or appointed nominee as soon as possible. The Deputy/Associate Dean (L&T) or appointed nominee shall retain any relevant evidence and shall forthwith report the matter in writing to the Assistant Registrar (Student Administration Services) or nominee on the appropriate form. The Assistant Registrar (Student Administration Services) or nominee shall then take the action prescribed below.

4.3 Further Action to be taken by the Assistant Registrar (Student Administration Services)

- (i) On receipt of a report concerning an allegation of unfair practice, the Assistant Registrar (Student Administration Services) or nominee shall liaise with the Deputy/Associate Dean (L&T) or appointed nominee to determine whether, in the light of all the

circumstances, a case has been established.

- (ii) If it is decided that no further action against the candidate should be taken, the Assistant Registrar (Student Administration Services) or nominee shall, where appropriate, inform the candidate in writing that the matter is closed.
- (iii) If it is decided that such a case exists, the candidate shall be informed in writing by the Assistant Registrar (Student Administration Services) or nominee of the allegation. The candidate's attention shall be drawn to the appropriate regulations/procedures.
- (iv) Where the allegation concerns alleged unfair practice in an exam totalling more than 30 credits, the candidate shall also be informed that a Committee of Enquiry will be constituted to consider the case.
- (v) Where the allegation concerns alleged unfair practice in an exam totalling 30 credits or fewer, the candidate shall be informed by the Assistant Registrar (Student Administration Services) or nominee that he/she may either (a) elect for the matter to be heard by a Committee of Enquiry or (b) accept a 'fixed penalty', subject to the final paragraph below.

The fixed penalty shall comprise:

- Formal reprimand
- Cancellation of mark for the examination in question
- Opportunity of re-assessment for mark capped at 40%.

If a School indicates that it may be more appropriate for a case to be heard by a Committee of Enquiry, a case shall be presented by the Assistant Registrar (Student Administration Services) or nominee. Such instances shall include a second offence, an extremely serious case which may in the view of the department result in a serious penalty or where impartiality may be compromised. The Deputy/Associate Dean (L&T) or appointed nominee shall indicate on the Unfair Practice Allegation Reporting Form whether the offer of the Fixed Penalty would be appropriate to the case in question.

5. Unfair Practice in Work Completed Under Non-examinable Conditions – Initial Stages

Reporting the Unfair Practice Allegation

- 5.1 If a member of staff considers, or suspects, that unfair practice has occurred in relation to work submitted as a piece of coursework, or any work completed under non-examination conditions, he/she shall report the matter in writing to the Deputy/Associate Dean (L&T) or appointed nominee, normally within five working days.
- 5.2 Candidates accused of collusion shall be interviewed first and informally by the School and the outcome shall be included on the Unfair Practice Reporting Form sent to the Academic Registry.
- If all candidates involved attend the interview and admit in writing to the collusion, the Deputy/Associate Dean (L&T) or appointed nominee shall indicate on the Unfair Practice reporting Form the appropriate options to be given to the candidate (see paragraphs 5.7 to 5.10 below).
 - If any candidate does not attend the interview or there is any dispute over the originality and production of the assignment in question, the Deputy/Associate Dean (L&T) or appointed nominee must indicate on the Unfair Reporting Form that the case will automatically come before a Committee of Enquiry as in 5.5 below.
- 5.3 The Deputy/Associate Dean (L&T) or appointed nominee shall first decide whether there is a case for treating the matter as a case of unfair practice by referring to documentation. The Deputy/Associate Dean (L&T) or appointed nominee may also consult with the relevant external examiner(s). Relevant means of arriving at such a decision may be used, for instance through the use of plagiarism detection software.
- 5.4 If the Deputy/Associate Dean (L&T) or appointed nominee believes that a case exists, the Deputy/Associate Dean (L&T) or appointed nominee shall inform the Academic Registry on the Unfair Practice Reporting Form indicating the appropriate options to be given to the candidate (details in paragraphs 5.7 to 5.10 below).
- If no case exists, and the candidate is aware of the investigation (e.g results pending), the candidate shall be informed by the School that the matter is closed.
- 5.5 In completing the Unfair Practice Reporting Form, and deciding whether the case should go only to a Committee of Enquiry or the candidate could

be offered the option of (i) Fixed Penalty or Committee of Enquiry or (ii) Examination Board or Committee of Enquiry, the Deputy/Associate Dean (L&T) or appointed nominee shall consider such matters as:

- The credit value of the module concerned
- The number of previous offences of unfair practice (if any)
- Whether any further retrieval opportunities exist for the module in question
- Whether students have admitted to collusion (paragraph 5.2 above)

5.6 If a case exists, the candidate shall be informed by the Assistant Registrar (Student Administration Services) or nominee of the allegation and the options (as appropriate) for resolving the matter. The candidate's attention shall be drawn to the appropriate regulations/procedures.

