

ROBERT GORDON UNIVERSITY

ACADEMIC REGULATIONS SUB-COMMITTEE

Minute of the meeting held on 7 October 2020.

Present: Ms V Strachan (Convener), Ms I Bogdan, Ms H Castle, Dr S Christie, Mr J Creasey, Ms J Guest, Dr N Johnson, Dr A Lamb, Dr D Lonie, Mrs F McLean Whyte, Mr T Knight, Dr S Officer, Dr B Sutherland, Mr D Sutherland, Mr D Wilson, Mrs D Wynne and Dr Y Zhao.

Apologies: Dr N Gibson and Dr E Pirie.

In Attendance: Ms A Davidson and Ms L Jack (Secretary).

	Action
<p>1. MEMBERSHIP AND REMIT FOR SESSION 2020-21</p> <p>The Convener welcomed members of the Academic Regulations Sub-Committee to the first meeting of Session 2020-21, in particular new members to the Sub-Committee.</p> <p>The membership of the Academic Regulations Sub-Committee, Session 2020-21 was approved and it was noted that Ms A Davidson, Disability and Inclusion Manager (Student Life), would replace Mr J Walker. Ms H Castle was nominated as Vice-Convener.</p> <p>The extract from Organisational Regulation O4: Standing Committees of Academic Council – Annex 4.1, paragraph 1.1 Academic Regulations Sub-Committee.</p>	<p></p> <p>Ms L Jack</p>
<p>2. MINUTE</p> <p>Members approved the Minute of the Meeting held on 15 January 2020 (reference ARSC/20/2) and the extract from the Minute of the Meeting of the Quality Assurance and Enhancement Committee held on 18 May 2020 was noted.</p>	
<p>3. EQUALITY AND DIVERSITY</p> <p>The Equality and Human Rights (EHRC) Report on Racial Harassment in Higher Education was noted.</p> <p>Ms V Strachan, Convener, reported that a number of staff had attended the Culture Shift Consultancy Day held virtually on 25 August 2020. Feedback on the event was positive and it had provided the opportunity to consider the support and resources available, including the role of the first responders.</p> <p>In support of a culture shift going forward, a report regarding changes to the language we use as an institution would be submitted to the next meeting of the Sub-Committee. It was anticipated that the Academic Regulations would require revision to accommodate any proposed changes.</p>	<p>Mrs V Strachan</p>

Ms V Strachan reported that the recently established Equality and Diversity Sub-Committee had met for the first time on 22 September 2020. An Equality and Diversity Forum had also been established to support the work of the Sub-Committee. The memberships of both groups were still in the process of being finalised and any parties interested in being involved in either group should contact Ms L Jack

ARSC Members

At its first meeting, the Sub-Committee had considered the forms of equality and diversity data available and how and where that data would be considered going forward. Furthermore, it had been agreed that the equality and diversity monitoring already undertaken for a number of University committees would be extended to include other committees.

4. DELEGATION OF AUTHORITY AND DECISION-MAKING

Members considered a paper detailing an established scheme for the formal delegation of authority of Academic Council and of the Principal, as exercised in the University's *Academic Regulations*.

Across the *Academic Regulations* there were several instances where either the Principal or Academic Council had the authority to take decisions. Where the authority rested with Academic Council this had, in practice in the past, been enacted executively by the Principal as Chair of Academic Council. Furthermore, the *Introduction* to the *Academic Regulations* stated:

All designated office holders identified in the *Academic Regulations* have nominees who shall have full delegated authority to act on their behalf.

and *Academic Regulation A3*, paragraph 2(i) stated:

Statement of Principles

This Regulation and its constituent sections have been prepared:

- (i) to ensure the authority and responsibilities of Academic Council are effectively discharged through those designated office holders referred to in this Regulation, and that these designated office holders, or their nominees who deputise on their behalf, act with the delegated authority of Academic Council;

The Principal had given consideration to each of the relevant *Academic Regulations* that currently involved and/or required a decision by the Principal, or the Principal as Chair of Academic Council, and was making recommendations regarding whether the specific authority should be retained by the Principal or Academic Council, or be formally delegated.

The principles underpinning this scheme were:

Action

- 1) Decisions involving the termination of enrolment for any non-academic misconduct cannot be delegated, other than to the Deputy Principal in the event of the absence of the Principal.
- 2) Decisions involving the suspension of a student for any non-academic misconduct cannot be delegated, other than to the Deputy Principal in the event of the absence of the Principal.
- 3) Decisions relating to undergraduate and postgraduate taught courses (other than procedural or *prima facie* aspects of appeals where Executive oversight was fulfilled by the Assistant Chief Academic Officer (ACAO)), the authority be delegated to the Vice-Principal for Academic Development and Student Experience (VPADSE).
- 4) Decisions relating to research degrees (other than appeals where Executive oversight was fulfilled by the Assistant Chief Academic Officer (ACAO)), the authority be delegated to the Vice-Principal for Research (VPR).
- 5) Decisions, within appeal processes such as determination of a *prima facie* case, that had been made by the Assistant Chief Academic Officer (ACAO), as they have had Executive oversight, should be delegated to the Assistant Chief Academic Officer (ACAO).

