

Procedure Title: Disciplinary Procedure for Student (Examinations)

Area Code:	EXAM
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Approving Authority:	Academic Council

1. Purpose of Document

This document explains the procedure that will be carried out by the Institute in respect of alleged breaches of student discipline in relation to examinations.

2. Scope

This procedure applies to all students of the Institute.

Any act or omission, which affects adversely the rights of any other member of the academic community, or which disrupts the orderly and responsible conduct of any Institute activity, or which violates any Institute Regulation, shall constitute a breach of discipline.

Infringements of Examination Regulations include but are not limited to:

- 2.1 Copying or cheating at any examination or test, bringing notes or other unauthorised materials into an examination hall, removing scripts or other stationery from an examination hall, any other breach of the examination regulations or any offence involving the integrity of an examination.
- 2.2 Plagiarism, which is presenting the work of another as your own work. A full definition is provided in Exam 016.
- 2.3 Reference to any named office holder of the institute, includes reference to his/her appointed nominee.

3. Reference Documents

EXAM 016 Plagiarism Procedure

EXAM 035 Exam Regulations Procedure

4. Procedure

- 4.1 IT Sligo recognises the importance of dealing with infringements of the exam regulations in a fair and timely manner. The guiding principle here is that a resolution will be sought at the lowest possible level i.e. a disciplinary level 1 for a first allegation or less severe examination infringement, unless there are compelling reasons for proceeding directly to level 2.

A range of examples are given in the table below.

Table of Level 1 and Level 2 Disciplinary Issues

Disciplinary Level	Example of Infringement	Penalty
1	Possession of mobile phone during exam	€65
1	Possession of prohibited material*, related to module/programme/course	Overall Fail Grade Awarded & €65 Fine
1	Possession of Programmable calculator	€65
1	Attracting attention of other student during exam	€65
1	Student found writing before or after exam	€65
2	Removing exam material (answer booklets) from exam room	Disciplinary Hearing
2	Personation	Disciplinary Hearing
2	The student has a previous level 1 infringement	Disciplinary Hearing
2	Plagiarism - where a level 1 plagiarism resolution has not been achieved	Disciplinary Hearing
1/2	Inappropriate conduct in exam room	Depends on written report from Senior Invigilator
*Prohibited materials as defined in Exam Regulations		

4.2 Guidelines for Dealing with Level 1 Disciplinary Issues

4.2.1 Definition of a Level 1

A Level 1 category is applied to a range of commonly occurring exam regulation infringements at the lower end of the severity scale. It may be accidental or otherwise.

If a determination is made that the incident merits level 1 disciplinary action, this adjudication can be offered to the student directly. If the student agrees and accepts the level 1 penalty outlined, a resolution has been reached.

4.2.2 Procedure for Level 1 Resolution

- An Incident report is filled in by Invigilator/lecturer at the Exam Venue / assessment and is submitted to the Examination Secretary. The student is informed that the Examination Secretary will be in contact with them by email to their student email address.
- The Examination Secretary and the Assistant Registrar shall assess the report. If the infringement is determined to be at level 1 then they allocate a sanction as per the Table of Disciplinary Issues.
- A comment should be recorded in the person Comment Form, SPACMNT, in Banner detailing the infringement and sanction.
- The sanction shall then be communicated to the student via their student e-mail. A follow up phone call shall be made if no acknowledgement is received after 5 working days.

- The student is advised that should they wish to appeal the outcome that they need to do so by return e-mail, within 5 working days of receipt of the e-mail, outlining in detail their grounds for appeal
- If the student confirms by return email within 5 working days that they accept the penalty, then the issue is considered resolved. The student must proceed to pay the penalty as soon as possible thereafter.
- If the student does not confirm acceptance within 5 working days or submits an appeal, a Level 2 Resolution shall then be instigated.

4.3 Guidelines for Dealing with Exam Infringements at Level 2

4.3.1 Definition of a Level 2

A level 2 category is applied to infringements at the higher end of the severity scale, an unresolved level 1, repeat offences, see examples in the table above.

4.3.2 Establishment of a Disciplinary Committee

- A three person hearing committee shall be formed from the body of academics to consider a specific allegation. The hearing committee will comprise of at least two members from departments not related to the area of study of the alleged offending student
- The examination secretary shall be appointed as a non-voting secretary of the Hearing Committee. The examinations secretary shall arrange the hearing and ensure that all parties are provided with supporting documentation.
- Decisions of the committee shall be taken by a simple majority.
- A record, written or otherwise, of the proceedings shall be kept.