Committee of Enquiry Only

5.7 The Deputy/Associate Dean (L&T) or appointed nominee shall normally require the case to be considered by a Committee of Enquiry if:

- The work consists of undergraduate dissertations or projects worth 30 credits or more, or postgraduate dissertations or other work worth more than 30 credits.
- There is a perceived extremely serious case of unfair practice for which a Fixed Penalty would be too lenient.
- Where the offence is a second or subsequent one for which the Second Fixed Penalty would not be appropriate.
- Where candidates accused of collusion have either not attended an interview (see Paragraph 5.2 above) or there remains a dispute as to the originality of the work.

Committee of Enquiry or Fixed Penalty Option

5.8 Except as in 5.7 above, where the allegation concerns alleged unfair practice in work worth 30 credits or fewer, the Deputy/Associate Dean (L&T) or appointed nominee may decide that the candidate be offered the option of having the matter heard by a Committee of Enquiry or to accept the Fixed Penalty. The Fixed Penalty cannot be varied and shall always comprise:

- Formal Reprimand
- Cancellation of the mark for the assignment in question
- Opportunity to resubmit on a new topic for mark capped at 40%.

Committee of Enquiry or Examination Board Option

- 5.9 Where the Deputy/Associate Dean (L&T) or appointed nominee decides that the Fixed Penalty would not be appropriate (e.g. the circumstances would merit resubmission on the same topic, or no resubmission opportunities exist for the module in question), the Deputy/Associate Dean (L&T) or appointed nominee may decide that the candidate be offered the option of having the matter resolved by either a Committee of Enquiry or Examination Board.

Committee of Enquiry or Second Fixed Penalty

- 5.10 Except as in 5.7 above, where the allegation concerns unfair practice that would be a second or subsequent offence, the Deputy/Associate Dean (L&T) or appointed nominee may decide that the candidate be offered the option of having the matter resolved either by a Committee of Enquiry or by accepting the Second Fixed Penalty, provided that further retrieval opportunities exist. The Second Fixed penalty cannot be varied and shall always comprise:

- Cancellation of all marks for the module in question.
- Opportunity to re-take the module on payment of the module tuition fee and full attendance at lectures, seminars etc.
- The module mark shall be capped at 40% and all assessments must be on new topics.

Timescale for retrieval opportunities

- 5.11 Where a candidate is offered resubmission opportunities following unfair practice (whether by Committee of Enquiry or by accepting a Fixed Penalty), the candidate must not be given a resubmission date before the next scheduled Examination Board.

6. Establishment of the Committee of Enquiry to deal with cases of Unfair Practice

- 6.1 The Vice-Chancellor or nominee shall establish a Standing Panel for the purpose of investigating allegations of unfair practice in University examinations. The Panel shall consist of members of the contracted academic staff of the University, nominated by each Dean of School chosen so as to be representative of the Schools of the University.
- 6.2 On receipt of an allegation of unfair practice submitted to the Assistant Registrar (Student Administration Services) or nominee, the Vice-Chancellor or nominee shall arrange for an appropriate Committee of

Enquiry to be convened as soon as possible, normally within eight working weeks of the allegation being made, 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 candidate 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 candidate, shall not act as Secretary to the Committee.

