

Examination irregularity investigations – guidance for students

This guidance is for you if Student Conduct has received an allegation made against you about an examination irregularity. An examination irregularity is where a student has failed to follow written or spoken instructions relating to the examination being taken. This includes the invigilator's announcements, and the instructions found on examination papers, and the University website.

This guidance explains the steps of investigation an allegation. Examination irregularities are investigated in line with University Regulation 8 – Student Conduct.

The initial stage

The Investigating Officer will write to let you know we have received an allegation. The Investigating Officer will give you a summary of the allegation against you and ask you to come to an interview.

The purpose of the interview is:

- To tell you about the allegation;
- To explain the investigation process and disciplinary procedures
- For you to respond to the allegation and explain what may have happened in the exam; and
- For the Investigating Officer to ask questions in order to gather the facts of the case.

You may bring someone, referred to in the process as a Friend, with you to the interview. A Friend must be:

- a member of the staff of the University,
- a registered student of the University,
- a Sabbatical Officer of the Guild of Students, or
- a Guild Advisor of the Guild of Students.

They must not be a witness to the alleged incident. The Friend's role is to act as an observer and give moral support. They cannot answer questions, translate for you, or interpret your responses. Further information can be found in the 'Guidance for Friends' document:

<https://intranet.birmingham.ac.uk/as/registry/policy/conduct/documents/public/friends-guidance-pdf-20kb.pdf>

When you come to the interview you should bring any information that you think is relevant to the investigation. If the information is about you, the Investigating Officer may use it during the investigation. The information may also be passed to a Committee appointed to make a decision on the case. If the information is about another person (for example, a relative), you will need to get their permission to give us the information for the purpose of this investigation.

We expect you to attend the interview. If you do not co-operate, the investigation will still go ahead. In addition, the Investigating Officer may add an allegation of 'Contempt of the University's disciplinary procedures by failure to cooperate with the University's discipline authorities or otherwise' (under paragraph 8.2.1 (x) of Regulation 8) to the investigation.

During the investigation, a 'hold' may be placed on your student record. This means that your marks may not be formally processed and released to you online (in the usual way). You may also not be able to continue to the next stage of your studies (progress) or your graduation may be affected.

The interview

At the beginning of the interview the Investigating Officer will introduce themselves and anyone else there. There will normally be someone there to take notes. The Investigating Officer will:

- Tell you the procedures that will be followed under Regulation 8; and
- Give you the opportunity to ask questions about the procedures,

The Investigating Officer will then confirm the allegation that has been made against you. You will not be allowed to see or receive copies of any statements or evidence at this stage unless the Investigating Officer decides to give them to you. You will not be allowed to record the interview.

You will have the opportunity to respond to the allegation and explain your version of events. The Investigating Officer will then ask you questions to try and find out the facts of the case.

You can talk to the Investigating Officer about whether any other people may be able to provide information or evidence relating to the case. You can suggest potential witnesses that you would like the Investigating Officer to contact. However, only the Investigating Officer can decide if it is necessary or appropriate to do so. If you provide witness statements at the interview, they must include contact details in case the Investigating Officer needs to ask the witness any questions.

At the end of the interview, the Investigating Officer will tell you what the next steps may be, depending on the type of allegation. They will also tell you if they think that there is enough evidence to take disciplinary action. The Investigating Officer may need to gather more information, such as statements from invigilators or a report from the examination marker, before making a decision.

The Investigating Officer will normally give you a copy of the notes at the end of the interview.

What happens next?

The University investigation is an evidence-based process and decisions are made on the balance of probabilities. Possible outcomes include:

- No further action
- An advisory letter (where a Minor Concern has occurred)
- A finding of a Moderate Examination Irregularity
- Referral to the College Misconduct Committee where the examination irregularity is deemed to be serious

A finding of a Moderate Examination Irregularity

For less serious offences, the Investigating Officer may decide that a moderate examination irregularity has occurred. Where this is decided, a member of academic staff from your Principal Academic Unit will be asked to decide on a sanction. The possible sanctions, as set out in paragraph 14.1.1 of the Code of Practice on Academic Integrity, are as follows:

- Allowing the examination mark to stand
- Resubmission of, or another attempt at the assessment with the mark capped no lower than the pass mark
- Reducing the assessment mark to an appropriate level, including an award of zero with another attempt permitted (if allowed under normal assessment regulations), with the overall module mark capped at the pass mark
- Reducing the assessment mark to an appropriate level, including an award of zero, with no opportunity to resit.

