

Guidance for Students: Examination Irregularity Investigations

This guidance is for students who are alleged to have been involved in an examination irregularity and details the steps involved when Student Conduct investigate this allegation. Examination Irregularities are investigated in accordance with [University Regulation Section 8 - Student Conduct](#).

The initial stage

When Student Conduct receives an Examination Irregularity Report Form, or an allegation that an examination irregularity may have occurred, you will be notified in writing, (normally within 10 working days after the incident is brought to our attention) that an allegation has been made about you which may be a disciplinary offence. You will be given a summary of the allegation(s) against you and will be invited for an interview with the Investigating Officer (IO).

The purpose of the interview is:

- to inform you of the allegations
- to explain the Examination Irregularity process and disciplinary procedures;
- for you to respond to the allegations and explain what may have happened in the exam.
- for the IO to ask questions in order to ascertain the facts of the case.

You may bring a “friend” to the interview. A “friend” is defined in the University regulations as an academic member of staff of the University, or a registered student at the University of Birmingham, or a full-time Officer of the Guild of Students. The role of the ‘friend’ is to act as an observer and give moral support. Your “friend” cannot also be a witness to the alleged breach/incident.

You are expected to attend the interview. If you do not engage with the process, the investigation will continue. You may also be subject to the charge of “Contempt of the University’s disciplinary procedures by failure to cooperate with the University’s discipline authorities or otherwise” (8.2.1 (x) Section 8 - Student Conduct).

The interview

At the beginning of the interview the IO will introduce themselves and any other people present. Normally there will be a note taker. At the beginning of the interview, you will:

- be informed of the procedures that will be followed in accordance with University Regulation Section 8 - Student Conduct;
- have an opportunity to ask questions about the procedures;

The IO will then confirm the allegations which have been made against you. You will not be entitled to see or receive copies of any statements or evidence at this stage of the procedure, unless the SCO decides to disclose it to you. You will not normally be permitted to record the interview.

You will be given the opportunity to respond to the allegations and put forward any explanation you may wish to give. The IO will then ask questions of you to try and ascertain the facts of the case.

You may discuss with the IO whether any other people may be able to provide information or evidence and you may suggest potential witnesses that you would like the IO to contact. It is, however, for the IO to decide if it is necessary or appropriate to do so. If you provide witness statements for the IO at interview, please make sure they include the witnesses’ contact details in case the IO needs to clarify details with the witness.

At the end of the interview the IO will inform you what the next steps may be, depending upon the nature of the allegations, and whether or not the IO considers that there is sufficient evidence to take disciplinary action. It may be necessary for the IO to collate further information, such as statements from Invigilators, or a report from the examination marker, before reaching a conclusion.

A copy of the notes will normally be given to you at the end of the interview.

What happens next – summary action

If the IO decides that there is a case to answer but it is not sufficiently serious to refer the case to a College Misconduct Committee then the matter could be dealt with summarily by applying one of the sanctions outlined in Para 8.3.2 of University Regulation 8 – Student Conduct:

- A reprimand
- Imposing a fine
- Community Service
- An undertaking that you behave appropriately and/or engage with appropriate student support and/or remedial tuition.

In order for the IO to apply a summary sanction you have to admit the offence and accept the summary sanction; by accepting the summary sanction you are admitting the offence.

If you accept a summary sanction, this will be confirmed in writing and the case will be closed immediately unless there are outstanding actions to be completed (for instance, if in accordance with 8.3.2(d) you give an undertaking, the case will be closed if the agreed action(s) has been achieved by the agreed timeline; failure to complete the agreed undertaking successfully may result in further disciplinary action).

What happens next – non-summary action

If you deny the allegation or do not wish for the matter to be dealt with as a summary offence, or the IO deems the offence more serious than a summary offence, the case will be referred to a College Misconduct Committee (CMC) for its consideration. We will write to inform you of this.

The IO will conclude the investigations as soon as possible and will prepare an Investigating Officer's Report. This Report will include all the evidence on which the University intends to rely, for example, copies of witness statements. You will be asked for your response to this report and you may wish to include any further evidence or information you wish for the Committee to consider.

The CMC will normally hear the case within 6 - 8 weeks after the IO has decided to refer the case to the CMC. There may be times when delays are unavoidable, for example if staff and/or student(s) are not available for a good reason. The full bundle of papers which will be considered by the Committee will be sent to you at least ten working days before the date of the Committee hearing.

What happens to my examination marks if the case is referred to a CMC?

During this process, your marks will not be formally processed and released to you online. Your School will be informed of the position and will be advised that your results may be communicated to you informally by email on or after the date for the release of marks.

You may want to prepare for resit (supplementary) exams, including for the exam in which the alleged examination irregularity occurred. Depending on the decision of the College Misconduct Committee you may be permitted an opportunity to redeem any failure of the module, which may involve a resit exam. We will try to schedule the College Misconduct Committee to take place before the Supplementary Exam Period. If in the unlikely event the College Misconduct Committee does not take place before the Supplementary Exam Period and you have failed the exam in the affected module, you would provisionally be allowed to take the resit exam. If the case against you is found proven on the balance of probabilities, the College Misconduct Committee may apply a sanction where you are not permitted a resit. This would mean that although you have taken the resit exam before the College Misconduct Committee, the attempt would be void and would not be marked.

Help and Support

It is recommended that you contact Guild Advice (formerly the Advice and Representation Centre) at the Guild of Students (http://www.guildofstudents.com/support/guildadvice/advice_direct/academic/) for advice in relation to the allegation(s). If the matter does proceed to a College Misconduct Committee the Guild of Students would be able to help you prepare your case for the College

Misconduct Committee. A full-time Guild Officer could also act as a 'friend' in the hearing. Student Conduct would not be able to advise you on how to prepare your case.

For information about advice and support services please access the following link:
www.intranet.birmingham.ac.uk/conduct/help

Confidentiality

All cases will be recorded on the Student Conduct database and this information will be retained in accordance with the departmental record retention policy. The IO does not normally inform your College that you are being investigated unless it is pertinent. The IO may need to contact members of staff, invigilators or other students as part of the investigation as necessary.

You can request written confirmation from Student Conduct that an investigation has taken place in support of a submission regarding extenuating circumstances.