- 6.3 Each Committee of Enquiry shall consist of three members selected by the Vice Chancellor (or his/her nominee) from the Standing Panel. A Committee of Enquiry at a campus of a Collaborative Partner Institution will consist of one member of the contracted academic staff of the University and two members of the contracted academic staff of the Collaborative Partner Institution concerned. The Committee of Enquiry shall not contain members of staff associated with the same programme in the School on which the student is studying. The Chair of the Committee of Enquiry shall be designated by the Vice-Chancellor or nominee from amongst the three members of the Committee. An independent person may be appointed as an additional member of the Committee at the discretion of the University.
- 6.4 Meetings of Committees of Enquiry shall normally be held on a campus of Cardiff Metropolitan University unless alternative arrangements have been agreed such as a Collaborative Partner's campus.
- 6.5 As soon as reasonably practicable after the appointment of the Committee of Enquiry and bearing in mind the University's expectation that such cases should be heard normally within eight working weeks of the allegation being communicated to the candidate, the Secretary of the Committee shall:
- (i) notify the Assistant Registrar (Student Administration Services) or nominee and members of the Committee of Enquiry of the date, place and time of the meeting and supply them with copies of the allegation and of any statements or documents;
 - (ii) inform the candidate of the date, place and time when the Committee of Enquiry intends to meet and that he/she has the right to be presented or accompanied, to hear all the evidence, to call and question witnesses and to submit other evidence, including evidence of mitigating circumstances;
 - (iii) send to the candidate copies of statements of witnesses and of documents to be placed before the Committee of Enquiry, and offer the candidate an opportunity to indicate any statement or documents which may be in dispute.

- 6.6 Documentary evidence shall be sent by the candidate to the Secretary of the Committee prior to the date of the meeting and circulated to members of the Committee. Any further evidence made available on the date of the meeting may be presented to the Committee but only with express permission of the Chair.

In relation to collusion cases, if evidence is produced on the day and not all the candidates involved in the collusion allegation attend the meeting, the meeting will be postponed pending all involved candidates being allowed the right to reply to the new evidence produced. Candidates must be aware that evidence produced on the day, may result in a delayed outcome as the meeting will need to be re-convened.

- 6.7 The candidate shall be required to inform the Secretary whether or not he/she intends to attend the meeting of the Committee of Enquiry. If the candidate 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 student can elect to be represented at the meeting. Where no response is received from the candidate, there may be one postponement of the Committee of Enquiry pending investigation (e.g. to establish whether the candidate has received the communications).

- 6.8 A candidate 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. Such persons cannot attend the meeting in a legal capacity.

- 6.9 Should a candidate 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 candidate, the meeting shall proceed in his/her absence.

7. Functions of the Committee

The functions of the Committee of Enquiry shall be:

- (i) to consider the evidence submitted to it on the allegation of unfair practice;
- (ii) to determine whether the allegation has been substantiated. Such a determination shall normally be made on the balance of probabilities, but the more serious for a candidate the consequences of the determination are, the higher the standard of proof shall be;

(iii) to determine, in appropriate cases, the penalty to be imposed.

8. Procedure during the meeting

For the purposes in paragraphs 8.1 to 8.13, the Assistant Registrar (Student Administration Services) may nominate another member of staff to act in his/her stead.

- 8.1 In cases where two or more candidates are accused of related offences, such as in the case of collusion, the Chair may decide to deal with the cases together. However, each candidate shall be given the opportunity to request that the cases be heard separately.
- 8.2 The Assistant Registrar (Student Administration Services) (or the legal representative acting for the University) shall present the case against the candidate, 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 student may only be presented to the Committee on the day of the hearing, with the express permission of the Chair.
- 8.3 The Assistant Registrar (Student Administration Services) may question both the candidate and witnesses. The candidate may question the witnesses called by the Assistant Registrar (Student Administration Services).
- 8.4 The candidate 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. *Candidates shall be required to inform the Academic Registry normally at least two days before the hearing of the identity of any person accompanying or representing them, including that person's association with the candidate, whose attendance shall be solely at the discretion of the Chair.* 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.
- 8.5 Members of the Committee of Enquiry may ask questions of the candidate, the Assistant Registrar (Student Administration Services) and of the witnesses.
- 8.6 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.

- 8.7 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.
- 8.8 The Chair of the Committee may approve an adjournment of the hearing following a reasonable request from any party; the adjournment may be to a later time on the same day, or to a later date.
- 8.9 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 candidate 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.
- 8.10 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 candidate/representative;
 - (ii) is relevant to the allegation under consideration (other than merely showing that the candidate had a disposition to commit the facts alleged) and that its prejudicial effect does not outweigh its probative value.
- 8.11 If the Committee finds that the case has been substantiated, it shall then consider the penalty to be imposed. Penalties are divided into:
- (i) penalties available for unfair practice in examination conditions;
 - (ii) penalties available for unfair practice under non-examination conditions;
 - (iii) penalties for unfair practice by candidates for research degrees.
- 8.12 When determining the penalty to be imposed, the Committee shall consider the candidate's record, including profile of marks, and any assessment conventions and regulations for the scheme of study in

question. The Committee should also consult any guidelines issued on the appropriateness of penalties for different levels of offences.

