

Document History

Process:	Assessment		
Document Name:	Procedures for dealing with breaches of assessment regulations		
Reference:	QASS- 4.ASS12	Version :	1.0
Purpose:	To ensure that breaches of assessment regulations are dealt with according to procedure and in a consistent manner		
Approved By:	Academic Council	Date Approved:	1 Sept 2010
Related Policies:	QASS.4.ASS13 : Code of Practice in Dealing with Plagiarism QASS 4.ASS20: Assessment Regulations for Learners QASS4.ASS17: Organisation and Management of Assessment QASS4.ASS18: Role and Duties of the Invigilator QASS4.ASS19: Role and Duties of the Examinations Officer		
FETAC Cross Reference	B6.2: Assessment: Information to Learners		

4.1. Procedures for dealing with breaches of assessment regulations

4.1.1. Code of Discipline

As members of the College community, Learners have an obligation to know and abide by, in addition to the laws of the state, all College policies and procedures, including the College Code of Discipline. In this regard, the College has developed relevant policies and regulations statements designed to offer all Learners a friendly and safe environment. In general, the College expects that the common sense of a mature and responsible individual will determine if the behaviour is one that should be avoided and may be adjudicated. The provisions of the Code of Discipline continue to apply when a Learner is outside the campus on an academic exercise or representing the College in any way. Learners should be aware that they are viewed by the public as representatives of the College and they are expected to behave in a manner that reflects positively on themselves and the College.

Any breach by a Candidate of these regulations;

- During the examination shall be documented by the Invigilator and reported to the Examinations Office. The Candidate shall be notified to this effect by the Invigilator.
- Which is discovered during the marking of the examination, shall be documented by the lecturer and reported to the Dean of School.

4.2. Disciplinary Committee

The Disciplinary Committee is appointed by the Academic Council and shall be constituted as follows:

1. Registrar or Nominee of the President
2. Four (4) members of Academic Staff
3. One Learner representative who sits on the Academic Council
4. Recording Secretary

Four members shall constitute a quorum.

The Registrar may nominate an alternative in the event of her/his unavailability. The Learner Body may nominate one alternative member and the Academic Council may nominate two alternative members.

The Disciplinary Committee shall investigate the case and recommend an appropriate penalty, if any, should be imposed in each case. This recommendation from the Disciplinary Committee will then be presented by the Registrar at the Examinations Board for approval.

Where the Disciplinary Committee has made a finding that there has been a breach of an examination regulation, for example plagiarism, it shall make such recommendations to the Examination Board as it considers appropriate to include but not limited to a recommendation.

- That a Learner's marks shall be reduced
- That the Learner be deemed not to have passed their exam
- That other examinations sat by the same Learner at the same examination sitting be declared void
- That other forms of assessment undertaken in that academic year by the same Learner be declared void.
- That the Learner be suspended from College for a specified period

Recommendations of a disciplinary meeting are to be made known to the Course Director and Dean of School immediately after the meeting and in advance of Assessment/examination boards, including progress boards

4.3. Appeals Committee

The decision of the Examinations Board on major offences may be appealed to the Appeals Committee appointed by the Academic Council and shall be constituted as follows:

- President
- Three members of the Academic Council who did not sit on the original Disciplinary Committee
- One Learner representative who sits on the Academic Council who did not sit on the original Disciplinary Committee
- Recording Secretary

Four members shall constitute a quorum.

The President may nominate an alternative when s/he is unavailable.

In the event of a tied vote the President or nominee shall exercise the casting vote. Notice of Appeal from decisions of the Examinations Committee shall be lodged in writing within 10 working days of receiving formal notification of the decision or penalty of the Examinations Committee. The written notice of appeal must state briefly the grounds on which the appeal

is made. The Appeals Committee shall endeavour to reach its decision by majority and shall in its discretion decide the appropriate penalty, if any, that should be imposed in each case.

Decisions of the Appeals Committee shall be final.

4.4. Major Offences

Without prejudice to the general power of the Registrar to decide whether an alleged offence is major or minor, the following examples would normally be regarded as major offences. This list is not exclusive.