The proposed delegation scheme was approved for submission to the Quality Assurance and Enhancement Committee.

Recommendation from the Sub-Committee to the Quality Assurance and Enhancement Committee:

**Ms L Jack to
QAEC
(2/12/20)**

Following approval by Academic Council, the proposed scheme for the formal delegation of authority of Academic Council and of the Principal, as exercised in the University's *Academic Regulations* and as contained within the [Appendix](#), be implemented.

5. REGULATION A3: STUDENT CONDUCT AND APPEALS

5.1 COVID-19 Update

Members noted a communication from the Student Presidents and the Principal, dated 25 September 2020, to students relating to the current COVID-19 situation. The communication referred to the University and the Student Union's duty of care to each of its students and encouraged students to act responsibly and avoid hospitality venues at that particular point in time. A communication was subsequently issued from the Principal and NHS Grampian to the student body thanking them for their cooperation.

In relation to student accommodation, Mr T Knight, ResLife, reported that warnings had been issued to any students failing to comply with Scottish Government COVID-19 guidance and any repeated instances would result in students being referred to their respective Head of School for investigation through the Student Misconduct Procedures; this had been made clear to all students. In general, student behaviour had been good to the extent that some students had been thanked for their compliance and good behaviour during this unique period.

It was reported that student accommodation had capacity for 900 students but was currently operating at a capacity of 500-550. Any international students coming into University accommodation from countries without air bridge/common travel arrangements would be required to self-isolate for a two week period in ring fenced flats supported by University staff. Likewise, any self-isolating students and/or flats were contacted on a frequent basis and provisions supplied by the University as appropriate. Support was also being provided to those students in private accommodation.

The Convener commended Mr T Knight and the ResLife team for the work they were doing in supporting students and the clarity and confidence of the approach they had adopted.

5.2 Enrolment Pending an Appeal

Members considered a paper relating to enrolment pending an appeal. In accordance with *Regulation A3: Student Conduct and Appeals, paragraph 5.1*, a student's enrolment shall be continued pending the outcome of an appeal.

Whilst the Regulation related specifically to where a student's studies had been discontinued, the general principle of the Regulation was applied to the majority of appeals with a view to ensuring that students were not disadvantaged in the event their appeal was successful. However, there were instances where a student's desired outcome as detailed in their *Student Appeal From: Academic Appeal* might be unrealistic and contrary to the *Academic Regulations*, for example proceed carrying numerous failed modules to the subsequent stage. It would not be appropriate to prevent the student from continuing, though, as this would be pre-judging the outcome of the appeal.

Members were asked to consider whether this approach was appropriate in all instances and whether the Regulation required revision to provide increased clarity.

In reviewing the Regulation, members noted the following:

- The approach of permitting a student to continue pending the outcome of their appeal presented less of a risk than not permitting a student to continue.
- A distinction could potentially be made between those students whose desired outcome of the appeal was realistic and achievable versus those whose outcomes were not, i.e. those who irrespective of the outcome of the appeal would not gain their desired outcome.
- The final sentence of paragraph 5.1.1 could be further strengthened to manage student expectations.
- In relation to paragraph 5.1.2, student accommodation would not necessarily be made aware that a student was appealing and this might impact on their ability to stay in student accommodation. It was, therefore, important that the ResLife team was notified and it was agreed that this could be accommodated within the relevant sections of the *Sample Correspondence and Guidance*.

Ms L Jack

It was agreed that the wording of the Regulation would be revised and submitted to the next meeting for consideration and approval.

Ms L Jack

5.3 Categories of Misconduct

At the meeting held on 15 January 2020 it had been agreed that the potential to include specific reference to the following would be considered at the next meeting:

- (i) technology within the definition of 'cheating' (Regulation A3-2, paragraph 6.1.1 (vii)); and the
 - (ii) status of those *seeking* to use contract cheating sites.
- (i) Members considered the wording relating to 'Categories of Misconduct', paragraph 6.1.1 (vii), and agreed that in order to 'future proof' this particular Regulation it would be appropriate to:
- include reference to both hard copy and electronic materials within the definition;
 - use the broader term 'technology'; and
 - remove reference to programmable calculators and dictionaries.