- 8.13 If the Committee find that the case has not been substantiated the candidate shall be informed of the outcome in writing. All record of the case shall be removed from the student's file.

9. Penalties available to the Committee for Unfair Practice in Examination Conditions

The Committee of Enquiry shall apply one or any combination of the following penalties:

- 9.1 The issue of a formal reprimand to the candidate, a written record of which shall be kept.
- 9.2 The cancellation of the candidate's marks in part or in whole for module(s) concerned, or in all of the modules for the year or level in question or the equivalent for a part-time candidate, with a decision 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.
- 9.3 The reduction of the degree result by one class or the non-award of a distinction, as appropriate.
- 9.4 The disqualification of the candidate from any future examination at Cardiff Metropolitan University.

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

In exceptional circumstances where an allegation has been substantiated and the Committee is concerned that this may affect the candidate's ability to practise in a particular profession, the case shall also be considered under the ***Student Fitness to Practise Procedure***.

10. Penalties Available to the Committee for Unfair Practice in Non Examination Conditions

The Committee of Enquiry shall apply one or any combination of the following penalties:

- 10.1 The issue of a formal reprimand to the candidate, a written record of which shall be kept.

- 10.2 An instruction to the examiners, when marking, to ignore any plagiarised text, which may result in a reduced mark.
- 10.3 The cancellation of the candidate's marks in part or in whole for module(s) concerned, or in all of the modules for the year or level in question or the equivalent for a part-time candidate, with a decision 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.
- 10.4 The reduction of the degree result by one class or the non-award of a distinction, as appropriate.
- 10.5 The disqualification of the candidate from any future examination at Cardiff Metropolitan University.

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

In exceptional circumstances where an allegation has been substantiated and the Committee is concerned that this may affect the candidate's ability to practise in a particular profession, the case shall also be considered under the ***Student Fitness to Practise Procedure***.

11. Penalties for Unfair Practice in Research Degrees

The Committee of Enquiry shall apply one or any combination of the following penalties:

- 11.1 *The issue of a formal reprimand to the candidate, a written record of which shall be kept.*
- 11.2 *The issue of an instruction regarding revisions required to the thesis previously approved by the examiners for the degree.*
- 11.3 *The cancellation of the examiners' recommendation to approve or not approve a thesis for a degree, but with an opportunity to resubmit the thesis.*
- 11.4 *The cancellation of the examiners' recommendation to approve or not approve a thesis for a degree, but with no opportunity to resubmit the thesis.*
- 11.5 *The stipulation of a period of time which must lapse before the candidate may resubmit a thesis.*

11.6 *The disqualification of the candidate from all future University examinations.*

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

In exceptional circumstances where an allegation has been substantiated and the Committee is concerned that this may affect the candidate's ability to practise in a particular profession, the case shall also be considered under the ***Student Fitness to Practise Procedure***.

12. Action to be taken following the Committee of Enquiry

- 12.1 Where the candidate has received a formal reprimand, the Committee may recommend that the candidate should receive advice from an appropriate member of staff, in order to make clear the reasons for the Committee's decision and to ensure that the cause of the action (e.g. unintentional plagiarism) is discussed with the student to ensure that any future repeat offence by him/her cannot then be classed as 'inadvertent'.
- 12.2 When the Committee of Enquiry has investigated the facts of the alleged unfair practice the Secretary to the Committee of Enquiry shall in his/her report state whether or not the allegation has been substantiated and the penalty imposed where appropriate. *Reasons for the Committee's decisions and penalties imposed shall be set out in the report. The report shall be made available to the candidate and to the relevant School.*
- 12.3 If the finding of the Enquiry is that a case has not been substantiated, the Chair of the Committee of Enquiry may inform the candidate orally of this. Irrespective of whether or not the candidate is informed orally, the Secretary to the Committee of Enquiry shall notify the candidate formally in writing of the Committee of Enquiry's findings and that the matter is therefore closed.
- 12.4 If the finding of the Enquiry is that the allegation has been substantiated, the Chair of the Committee of Enquiry may inform the candidate orally, *but there shall be no discussion of the Committee's decision with the candidate.* Irrespective of whether or not the candidate is informed orally, the Secretary to the Committee of Enquiry shall inform the candidate *in writing* of the findings and the penalty imposed *within 5 working days.* *The written report on the hearing shall be sent to the candidate with the outcome letter.* The penalty shall be recorded on the student's record.
- 12.5 The Secretary to the Committee of Enquiry shall further inform the candidate of his/her right to appeal. Any such appeal shall be sent, in full, in writing to the Academic Registry (Ref: Appeals) and must arrive not

later than ten days after dispatch of the Committee's decision to the candidate. *The address to which any such correspondence shall be sent is shown in the Appendix to this Procedure.*