Plagiarism or the use of unauthorised material during an examination/assessment or other breaches of the examination regulations
Failure to adhere to Invigilators instructions during an examination/assessment
Furnishing false information to the College with intent to deceive
Forgery, alteration or misuse of College documents, records or identity cards
Verbal or Physical abuse of another person
Malicious destruction, damage or misuse of College property or of private property on the campus
Illegal retention of library materials
Forcible occupation of College buildings and grounds
Unwarranted interference with the College safety equipment, fire fighting equipment and alarm systems

4.4.1. Rules Regarding both Major and Minor Offences

The provisions of this paragraph shall apply to major offences and minor offences equally. A member of the Disciplinary Committee may not be a member of any Appeals Committee considering the same case.

No member of the Disciplinary Committee or of the Appeals Committee shall adjudicate in any case in which he/she is to prosecute or be a witness. An accused person has the right to speak in his/her own defence and call witnesses, including character witnesses, at hearings of the Disciplinary Committee and of the Appeals Committee.

Persons reporting instances may also call witnesses. An accused person may also be represented at any hearing. The Disciplinary Committee and the Appeals Committee may seek advice from any expert or person they think fit and shall have the right to invite such persons to attend at any hearing of the Disciplinary Committee or the Appeals Committee.

4.4.2. Penalties

The committees shall determine the actual penalty to be applied having regard to the seriousness of the incident and the guidelines set out in this manual. These penalties may be applied either separately or in combination. Without prejudice to its right to impose such penalties or make such recommendations as are considered appropriate in any case, the Registrar, or Disciplinary Committee, or Appeals Committee as the case may be, shall be empowered to:

- Deem the candidate to be innocent of the allegation(s). In such a case the examination board shall be instructed to consider the assessment or examination results in the normal manner.
- Issue a written warning to the candidate. In such a case the candidate may be informed that the written warning constitutes a formal record of breach of examination/assessment regulations.
- Deem the candidate to have failed all or part of the assessments or examinations for the stage or year of the programme. In such a case the committee shall determine the period of time which shall elapse before the Learner is entitled to be reassessed.
- Suspend a Learner from College for any specified period of time.
- Expel a Learner from College.
- Prohibit a Learner from sitting any examination or assessment.
- May impose such fines as are considered reasonable.
- May require a Learner to attend additional or other lectures or programmes or undertake additional academic work.

4.4.3. Notification Procedure

Academic Affairs shall notify the Registrar in writing and without delay of a suspected regulations offence. The head invigilator present at the examination/assessment will forward a full report of events to the Director of Learner Life. In the event of a suspected serious breach of Examination Regulations a Disciplinary Committee will be formed by the Registrar.

In such cases, the candidate shall be notified in writing through the office of the Registrar at least three days in advance of the meeting of the Disciplinary Committee in relation to the following:

- The precise allegation(s)
- The entitlement to present a response either orally or in writing to the Disciplinary Committee
- The entitlement to be accompanied or be represented at all hearings conducted by the Disciplinary Committee
- The inquiry schedule.

The candidate shall notify the Registrar of the person(s) to accompany him/her, and their status at a meeting of the Disciplinary Committee.

The Learner will be notified of the decision of the Examinations Board within 10 days of Examinations Board meeting.

4.4.4. Inquiry Procedure

The Director of Student Services will forward all relevant information to the Registrar.

The Disciplinary Committee shall assemble to consider the allegation(s) as soon as possible following the reporting of the incident. Each case(s) shall be considered separately and only on the basis of unambiguous evidence available to the Disciplinary Committee.

The Disciplinary Committee alone shall adjudicate on the allegation(s) based on written and oral submissions and shall determine the penalty to be applied. Its decision must be a majority decision. Other than the Recording Secretary, no other person shall be present during the period of adjudication.

The reports and/or written submissions shall be made available to the Learner in advance of the committee hearing.

The candidate shall be notified in writing through the office of the Registrar of the outcome of the deliberations