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Regulations for Proceedings in Respect of Assessment Irregularities

These regulations are approved by Senate. They were most recently updated in September 2010.

- Effective date: September 2010

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Version 2
Effective from September 2010

1 Introductory

- 1.1 These Regulations govern the proceedings that may be taken in respect of any alleged irregularities, including plagiarism, at or in connection with formal assessments including examinations for Institute awards.
- 1.2 The Regulations are made subject to the General Academic Regulations and the Regulations for Assessment of Students and all other regulations, policies and procedures of the Institute.
- 1.3 In these Regulations words and expressions shall have the same meaning as in the General Academic Regulations and the Regulations for the Assessment of Students.
- 1.4 In any proceedings under these regulations the candidate shall be presumed to be innocent unless or until the contrary is established.
- 1.5 Where these Regulations provide for actions to be carried out within certain time periods, the Institute will use all reasonable efforts to comply with those time limits. Where the Institute is unable to comply with such time limits, it will provide the candidate with reasons for any delay, together with a deadline by which action will be taken.
- 1.6 In these Regulations, any named officer may delegate his or her responsibilities to another member of the Institute and the procedure shall not be invalidated by an officer of the Institute acting in the place of another named in these Regulations unless the Institute's Charter or Statutes prohibit such delegation in particular circumstances.

2 Initiation of proceedings

- 2.1 Cases of suspected irregularity shall be reported to the Academic Registrar in the first instance. The Academic Registrar shall then appoint an investigating officer from within Registry or the Doctoral School, who shall conduct such investigations as he/she deems necessary in order to establish whether there is, on initial consideration, a case to answer. Such investigations will usually include questioning both the academic(s) that initially reported the irregularity and the candidate concerned.
- 2.2 In any case where the investigating officer has determined that there is an initial a case to answer, he/she shall then forward all documentary material to the Academic Registrar, who shall implement the procedures set out below.
- 2.3 Where the investigating officer has determined that there is no initial case to answer and the candidate is aware that an allegation has been made the Academic Registrar shall forthwith inform the candidate of this outcome. No formal record of the allegation shall be held among the collected records of the candidate.

3 Procedure if there is a case to be heard

- 3.1 Where there is an initial case to answer the remaining Regulations below will govern subsequent proceedings.
- 3.2 The Academic Registrar will write to the candidate against whom an allegation is made enclosing a copy of these Regulations, the form appended to these Regulations ("the Form"), such other documentation as is relevant to the allegation and, where appropriate in light of the allegation, a copy of the Code on Citing Sources and Avoidance of Plagiarism for students registered at the Institute of Education ("the Code"). The letter should inform the candidate:
- a) that an allegation of assessment irregularity has been made and that following an initial investigation it has been held that there is a case to answer;
 - b) of the specific allegation that has been made, where appropriate referring to specific parts of the Code.;
 - c) of the various options available to the candidate as set out on the Form and the consequences of selecting each option; and
 - d) that the candidate should return the Form and, if the candidate wishes to make a statement in connection with the allegation, any statement they wish to make, to the Academic Registrar within 20 days of the date of the letter indicating how they would like the matter to proceed.
- 3.3 If the candidate returns the Form indicating that they admit the allegation, the Academic Registrar and the Associate Director, Learning, Teaching and International or the Dean of the Doctoral School, as appropriate, will consider all relevant documentary material and shall determine, after such consultation as they deem necessary and in accordance with previous decisions of the Institute, the penalty to be imposed in connection with the case.
- 3.4 If the candidate returns the Form denying the allegation or denying the allegation in part, the matter shall be considered by a Hearing Committee in accordance with provisions set out below.
- 3.5 If no reply is received by the Academic Registrar within 20 days of the despatch of the Form, the candidate shall be deemed to have admitted the allegation and the case will be dealt with in accordance with regulation 3.3 above.

4 Establishment of a Hearing Committee

- 4.1 A Hearing Committee shall be established in the following circumstances:
- a) if the candidate denies the allegation; or
 - b) if the candidate admits to only part of the allegation or denies part of the allegation.
- 4.2 The Hearing Committee shall be constituted as follows:
- a) the Chair of the Hearing Committee appointed by the Associate Director or Dean of the Doctoral School, as appropriate, from among the members of the Teaching Committee;
 - b) two other members of the Teaching Committee;
 - c) one member responsible for Quality Assurance but not located within the Faculty in which the candidate has been registered;
 - d) the Quality Assurance and Equal Opportunities Administrator;
 - e) the co-president of the Students' Union.
- 4.3 No member of the Hearing Committee shall be a member of staff of the same Faculty as the candidate against whom an allegation is made and no member of the Hearing Committee shall previously have been involved in the case.
- 4.4 The quorum for a Hearing Committee shall be any three of its members including the Chair.