- 12.6 Where the allegation has been substantiated, the Assistant Registrar (Student Administration Services) or nominee shall require the Examination Board concerned to determine the candidate's overall examination result in the light of the penalty imposed by the Committee of Enquiry. If the Committee of Enquiry has decided that the mark obtained for the unit of assessment in which unfair practice has occurred shall be cancelled, the Examination Board shall award a mark of zero for the unit and shall then determine the candidate's overall result.
- 12.7 Normally, the University will not make any public pronouncements of decisions of Committees of Enquiry. However, a candidate, in respect of whom a determination has been made, shall have the right to require the University to publish any determination should the candidate so wish, and the University shall maintain a record of all such cases, which will be available to the public on request.

13. Examination Pass-Lists

- 13.1 The Assistant Registrar (Student Administration Services) in consultation with the Chair of the Examination Board shall arrange for the publication of such supplementary pass-lists as may be necessary.
- 13.2 If a case of alleged unfair practice is under investigation at the time of the meeting of the relevant Examination Board, the Board shall defer consideration of the candidate's work until the Committee of Enquiry has made a decision on the case and the decision has been conveyed to the Chair of the Examination Board.
- 13.3 Should a case be under investigation when a pass-list is due for completion and publication, the name of the candidate concerned shall be withheld from the pass-list and a supplementary pass-list issued as appropriate.
- 13.4 An Examination Board shall also have authority to cancel a result previously published and to publish a supplementary pass-list, if a case of unfair practice arises subsequent to the publication of the original pass-list.

14. Appeal

Details of the relevant Appeals Procedures are given in the Appendix to this Procedure.

15. Committee of Enquiry by Correspondence

- 15.1 If, as a consequence of an allegation of Unfair Practice, or through other reasoning by a student, it is made known to the School and/or Academic Registry that the student is, for example, living/working overseas or wishes to withdraw from the programme and does not wish to appear before a Committee of Enquiry, a Committee of Enquiry may be conducted via correspondence.
- 15.2 The Academic Registry shall contact the student to confirm in writing that he/she does not wish to appear in person before a Committee of Enquiry or to send a representative to such Committee on his/her behalf and, once received, the documentation relating to the Unfair Practice will be circulated to the members of the Committee of Enquiry for consideration and decision (full procedural details are set out in the Guidance for Chairs and Members for Committees of Enquiry).
- 15.3 Once the allegation has been resolved and the Chair of the Committee of Enquiry has confirmed the outcome, the student will be notified of the outcome.

APPENDIX

APPEALS BY CANDIDATES FOUND GUILTY OF UNFAIR PRACTICE

1. Appeals may only be considered based on one or both of the following grounds:
 - 1.1 irregularities in the conduct of the unfair practice procedure which are of such a nature as to cause reasonable doubt whether the Committee of Enquiry concerned would have reached the same decision had they not occurred;
 - 1.2 exceptional personal circumstances, which were not known to the Committee of Enquiry when the candidate's case was considered and which can be shown to be relevant to the unfair practice. (In appeals based on these grounds the appellant must show good reason why such personal circumstances were not made known to the Committee of Enquiry before its meeting. Where a candidate could have reported exceptional personal circumstances to the Committee of Enquiry prior to its meeting, these circumstances cannot subsequently be cited as grounds for appeal.)
2. Any appeal against a decision of a Committee of Enquiry shall be sent in full, in writing on the form "Application for Appeal against Decisions of Committees of Enquiry" to ***the Academic Registry (Ref: Appeals), Cardiff Metropolitan University, Western Avenue, Cardiff CF5 2YB.***
 - 2.1 The appeal must reach the Academic Registry not later than ten days after dispatch to the candidate of the Committee's decision. Simple notice of appeal given in writing by a candidate within the above deadline shall not be deemed to constitute an appeal proper and shall not be accepted.
 - 2.2 The Chair of the Appeal Board shall have the discretion to declare inadmissible any matter introduced by the appellant, or by any member of staff or student accompanying the student, if he/she deems it not directly related to the contents of the appeal previously lodged in writing within the stipulated deadline.
3. The Vice-Chancellor or nominee is required to disallow an appeal:
 - 3.1 which is based wholly on factors which were known to the Committee of Enquiry when the penalty was imposed;