Recommendation from the Sub-Committee to the Quality Assurance and Enhancement Committee:

**Ms L Jack to
QAEC
(2/12/20)**

From Session 2020-21, *Regulation A3 – Section 2, paragraph 6.1.1 (vii)*, be revised as follows [new text underlined]:

6. CATEGORIES OF MISCONDUCT

6.1.1 *Academic misconduct* is defined by the University as any attempt by a student(s) to effect an unfair advantage in any assessment, and may include (though is not limited to):

- (vii) **Cheating.** The University defines this (in relation to examinations) as the taking of any unauthorised material (hard copy or electronic) into an examination; the unauthorised use of technology ~~programmable calculators and dictionaries~~, in examinations; communicating or attempting to communicate in any way with another student during an examination; copying or attempting to copy from another student during an examination.

- (ii) Members were also asked to consider the appropriateness of including reference to those 'seeking' to use contract essay sites and, if it were to be included, how would such misconduct be defined.

Members discussed this at length and were agreed that this should *not* be categorised as misconduct within the *Academic Regulations*. In reaching this decision, members noted the following:

- there was a clear distinction between thinking about doing something and actually doing it;
- contract cheating websites often legitimised their activities by claiming that they provided a research function;
- a student could legitimately claim that they had accessed a contract cheating website for research purposes;
- moving from preparation to perpetration in relation to contract cheating was the hinge point for any investigation and much of what a student might do would fall under the auspices of 'preparation';
- it would be at the point of submitting a piece of work generated by such a site that misconduct would have occurred;
- alternative forms of misconduct could be pursued depending on the circumstances.

5.4 Misconduct Hearings

Members considered a paper relating to current *Misconduct Hearing* protocols. It was noted that the Regulation relating to *Misconduct Hearings* indicated that 'other relevant parties' might be included in a *Misconduct Hearing* and this provided the Head of School with discretion to include staff relevant to the case, for example representation from the IT Department, Department for the Enhancement of Learning, Teaching and Access (DELTA) and Estates. This was of particular benefit where the alleged misconduct was outwith the expertise of the School staff, for example inappropriate use of IT.

The *Sample Correspondence and Guidance* had been updated to include a reminder to Heads of School that 'relevant parties' should be invited to the Misconduct Hearing as appropriate and specific examples had been provided. Members considered whether the Regulation (*Regulation A3 - Section 2, paragraph 7.2(ii)*) in its current form was appropriate or required further expansion. In addition, with specific reference to *Graduate Apprenticeships* (GAs), members considered whether there would be merit in including representation from DELTA and/or the GA workplace mentors in the Misconduct Hearings, bearing in mind any General Data Protection Regulations (GDPR).

Members indicated a general satisfaction with the paragraph in its current form but suggested that it might benefit from some minor rewording to make it clear that the Head of School might include representatives from other Departments or Schools relevant to the case. Such individuals might be part of the *Misconduct Hearing* decision making body or as witnesses depending on the circumstances. Revised wording would be submitted to the next meeting of the Sub-Committee for consideration.

Ms L Jack

In discussing the Regulation members were also mindful of limiting the numbers of staff present thereby ensuring the environment was not overwhelming to the student. It was also confirmed that students were permitted to be accompanied by two individuals and often students would elect to be accompanied by someone from the Student Union. This was made clear in both the Regulation and the communication to the student.

In relation to the Graduate Apprenticeship issue, it was agreed that there would be merit in generating a bespoke GA misconduct invitation letter/email template within the *Sample Correspondence and Guidance* which made it clear that the student's workplace mentor and employer had not been notified of the misconduct by the University though the student was at liberty to do so. Prior to generating the bespoke GA template, Ms H Castle would explore whether there was anything specific within the GA contractual arrangements that needed to be taken into account.

Action

Ms L Jack

Ms H Castle

5.5 Fitness to Practice

Ms H Castle presented a draft *Fitness to Practise Procedure*, generated by the Sub-Committee working group, for comment and identified some specific areas for discussion by the Sub-Committee. The following points were noted:

- Paragraph X.1.1 provided a definition of the courses to which the *Fitness to Practise Procedure* would apply. Members expressed concern that there might be some unintended consequences in the definition presented and that it could inadvertently include/exclude courses. It was clarified that the Procedure would primarily apply to health related courses where Protecting Vulnerable Groups (PVG) clearance was required and it was a professional, regulatory and/or statutory body (PSRB) requirement to have fitness to practise procedures in place; there would be exceptions though. Rather than try to generate a definition to encompass everything, a pragmatic alternative might be to augment any definition with a list of the relevant courses.
- The location of the final Procedure within the Regulations was discussed and it was thought that it could form a 'strand' within *Regulation A3: Student Conduct and Appeals*.
- Paragraph X.2.4 did not preclude a case being considered through both the *Fitness to Practice Procedure* and *Student Misconduct Procedure*.
- A proposed *Fitness to Practise Concern Form* would be generated for the Course Leader to complete when submitting a case for consideration. There was the potential for a similar form to be adopted for reporting allegations of misconduct to Heads of School.
- Paragraph X4.2(iii) accommodated the need for any bespoke, profession specific fitness to practise procedures.
- General fitness to study related issues for all other courses, particularly where mental health issues impacted upon a student's decision making capacity, would be addressed through a Fitness to Study procedure. Ms Castle and Ms Davidson would explore this aspect further.
- Paragraph X.6 related to the decision of the Hearing and it was suggested it would perhaps be helpful if the Course Leader had a role in maintaining an oversight of a particular student's situation, as opposed to the Personal Tutor.

**Ms H Castle
and Ms A
Davidson**

It was agreed that any further comments should be submitted to Ms H Castle and the working group would be reconvened to consider the comments with a view to submitting the revised Procedure to the next meeting of the Sub-Committee.

ARSC Members

Ms H Castle

5.7 Contract Cheating/Essay Websites

Ms H Castle reported on the action the University had taken in response to websites purporting to selling RGU student work. Whilst Cease and Desist notices could be issued in such cases, an alternative approach would be to reduce the advantages provided by such sites, for example ensuring assessments were unique and not 'recycled'. Furthermore, the University could adopt an approach of adding copyright/intellectual property rights statements to every instrument of assessment. It was agreed that Ms Castle would pursue this with Ms J Strachan, DELTA.

Ms H Castle

Members also noted an article [How the 'Contract Cheating' Industry Has Gotten More Aggressive in Recruiting Students](#).

6. REGULATION A4: ASSESSMENT AND RECOMMENDATIONS OF ASSESSMENT BOARDS

Members considered a paper relating to the Assessment Board decision of 'Repeat with Attendance'. One of the decisions which an Assessment Board had available to it was to require a student to 'repeat the whole or part of a course before being re-assessed' ([Regulation A4, para 9.3](#)). This Regulation was normally applied at the June Assessment Boards and would generally relate to situations where a student had numerous fails and had failed to engage during the academic session. The result of this decision was that the student would not be permitted to undertake the resits in the August assessment diet. Instead, the student would undertake the assessments in the next academic session.

Despite the implications of this Assessment Board decision being made clear to students, there continued to be students who undertook the assessments during the August assessment diet. For various reasons, including anonymous marking, work was normally marked.

In accordance with the *General Data Protection Regulation* (GDPR) as the University holds the feedback, including the grade, relating to the student's work then the University is obliged to release it to the student on request. As such, the approach taken to date had been to release the information to such students whilst making it clear that the grades would *not* contribute to their course as they had not been eligible to undertake the assessment at that time as it was contrary to the decision of the Assessment Board.

Whilst this approach seemed reasonable in the circumstances, there were concerns that it potentially advantaged a minority of students as it provided an additional formative assessment opportunity which other students, who had abided by the decision of the Assessment Board, did not receive.

Members considered whether the current approach was appropriate or whether an alternative approach would be better. In considering this, members were unconvinced that students who undertook the assessment contrary to the Board's decision were actually gaining an advantage by receiving the feedback.

<p>Overall members were agreed that the preference would be to have mechanisms in place which would prevent ineligible students from submitting/undertaking assessments. Given that at this time assessments were primarily being undertaken/submitted online then this would provide the ideal opportunity to ensure access to drop boxes, for example, was limited solely to those eligible to undertake the assessment. It was understood that this approach was already undertaken in a number of Schools.</p>	<p>Action</p>
<p>In taking this approach, safeguards would need to be incorporated to ensure that any student whose status changed due to an appeal pending or other such circumstances was appropriately captured. It was agreed that relevant mechanisms would be explored with DELTA.</p>	<p>Ms L Jack to Ms J Strachan</p>
<p>It was noted that on-campus examinations posed more of an issue as Invigilators were advised to permit students access to the examination regardless of whether they were on the examination list or not. This was in case of an error on the list and/or a student's status changing at short notice. This would be explored further.</p>	<p>Ms L Jack</p>
<p>It was also noted that definitions for the different Board decisions, for example 'Repeat with Attendance', were being considered by the Academic Quality Officers with a view to extending definitions on the student's Record of Results and so providing increased clarity and understanding for students around Board decisions.</p>	
<p>7. SELF-CERTIFICATION</p>	
<p>Feedback was sought from Sub-Committee members on their experiences of the self-certification process introduced in April 2020. Members reported that:</p>	
<ul style="list-style-type: none"> • There had been a significant increase in the number of extensions and deferrals being sought and granted. The premise for granting the extensions was to ensure students were not unduly disadvantaged by the pandemic. • Feedback from some students in accommodation was that they were struggling with technology, including access to the Library, and so were being directed to the relevant <i>Fit to Sit</i> procedures. • Provision of bookable on-campus study space was being explored by the Teaching and Learning Group with a view to providing students with quiet spaces to study and/or undertake assessments. • Whilst self-certification had operated well and relatively smoothly, it was suggested that there might be merit in reintroducing the need for third party, independent evidence in support of Academic Appeals. This would aid consideration and decision making around individual cases. • It was agreed that a further review would be undertaken as the year progressed and circumstances changed with further guidance and parameters put in place as appropriate. 	<p>Ms L Jack</p>
<p>Ms D Wynne provided members with an overview of the School of Health Sciences' <i>Fit to Sit</i> information/presentation for staff and students. The resource was shown to new students at the point of induction but also to continuing students. It was also made available to students on <i>CampusMoodle</i>. It was user friendly and accessible to students and there had been a reduction in the number of queries from students since its introduction. The link would be shared with members following the meeting for information and/or adoption by others.</p>	<p>Ms L Jack</p>