4.4 Procedure of the Hearing Committee

All infringements are reported to the Examinations Secretary in writing, with details provided on the alleged infringement and accompanied by statements from persons involved, where appropriate.

Pre-hearing

The Examinations Secretary shall prepare a summary containing particulars of the alleged offence and shall forward the summary to the Hearing Committee members. The Examinations Secretary (or his/her nominee) will also make arrangements for an oral hearing between the student and the Hearing Committee. The student will be contacted in writing, to the student e-mail address with the following;

- (a) the essentials of the grounds(s) for the disciplinary hearing.
- (b) the proposed date, time and place of the Committee's hearing.
- (c) a copy of the material evidence of the case against the student
- (d) a copy of the Examination regulations and this procedure

- (e) a request to acknowledge the email or confirm attendance.

If no response is received from the student following the email, a telephone call will be made to the last known contact number.

The e-mail will give the student 5 working days' notice (from the date of the e-mail) of a disciplinary hearing called to investigate the alleged infringement of examination regulations. The student may waive his or her rights to the period of notice in the event that they wish to meet the Hearing Committee sooner, where reasonably practicable. In addition the student can be granted an adjournment to the end of the examinations if they so wish.

The notice shall also state that the student may be accompanied at the hearing by a person in a supportive capacity, such as, a friend, a fellow student, student services, a student's union representative. There is no right to legal representation or to be represented by any person or body unconnected with IT Sligo under this procedure. The student must inform the Hearing Committee 24 hours in advance of who, if anyone is accompanying them. In the case of a student under 18 years of age, they must be accompanied by a parent / legal guardian or a person over 18 years of age nominated by a parent or legal guardian.

The student will also be informed that they are entitled, within reason, to call the attendance of witnesses for the purpose of the hearing, to inspect all relevant documents and to obtain copies of any documents upon which the Institute intends to rely. The student shall be informed that written submissions may be made to the Hearing Committee in advance of the hearing.

In the case of a student's non-attendance, it is open to the Hearing Committee to proceed as follows:

- (i) where the student refuses to attend – to proceed to deliberate on the matter and make a decision in his/her absence and communicate that decision to him/her in writing;
- (ii) where the student seeks a postponement for good reason – to grant that postponement but not to do so if no reason or a reason considered to be inadequate is given;
- (iii) where a student does not acknowledge the communication or attend - to proceed to deliberate on the matter and make a decision in his/her absence and communicate that decision to him/her in writing.

4.5 At the Hearing

4.5.1 The Chairperson of the Hearing Committee will on the day of the Hearing explain the purpose of the Hearing to the student. The Chairperson will introduce the members of the Hearing Committee to the student and will confirm the name, ID number and course of study of the student attending for the Hearing. The alleged infringement will be read to the student. Following this, the Chairperson will outline the case against the student and present any material evidence gathered from the person reporting the infringement. This person should be available to the Committee, if required, for evidential purposes for a hearing by the Committee if required.

In addition, the member of Academic Staff who set the exam paper /assessment / reported plagiarism may be requested to attend the Hearing to ascertain the relevance of any material evidence to the examination.

The Examination Secretary shall present the case to the Committee.

The members of the Hearing Committee may seek clarification on matters pertaining to the case from the student at various stages.

The student shall be asked to admit, deny or explain the alleged offence.

- 4.5.2 If the student admits the substance of the charge or complaint to be true, both parties may make such submissions or addresses as they wish in relation to the infringement.
- 4.5.3 If the student denies the alleged charge, the subsequent procedure shall be fair and reasonable having regard to the nature of the offence and the penalties laid down in these Regulations. In particular, the following practices shall be observed:
- a) all the evidence shall be heard in the presence of the student and of the student's representative and they shall be given the opportunity to cross-examine all witnesses called by the Registrar's representative who likewise may cross examine witnesses called by the student;
 - b) the student shall be given the opportunity of offering evidence himself/herself and/or witnesses and documentation relevant to the issues;
 - c) the Registrar and the student or student's representative(s) shall be given the opportunity to make submissions at the hearing after evidence has been taken.
- 4.5.4 The Chairperson then outlines the disciplinary action that may be taken and informs the student that he/she will be notified in writing of the Hearing Committee's decision. The student is also informed that he/she may appeal the decision of the Committee to the Chairperson of the Academic Council.
- 4.5.5 The Hearing Committee shall deliberate in the absence of the student and/or representatives and affected academic staff but shall be entitled to seek legal advice on any legal matter arising in the course of the proceedings.
- 4.5.6 If the conduct of the student or the student's representative or any other person or persons on the student's behalf, in the opinion of the Hearing Committee, renders compliance with the said procedures impossible or impracticable, the Committee will make a recommendation based on the evidence provided.