- 3.2 which introduces information, which was known to, and could have been reported by, the candidate prior to the meeting of the Committee of Enquiry.
4. Appeals against a decision of the Committee of Enquiry shall be considered by the University's Appeal Board which shall consist of three persons, one of whom shall be a nominee of the Vice Chancellor (in the Chair) and two of whom shall be members of the Academic Board. This shall normally be within three months of receipt of the application for appeal.
 5. The Appeal Board shall have delegated powers to act on behalf of the University's Academic Board.
 6. An appellant shall be offered a personal hearing by the Appeal Board and shall accordingly be informed in advance of the time and date of the meeting. The appellant may be accompanied by a member of the University's academic or welfare or advisory staff or by a student or officer of the Students' Union, but not by any other individual. The appellant may not send any other person to an Appeal Board in his/her stead.
 7. The School concerned shall be invited to send a member of staff to attend the hearing and, at the invitation of the Chair of the Appeal Board, to contribute to the hearing. The School shall accordingly be informed in advance of the time and date of the meeting and shall be provided with a copy of the candidate's application for appeal.
 8. The Appeal Board shall base its decision on the evidence of the appellant's submission and the testimony of the Chair of the Committee of Enquiry concerned, together with any further evidence, which it considers relevant.
 9. The decision of the Appeal Board and the recommendations or advice where appropriate to the circumstances of the case shall be conveyed by the Assistant Registrar (Student Administration Services), or nominee, to the appellant and the Chair of the Committee of Enquiry as soon as possible.
 10. The Appeal Board shall be empowered to take one of the following decisions:
 - 10.1 to reject the appeal;
 - 10.2 to disallow the original penalty and to refer the case back to the members of the original Committee of Enquiry for a review of the penalty imposed;

- 10.3 to require a new Committee of Enquiry to re-hear the case.
11. Where a new Committee of Enquiry is required to re-hear a case, the membership of that committee must be entirely different from that of the previous committee.
- 11.1 The new committee shall not be provided with any evidence of any penalty imposed by the previous committee, or of any other matter discussed by the previous committee or appeal board, other than that it is re-hearing a case on appeal.
- 11.2 An obligation to hear the case on the basis of the facts presented before them at the hearing and not in the light of anything that they may have heard or discovered outside the committee, shall be framed within any terms of reference applying to the committee members.
12. The decision of the Appeal Board shall be final, and the matter shall, therefore, be regarded as closed. There shall be no discussion of the decision of the Appeal Board with the appellant or any other person.
13. If an appeal is upheld, the Assistant Registrar (Student Administration Services) in consultation with the Chair of the Examination Board shall then arrange for the publication of such supplementary pass-list or progression list as may be necessary.
14. If, as a consequence of a successful appeal, a candidate is regarded as having qualified for his/her award, such a candidate shall be:
- either**
- (i) admitted to his/her degree at the next succeeding Degree Congregation; alternatively the Vice Chancellor shall have authority to deem such a candidate to have been admitted to his/her degree provided all other necessary conditions for admission have been met;
- or**
- (ii) given his/her Edexcel Certificate or Diploma, SQA Certificate or Diploma or other award at the first convenient juncture provided all other necessary conditions for the award have been met as appropriate.
15. Further to 14(i) above, the Vice-Chancellor shall also have authority to deem a candidate who has already been admitted to a degree to have been admitted to a different class if, following a successful appeal, the Examination Board decides that the candidate's degree classification shall

be amended. In such cases, the Assistant Registrar (Student Administration Services) or nominee shall arrange for the issue of a replacement certificate upon the return from the candidate of the original certificate.

16. The Appeal Board may make recommendations for consideration by the Academic Quality and Standards Board or the Academic Board as appropriate on any matters arising from the consideration of appeals.
17. 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 Cardiff Metropolitan University procedures above have been exhausted a candidate may submit a complaint to the OIA about the way in which the appeal had been processed. 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 on completion of its internal procedures. A scheme application form can be obtained from the university's Academic Registry (REF: RGT), 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 9599813
Email: enquiries@oiahe.org.uk