8. ONLINE EXAMINATIONS

Members noted Guidance for Online Exams and Alternative Assessments, which had been provided to supports Schools with their assessments following the move off-campus in March 2020. More recently DELTA had consolidated the Guidance into a single document which would be issued to Schools shortly. It would also be circulated to the Sub-Committee for information.

Action**Ms L Jack**

The Convener reported that the exam periods had gone well and Schools had been fully supported by DELTA and IT. There had been some learning from the initial exam diet with the result that adjustments and refinements to the assessment processes were being proposed. For example:

- Schools had been asked to reflect on the use of 24 hour open exams as such assessments could potentially provide increased opportunity for academic misconduct to occur. Furthermore, reasonable adjustments could result in such exams being extended to 36 hours, which could actually provide additional pressure for students. Schools were, therefore, advised to only use 24 hour exams where *essential*.
- The upload time for exams would be 15 minutes with 30 minutes permitted for those exams with large/complex files to upload. There was flexibility to those timings in the event of reported IT issues.
- Clarity of assessment requirements to students was further highlighted, including word limits and resulting penalties for excess wordage.

9. ACADEMIC REGULATIONS SEMINAR

Members considered a report from the Academic Regulations Seminar held on 22 March 2020. The primary focus of the Seminar had been on the operation of Assessment Boards during the COVID-19 period.

It was agreed that a Seminar would be held in December 2020. A topic for inclusion in the Seminar would be role of the External Examiner.

Ms L Jack**10. COMMITTEE EVALUATION**

Feedback from the Committee Evaluation was considered. The feedback from the questionnaires indicated an overall satisfaction with the operation of the Sub-Committee. Feedback had indicated that as the meetings could be quite long, the incorporation of breaks would be welcomed; this would have the additional benefit of allowing members to get to know each other. Mechanisms to replicate this within the virtual meeting environment would be explored.

11. FUTURE BUSINESS

No items were identified for consideration at future meetings at this point. If any items did arise then members should submit these to the Committee Secretary and/or Convener .

Members to Ms L Jack and Ms V Strachan

12. ANY OTHER COMPETENT BUSINESS (AOCB)

There was no further business to consider.

13. FUTURE MEETING DATES

To note: The next meetings of the Academic Regulations Sub-Committee will be held as follows:

- Wednesday 3 February 2021 2020.
- Thursday 22 April 2021.

All meetings would commence at 9.15 am.

Action

V Strachan, C
26 November 2020

Delegation of Authority and Decision-Making of Academic Council and the Principal