5 Proceedings of the Hearing Committee

- 5.1 A member of the administrative staff of the Registry or Doctoral School shall act as administrator to the Hearing Committee. The proceedings of the Hearing Committee shall be recorded by the administrator in sufficient detail to enable the preparation of a full report of proceedings.
- 5.2 The evidence in the possession of the Institute shall be presented to the Committee by the investigating officer or by his/her nominee.
- 5.3 The candidate concerned may be accompanied at the hearing by a friend or by a Students' Union representative. If the candidate chooses to be accompanied, he/she must submit the name of the person who will be attending, and the capacity in which they are attending. These details must be provided to the Academic Registrar at least seven days before the date appointed for the meeting of the Committee.
- 5.4 The administrator servicing the Committee shall arrange for a copy of each

document which the investigating officer will present to the Hearing Committee to be delivered to the members of the Hearing Committee due to attend and to the candidate, or to be sent by recorded delivery to the candidate's last known address as held by the Registry, along with a notice of the purpose of the meeting and the time and place at which it will be held. Such documents shall include any written statement or statements made by the candidate when returning the Form. The documents and notice shall be posted no less than 10 days before the date set for the hearing.

- 5.5 If the candidate concerned wishes to submit further documentary evidence for consideration by the Hearing Committee, in addition to any statement provided at the time of returning the Form, he/she must send such documents to the administrator at least 15 days before the date set for the hearing. The administrator will ensure that these are provided to the members of the Hearing Committee no less than 10 days before the date of the hearing.
- 5.6 For the purpose of the hearing, a decision by the Hearing Committee on any point of procedure will be binding.
- 5.7 The candidate shall have the right to be present at all proceedings of the Hearing Committee, except the private deliberations of the Hearing Committee
- 5.8 Proceedings of the Hearing Committee shall normally be held in private, but the candidate may, if he/she wishes, request that the hearing be held in public. The Chair of the Hearing Committee will consider any such request and make a decision as to whether or not to allow the hearing to be held in public.
- 5.9 Proceedings of the Hearing Committee shall not be invalidated by reason of the absence of the candidate from the meeting of the Committee. Should the candidate concerned fail to attend without providing a good reason in advance, the Chair shall decide whether to continue the meeting in the absence of the candidate concerned or whether to adjourn the meeting also giving consideration to whether such non-attendance at the hearing has occurred previously.
- 5.10 The administrator to the Hearing Committee shall read to the candidate the particulars of the allegation and shall ask whether it is admitted or not. If at this stage the candidate admits to the allegation a statement of fact shall be made and the Committee shall proceed to consider its the penalty to be imposed.
- 5.11 Each side may call witnesses who may be questioned by both the investigating officer and the candidate concerned.
- 5.12 The candidate may, with his or her consent, give evidence, and may be questioned on that evidence by the members of the Hearing Committee and/or the investigating officer.
- 5.13 At the conclusion of the evidence the investigating officer and then the

candidate may address the Committee.

- 5.14 The Committee shall consider its decision as to whether an offence has been committed and any penalty to be imposed in private and shall, if possible, reach its finding that same day.
- 5.15 The Committee may, at its discretion, at any time during the proceedings order the room to be vacated, or the members may themselves retire to another room for private discussions. Neither the candidate nor the investigating officer shall be entitled to be present at such times.

6 Decision of the Hearing Committee and penalty to be imposed

- 6.1 At the conclusion of the evidence the Hearing Committee shall adjourn to determine in private whether an offence has been committed. The Committee shall give reasons for its decision.
- 6.2 The decision of the Hearing Committee as to whether an offence has been committed or not shall be reached by a majority vote of the members of the Committee present at the Hearing, and shall be announced as the decision of the Hearing Committee.
- 6.3 If the votes of the Hearing Committee are evenly divided on the question of the appropriate decision on whether an offence has been committed or not then the Chair of the Hearing Committee will have the casting vote.
- 6.4 The votes of individual Committee members shall always be treated as confidential to the Committee and there shall be no disclosure outside the Committee either of such votes or of information showing whether the decision was reached by a unanimous or majority vote.
- 6.5 Where the Hearing Committee finds that an offence has been committed, the Institute and then the candidate concerned (or his or her representative) shall have a further opportunity to address the Committee on the question of the penalty to be imposed.
- 6.6 If the Hearing Committee finds that an offence has been committed by the candidate, in addition to considering the evidence provided during the hearing and any representations from the investigating officer or the candidate permitted in accordance with regulation 6.5 above, the Hearing Committee shall consider any further information provided by the administrator when determining the penalty to be imposed including in relation to:
 - a) the relation of the assessment(s) in question to the structure of the programme of study leading to the award for which the person is a candidate;
 - b) the effect that the cancellation of the marks for one assessment would have on the candidate;