4.6 Post Hearing Committee and Penalties

4.6.1 Infringement of Examination Regulations:

The Hearing Committee shall consider all the circumstances of the case prior to consideration of the sanctions and allow the student to plead mitigation.

A student may continue to sit their examinations without prejudice pending the decision of the Hearing Committee.

Where a student is found guilty of the offence or offences charged, the Committee is empowered to impose any of the following penalties, either separately or in combination and including inter alia:

- a) expulsion from the Institute for a period not exceeding 2 years;
- b) suspension from the Institute for a stated period, or until such time as any requirements laid down by the Committee such as payment of a fine;
- c) exclusion from specific Institute facilities;
- d) debarring from examinations for a specified period not exceeding 2 years;
- e) a fine not exceeding €1,000;
- f) a reprimand and a note on the student's record;
- g) denial of an academic award, scholarship or prize;

h) a suspended penalty.

The Hearing Committee may, having regard to all the circumstances of the case, decide not to impose any penalty. The Hearing Committee shall strive to ensure a consistency of sanctions.

4.7 Communication of Recommendation

The determination of the Hearing Committee shall be communicated by email on behalf of the Registrar, to the student concerned or the student's duly appointed representative. The student should be informed of the right to appeal to the Chairperson of the Academic Council, the procedure for lodging an appeal and the time limit for lodging an appeal. The decision shall also be communicated to the lecturer(s) involved.

4.8 Appeals

- 4.8.1 Decisions of the Hearing Committee shall normally be final. There is a right of appeal to the Chairperson of the Academic Council.
- 4.8.2 Pending the hearing of an appeal by the Chairperson of the Academic Council, unless the Chairperson of the Academic Council decided otherwise, any decision being appealed to the Chairperson of the Academic Council will retain the full force and effect during the time of any appeal.
- 4.8.3 An appeal to the Chairperson of the Academic Council must be made by the student within five working days of notification of the Disciplinary Committee's decision and can be done either by post or by email.
- 4.8.4 The Chairperson of the Academic Council may uphold or alter the recommendation of the Committee.
- 4.8.5 The determination of the Chairperson of the Academic Council regarding the appeal shall be given by email and a copy thereof forwarded to the student concerned by registered post to the student's address appearing on the Institute register of students, or to the student's representative. The outcome of this appeal must include reference to the Ombudsman. A copy shall be sent for noting to the Registrar and the Academic Council.

4.9 Recourse to the Ombudsman

If a student feels that they have been unfairly treated or are not satisfied with the decision/outcome of this procedure, it is open to them to contact the Office of the Ombudsman. The Ombudsman can investigate complaints about any of our administrative actions or procedures as well as delays or inaction in your dealings with us. The Ombudsman is fair, independent, and free to use.

The Ombudsman will ask you for details of your complaint and a copy of the appeal response.

The best way to contact the Ombudsman is by:

- **Clicking on the 'Make A Complaint' link at www.ombudsman.ie**
- Or writing to: Office of the Ombudsman, 6 Earlsfort Terrace, Dublin 2, D02 W773
- Or calling the Ombudsman on 01 636 5600 if you have any queries or if you need help making your complaint.

5. Records generated by this Policy

All documentation including minutes of Hearings, material evidence, decisions made and documentation relating to appeals shall be kept in the office of the Registrar.

Banner record in SPACMNT

6. Measurement of Effectiveness of this procedure

Not applicable

7. Revision History

Revision No	Description of Change	Issue Date	Status
000	New Procedure	21/10/08	Approved by AC
001	A.C Revision to 4.1.2	16/12/08	Approved by AC
002	S & E 4.1.3 & 5.1.8	27/02/ 09	Approved by AC
003	SAES; Revision to 5	17/04/2013	Approved by AC
004	Re-written to bring in Level 1	01/09/2018	Approved by AC
005	Revised to include Banner record SPACMNT	10/6/2019	Approved by AC
006	Change to contact details of the Ombudsman. Also, minor admin changes.	29/06/2021	Approved by VP Academic Affairs & Registrar