Regulation & paragraph	Regulation Text [<i>locus of authority highlighted</i>]	Retain (R) or Delegate (D)
A2, 7.5	Maximum Period of Enrolment: Undergraduate In exceptional circumstances, Academic Council may extend the period of enrolment.	D - VPADSE
A2, 7.8	Maximum Period of Enrolment: Postgraduate In exceptional circumstances, Academic Council may extend the period of enrolment.	D - VPADSE
A3:1, 7.8	Academic Appeals Procedure: Stage 1 - Submission of Appeal <i>Submission after the 10 working day period</i> Where the Head of School and the Assistant Chief Academic Officer find no verifiable circumstances and reach the opinion that the appeal should not, therefore, be considered the Head of School shall report their opinion to the Principal of the University: (i) where the Principal agrees with the opinion of the Head of School and the Assistant Chief Academic Officer, they shall formally rule that the appeal not be considered, and the Head of School shall confirm this outcome in writing to the student, normally within 10 working days of the lodgement of the appeal. The student shall have no further right of appeal; (ii) where the Principal disagrees, they shall instruct that the appeal process proceed.	D - ACAO
A3:1, 9.1.5 and A3:1, 9.4.1	Decisions The Assistant Chief Academic Officer and Deputy Academic Registrar shall have the following decisions available to them: (ii) No prima facie case: where it is deemed that no <i>prima facie</i> case exists, the Assistant Chief Academic Officer and Deputy Academic Registrar shall submit a recommendation to the Principal that the case be dismissed in accordance with the provisions of paragraph 9.4 of this Procedure. No Prima Facie Case: Dismissal of the Appeal Where it is deemed by the Principal that no <i>prima facie</i> case exists, the Principal shall dismiss the appeal. There shall be no appeal against such a decision of the Principal.	D - ACAO
A3:1, 9.2.1	Prima Facie Case: Re-Consideration by the Assessment Board The Deputy Academic Registrar shall communicate the decision to refer the case for re-consideration by the Assessment Board to the student by email normally within 10 working days of receiving the student's <i>Student Appeal Form: Academic Appeal – Stage 2</i> and the Head of School's report; the Deputy Academic Registrar shall also communicate the decision to the Head of School concerned. In the event of any dispute between the Assistant Chief Academic Officer and Deputy Academic Registrar then the case shall be referred to the Principal, in their capacity as Chair of Academic Council. The Principal shall communicate their decision to the Assistant Chief Academic Officer and Deputy Academic Registrar normally within 5 working days of receipt of the referral.	D - ACAO

Regulation & paragraph	Regulation Text [<i>locus of authority highlighted</i>]	Retain (R) or Delegate (D)
A3:1, 10.5.3	<p>The courses of action available to the <i>Student Appeals Committee</i> shall be as stated:</p> <p>Where the Committee is satisfied that a case has been established in terms of the provisions of paragraph 6.5 of this Procedure and, where the implications are such as to invalidate the results of the assessment that is the subject of appeal for more than one student, the Committee may recommend to Academic Council that it annul the whole assessment or any part of it.</p>	D - VPADSE
A3:2, 5.2	<p>Suspension of a student and/or process pending an Investigation</p> <p>5.2.1 <i>Suspension</i>: A student who is the subject of an allegation of misconduct and/or against whom a criminal charge is pending and/or who is the subject of police investigation and/or other external investigation, may be suspended by the Principal, or nominee, pending the outcome of a <i>Misconduct Hearing or Student Appeals Committee</i>, or the trial, or the outcome of the police/external investigation, as appropriate. Suspension may involve:</p> <ul style="list-style-type: none"> – a total prohibition on attendance at, or access to, the University and/or its resources and facilities, and on any participation in University or Student Union activities; or – a selective restriction on attendance at, or access to, the University and/or its resources and facilities, and on any participation in University or Student Union activities; it may also be subject to qualification, such as permission to attend for the purpose of an examination. <p>In taking such a decision to suspend a student's studies, the Principal or nominee shall be mindful of the requirement to report a change in a student's enrolment status to the UK Visas and Immigration service where the student is subject to UK immigration legislation.</p> <p>Where misconduct proceedings have already been initiated but the allegation of misconduct is subsequently found to be the subject of a criminal charge, police investigation and/or other external investigation then the misconduct proceedings may be suspended by the Head of School pending the outcome of the trial or police/external investigation.</p> <p>5.2.2 <i>Enrolment status and suspension</i>: Further to the provisions of paragraph 5.2.1 of this Regulation, a student who has been suspended pending the outcome of a <i>Misconduct Hearing or Student Appeals Committee</i> may have their enrolment continued at the discretion of the Principal or nominee.</p> <p>5.2.3 <i>Emergency suspension</i>: In cases of great urgency, the Principal or nominee shall be empowered to suspend a student with immediate effect.</p> <p>5.2.4 <i>Entitlement to make representation</i>: A student shall be entitled to make representations in person to the Principal or the nominee. Where it is not possible for the student to attend in person, they shall be entitled to make written representations.</p> <p>5.2.5 <i>Review of suspension decision</i>: Where a student has been suspended, such suspension should be subject to review by the Principal or nominee in the light of any developments and of any representations made by the student or anyone else on their behalf.</p>	R - Principal