- c) the arrangements for re-entry in relation to the assessment(s) in question;
 - d) the comparable position of a candidate who had simply failed the assessment(s) in question;
 - e) any mitigating circumstances supported by appropriate evidence; and
 - f) whether the candidate concerned had committed a previous offence.
- 6.7 The Hearing Committee should then adjourn to consider the appropriate penalty to be imposed in the case.
- 6.8 If the votes of the Hearing Committee are evenly divided on the question of the appropriate penalty to be imposed then the Chair shall have the casting vote.
- 6.9 If the Hearing Committee finds that an offence has been committed it may order that one or more of the following penalties be imposed:
- a) that no further action be taken because there was a genuine mistake with no intention of committing an offence;
 - b) that the candidate be formally reprimanded and reminded of the need strictly to observe the provisions of the Regulations;
 - c) that no report be made upon the performance of the candidate in relation to the assessment(s) in question in the year the offence occurred; in such instances, the candidate will forfeit one attempt at the assessment in question
 - d) that no report be made upon the performance of the candidate in relation to any of the assessments he or she undertook in the year the offence occurred; in such instances, the candidate shall forfeit one attempt at the assignments in question.
 - e) that the candidate not be permitted to be re-assessed in any or all of the assessments in question before the expiry of a stated period of time;
 - f) that the candidate be permitted to be re-assessed in the assessment(s) in question on the next scheduled occasion but that no degree/diploma/certificate be awarded to the candidate before the expiry of a stated period not exceeding three terms following satisfactory completion of the conditions for the award;
 - g) that the candidate be excluded from future formal assessments for an award of the Institute.
- 6.10 Whether the decision of and/or the penalty imposed by the Hearing

Committee are announced on the same day or subsequent to an adjournment, the decision and penalty imposed by the Hearing Committee shall be sent in writing by hand or by recorded delivery to the candidate at his/her last known address as recorded with the Registry within seven working days. They shall also be made known to the Programme Leader and any other persons that, as a result of the order made, need to know the decision and/or the penalty imposed.

- 6.11 Where the Committee has determined that no irregularity has been shown to have taken place, and therefore, that no offence has been committed, the Academic Registrar shall ensure that no record of the allegation shall be held among the collected records of the candidate.

7 Appeals

- 7.1 An appeal against the decision of and/or penalty imposed by the Hearing Committee or the Academic Registrar and the Associate Director or the Dean of the Doctoral School, as appropriate, in accordance with regulation 3.3 above may generally only be made on one or more of the following grounds:
- a) procedural irregularity by the Hearing Committee or the Academic Registrar and the Associate Director or the Dean of the Doctoral School, as appropriate,
 - b) that the decision of the Hearing Committee or the penalty imposed by the Hearing Committee or the Academic and the Associate Director or the Dean of the Doctoral School, as appropriate, is manifestly unreasonable
 - c) that new evidence is available that for good reason was not available to the Hearing Committee or the Academic Registrar and the Associate Director or the Dean of the Doctoral School, as appropriate, at the time the decision was made and the penalty imposed
- 7.2 An appeal must be submitted by the candidate to the Deputy Director (if appointed) or an Associate Director of the Institute who has not previously been involved in the case no later than fifteen days from the date of the formal notification of the outcome of the Hearing Committee proceedings.
- 7.3 If the Deputy Director (if appointed) or Associate Director accepts that there are grounds for an appeal, in reviewing the decision of the Hearing Committee and/or the penalty imposed by the Hearing Committee or the Academic Registrar, the Deputy Director (if appointed) or Associate Director may take into account all the evidence so far presented and any fresh statement made by the candidate as part of his or her appeal. The Deputy Director (if appointed) or Associate Director may question any person in connection with the appeal.
- 7.4 The Deputy Director (if appointed) or Associate Director may refuse to

consider the appeal on the basis that there are no grounds for an appeal, dismiss the appeal, or substitute a lesser penalty for that imposed by the Hearing Committee or the Academic Registrar, or determine that the charge or charges against the candidate should be dropped. If he or she determines that the charge or charges against the candidate should be dropped, then the Academic Registrar shall ensure that no record of the allegation shall be held among the collected records of the candidate.

- 7.5 The Deputy Director (if appointed) or Associate Director shall not have the power to assign to the candidate any particular mark or grade in respect of work affected by the irregularity.
- 7.6 The decision of the Deputy Director (if appointed) or Associate Director in connection with an appeal shall be communicated to the candidate concerned in the form of a Completion of Procedures letter, as required by the Office of the Independent Adjudicator, within 15 days from the date of the request to appeal and such decision shall be final.

Examination/Assessment Irregularities

Name of Candidate:	Date:
Title of Assignment:	
Course:	
Module:	

Summary:

An allegation of assessment irregularity has been made, and it is alleged that [insert nature of allegation]. An initial investigation has led to a recommendation that the allegation of assessment irregularity should now progress to Section 3 of the Regulations for Proceedings in Respect of Assessment Irregularities (the Regulations).

TICK THE BOX NEXT TO YOUR CHOICE

- I admit the allegation. I do not wish a Hearing Committee to meet to consider my case. I wish my case to be dealt with in my absence by the Academic Registrar and the Associate Director or his or her nominee in accordance with regulation 3 of the Regulations.
- I do not admit the allegation. I wish a Hearing Committee to be established to consider the allegation set out on this form and what penalty, if any, should be imposed.
- I do not admit part of the allegation. I wish a Hearing Committee to be established to consider the allegation set out on this form and what penalty, if any, should be imposed.

You may also submit a statement in mitigation or explanation with this form.

If no reply is received within 20 days of the date on this form, it will be deemed that you have admitted the allegation and a penalty will be imposed in accordance with regulation 3.5 of the Regulations.