Once a sanction has been decided, this will be confirmed to you in writing. The Investigating Officer will send you an Outcome Letter informing you of the decision that a Moderate Examination Irregularity has occurred and the sanction applied.

Referral to the College Misconduct Committee

The case will be referred to a College Misconduct Committee (the Committee) if:

- You do not agree with the outcome of a Moderate Examination Irregularity meeting; or
- The sanction imposed for a Moderate Examination Irregularity would result in you failing your programme of study
- The Investigating Officer decides that a Serious Examination Irregularity has occurred.

If the matter is referred to the Committee, we will normally tell you this in writing.

The Investigating Officer will complete the investigating and prepare their report and soon as possible. The report will set out all the relevant evidence (for example, copies of witness statements). You will be asked to respond to the report and can provide further evidence or information you want the Committee to consider.

The Committee will normally consider your case within six to eight weeks of the Investigating Officer's report being sent to you. There may be times when delays cannot be avoided (for example, if staff or students are not available for good reason). You will be sent (normally by email) all the papers that will be seen by the Committee at least 10 working days before the date of the Committee hearing.

If you are found to have committed an examination irregularity, you may not normally use other procedures (for example, those under the Code of Practice on Extenuating Circumstances or the Code of Practice on Academic Appeals) to appeal against the Committee's decision.

What happens to my exam marks if the case is referred to a College Misconduct Committee?

During the investigation, your exam will be marked as usual. However, your marks will not be formally processed and released to you online. The Investigating Officer will explain the position to the School and that it can give you your results verbally on or after the date that marks are released.

Depending on the Committee's decision, you may be allowed to resit the examination. We will try and schedule the Committee hearing to take place before the period during which you could take supplementary examinations. If the hearing does not take place before this period, and you have failed the examination in the affected module, you would be allowed to resit the examination. However, if the Committee finds that, on the balance of probabilities, the exam irregularity happened, they may decide that you were not allowed to resit the exam. In this case, your resit exam would not be marked.

Whilst any misconduct and fitness to practise proceedings are underway (including any appeal to the University Misconduct and Fitness to Practise Committee), you may not be able to use certain services (such as SCONUL), continue with your studies or graduate.

Confidentiality

The Investigating Officer does not normally tell your College that you are being investigated unless it is appropriate and relevant to do so. The Investigating Officer may need to contact members of staff, invigilators, or other students as part of the investigation, but only if this is necessary.

All cases will be recorded on the Student Conduct database. We will keep this information in line with our record retention policy. We will normally store any documents for seven years before we destroy them.

Help and Support

I understand that this may be a stressful time for you, and you may wish to speak with someone.

We recommend that you contact Guild Advice at the Guild of Students for advice about the investigation. If the matter is referred to a Committee, the Guild of Students may be able to help you prepare your case for the hearing. A full-time Guild Sabbatical Office could also come to the hearing with you. Student Conduct cannot give you advice on how to prepare your case. Further information about Guild Advice can be found on their website:

https://www.guildofstudents.com/support/guildadvice/advice_direct/academic/

You may also want to consider whether you need to make use of any University procedures, including the Code of Practice on Extenuating Circumstances. However, as mentioned above, if the Committee decides that an examination irregularity has happened, you may not normally use other procedures to appeal against the decision.

If there are things having an impact on your wellbeing and your academic work, you can access the support available across the University. You could have a discussion with a Wellbeing Officer about options available to you. You can find your Wellbeing Officer at:

<https://intranet.birmingham.ac.uk/student/your-wellbeing/wellbeing-officers.aspx>

Your School Wellbeing Officers, the Guild Advice or your Personal Tutor would be able to tell you about any procedures you could follow. More information about advice and support services is available on the Student Conduct webpages: www.intranet.birmingham.ac.uk/conduct/help.

If you need evidence of the investigation for other procedures, you can ask the Investigating Officer or the Student Conduct Administrative Co-ordinator for written confirmation.