Regulation & paragraph	Regulation Text [<i>locus of authority highlighted</i>]	Retain (R) or Delegate (D)
A3:2, 7.5	<p>Notification of Outcome</p> <p>Normally within five working days of the <i>Misconduct Hearing</i>, the Head of School shall:</p> <p>(iv) where such misconduct may also constitute a criminal offence and the police or other appropriate authority are involved, report this to the Principal (or nominee in their absence) who shall decide, in consultation with the relevant Head of School, whether disciplinary proceedings under the <i>Student Misconduct Procedure</i> should be deferred pending possible criminal proceedings. However, the student may still be suspended pending the outcome of any proceedings (see paragraph 5.2.1 of this Regulation). Where alleged misconduct leads to criminal proceedings the University shall not be precluded from also taking action under the <i>Student Misconduct Procedure</i>.</p>	R - Principal
A3:2, 8.4.3 and 8.7.1	<p>Decisions</p> <p>In determining whether a prima facie case exists, the Assistant Chief Academic Officer and Academic Quality Officer, shall have the following decisions shall be available to them:</p> <p>(ii) No prima facie case: where it is deemed that no prima facie case exists, a recommendation shall be submitted to the Principal that the case be dismissed in accordance with the provisions of paragraph 8.7 of this Procedure.</p> <p>No Prima Facie Case: Dismissal of the Appeal</p> <p>Where the Principal agrees with the recommendation that no prima facie case exists, the Principal shall dismiss the appeal. There shall be no appeal against such a decision of the Principal.</p>	D - ACAO
A3:2, 10.2.1	<p>Sanctions</p> <p>Suspension for specified period: A recommendation to the Principal (or a nominee to whom such authority has been delegated) for the immediate suspension of enrolment and all corresponding rights of the student, including the use of University facilities, for a specified period.</p> <p>Termination of Enrolment: A recommendation to the Principal (or a nominee to whom such authority has been delegated) for the student's immediate termination of enrolment (including all corresponding rights), discontinuation of studies and exclusion from the University's facilities and properties. This recommendation shall be automatic in the case of a second proven case of misconduct, where both cases have been classified as academic misconduct, or both classified as non-academic misconduct. The recommendation may also include a request to permanently deny the student any future rights of application and enrolment to the University. Where this sanction is imposed on a migrant student, the University shall report this decision to the UK Visas and Immigration service.</p>	D – VPADSE academic misconduct only
A3:2, 10.2.2	<p>The automatic sanction for a second incidence of misconduct, where both cases have been classified as academic misconduct or both classified as non-academic misconduct, shall be Termination of Enrolment. In exceptional circumstances, the Head of School may apply to the Principal for a waiver of the automatic sanction.</p>	D – VPADSE academic misconduct only

Regulation & paragraph	Regulation Text [<i>locus of authority highlighted</i>]	Retain (R) or Delegate (D)
A4, 1.5	<p>At meetings of Boards, formal voting shall not normally be used as a means of reaching decisions. Every effort shall be made to resolve disagreements, and to reach unanimous conclusions. If, despite this effort, disagreement between internal members of the Board cannot be resolved, the view of the external examiner(s) shall prevail, unless:</p> <p>either</p> <p>(i) notwithstanding the view expressed by the external examiner(s), the majority of the Board members present remain unprepared to accept the view of the external examiner(s);</p> <p>or</p> <p>(ii) there is a disagreement among the external examiners which it has not been possible to resolve.</p> <p>In the event of (i) or (ii) above, the Assessment Board is required to refer the matter to Academic Council for a decision.</p>	D – VPADSE
A4, 9.1	<p>Re-assessment</p> <p>An entitlement to re-assessment shall be withheld only in exceptional circumstances and subject to the approval of Academic Council.</p>	D – VPADSE
A4, 9.3	<p>A student may be required by the Assessment Board to repeat the whole or part of a course before being re-assessed. If so required, the modules of study that are to be undertaken by the student in the repeat stage shall be agreed by the Assessment Board. The Course Leader shall ensure that the subsequent attendance and performance of the student are monitored and assessed. Where the subsequent attendance is deemed to be unsatisfactory, the Assessment Board may recommend to Academic Council that permission for further re-attendance and re-assessment be withdrawn.</p>	D – VPADSE
A4, 15.2	<p>When determining whether to recommend to Academic Council that a posthumous award should be conferred, an Assessment Board or team of Examiners shall have sufficient evidence that, had the student survived and completed the course, they would have been eligible for the award.</p>	D – VPADSE or VPR, as appropriate
A5, 4.4	<p>Where an external examiner(s) declares the subject of any contention to be a matter of principle, the Assessment Board shall either accept the view of the external examiner(s) or refer the matter to Academic Council for a decision. Similarly, any unresolved disagreement between the external examiners shall be referred to Academic Council for resolution.</p>	D – VPADSE
A6, 10.4.4(i)(b) and (ii)	<p>Research Degrees Appeal Procedure: Continuing with Appeal</p> <p>The Assistant Chief Academic Officer and Deputy Academic Registrar shall have the following decisions available to them:</p> <p>(i) Prima facie case: where it is deemed a prima facie case exists the Assistant Chief Academic Officer and Deputy Academic Registrar shall have the following two options available to them:</p> <p>(b) submit a recommendation to the Principal that the case be referred to the <i>Student Appeals Committee</i> for consideration in accordance with the provisions of paragraph 10.5 of this Procedure.</p> <p>(ii) No prima facie case: where it is deemed that no prima facie case exists, the Assistant Chief Academic Officer and Deputy Academic Registrar shall submit a recommendation to the Principal that the case be dismissed in accordance with the provisions of paragraph 10.6 of this Procedure.</p>	D – ACAO

Regulation & paragraph	Regulation Text [<i>locus of authority highlighted</i>]	Retain (R) or Delegate (D)
A6, 10.5.1	Prima Facie Case: Referral to the Student Appeals Committee Where it is deemed by the Principal that a prima facie case exists, the Principal shall refer the case to the <i>Student Appeals Committee</i> for consideration. The <i>Student Appeals Committee</i> shall be convened in accordance with paragraph 10 of this Procedure.	D – ACAO
A6, 10.6.1	No Prima Facie Case: Dismissal of the Appeal Where it is deemed by the Principal that no <i>prima facie</i> case exists, the Principal shall dismiss the appeal. There shall be no appeal against such a decision of the Principal.	D – ACAO
A6, Schedule 6.4	Schedule 6.4: Sanctions – Research Misconduct (Research Degrees) Suspension for specified period: A recommendation to the Principal (or a nominee to whom such authority has been delegated) for the immediate suspension of enrolment, registration and all corresponding rights of the research student, including the use of University facilities, and which may also include denial of access to University properties, for a specified period. Termination of Enrolment: A recommendation to the Principal (or a nominee to whom such authority has been delegated) for the student's immediate termination of enrolment (including all corresponding rights), discontinuation of studies and exclusion from the University's facilities and properties. This recommendation shall be automatic in the case of a second proven case of misconduct, where both cases have been classified as academic misconduct, or both classified as non-academic misconduct. The recommendation may also include a request to permanently deny the student any future rights of application and enrolment to the University. Where this sanction is imposed on a migrant student, the University shall report this decision to the UK Visas and Immigration service.	D – VPR

On the basis of the above, the following paragraphs of *Organisational Regulation 07* would require to be amended accordingly:

Regulation & paragraph	Regulation Text [<i>locus of authority highlighted</i>]
07, 2.4	An Assessment Board which wishes to take a decision which is not in accordance with University Regulations and/or other general direction and guidance issued on the authority of Academic Council shall be required to obtain the permission of Academic Council for the appropriate provision(s) to be waived in the case concerned. No such waiver may be treated as a precedent. Fresh permission must be sought on any subsequent occasion.
07, 2.5	A decision of an Assessment Board shall be valid only if it complies with the following conditions: (i) the decision falls within the limits of the delegated authority specified in paragraph 2.3 above; and (ii) either (a) the decision is in accordance with University Regulations, and any other general direction and guidance which has been issued on the authority of Academic Council; or (b) insofar as the decision is not in accordance with University Regulations, and/or other general direction and guidance issued on the authority of Academic Council, Academic Council has agreed that the relevant provision(s) may be waived.

Regulation & paragraph	Regulation Text [<i>locus of authority highlighted</i>]
O7, 2.6	Notwithstanding the delegation of authority specified in paragraph 2.3 above, Academic Council shall retain the right to require an Assessment Board to reconsider the performance of an individual student or to reconsider any other matter relating to the performance of students. Exceptionally, Academic Council may annul a decision of an Assessment Board and substitute its own decision, save that any decision to deprive a recipient of a degree, diploma, or other academic distinction previously conferred by the University shall require confirmation by the Board of Governors.
O7, 4.3	<p>At meetings of Assessment Boards, formal voting shall not normally be used as a means of reaching decisions. Every effort shall be made to resolve disagreements, and to reach unanimous conclusions. If, despite this effort, disagreement between internal members of the Board cannot be resolved, the view of the external examiner(s) shall prevail, unless either:</p> <ul style="list-style-type: none"> (i) notwithstanding the view expressed by the external examiner(s), the majority of the Board members present remain unprepared to accept the view of the external examiner(s); or (ii) there is a disagreement among the external examiners which it has not been possible to resolve. <p>In the event of 4.3(i) or 4.3(ii) above, the Assessment Board is required to refer the matter to Academic Council for decision.</p>
O7, 5.2	Where an external examiner(s) identifies a particular concern as a matter of principle, the external examiner's decision either shall be accepted as final by the Assessment Board or, exceptionally, shall be referred to Academic Council; any unresolved disagreement between external examiners shall, similarly, be referred to Academic Council.

Further Information

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