

2 April 2012

### Request for amendment to the Regulations

#### Purpose of Paper

1. APRC is asked to **consider**, and if thought appropriate, **approve** an amendment to clause 8.1.1 of Regulation 8: Student Conduct to come into effect immediately.

#### Proposal

2. That clause 8.1.1 of the Regulations is amended. Proposed amended as follows (additions underlined and emboldened and strikethrough for deletions):

##### *8.1.1 Introduction*

*These Regulations apply to all Registered Students, students on Leave of Absence, ~~and~~ students who are registered as writing up, **students who have the status of external resit** and Graduands ("students"). Under these Regulations the University has the power to discipline and to suspend or expel students for good cause. Once disciplinary proceedings have been instituted against a student under these regulations, no disciplinary action may be taken against the student under other disciplinary rules or Regulations within the University for the same misconduct.*

#### Background and Consultation

3. This amendment was requested by Legal Services following a query from the School of Medicine. An MBChB student, who failed a module in his final year, submitted a primary appeal. On appeal he was allowed to retake the failed module as an external resit student in summer 2012. During the current academic year, although not entitled to teaching or to attend clinical placement, the student has been allowed access to certain resources over and above those normally extended to external resit students to enable him to prepare for his resit, but during the course of his correspondence and meetings/discussions with the School in relation to his preparation for the resit, concerns have arisen about his fitness to practise. Legal Services were asked if Fitness to Practise proceedings could be taken against an external resit student.
4. A student with external resit status does not have to register and, therefore, is not normally registered.
5. The view of Legal Services and the Student Conduct office is that he is still subject to University Regulations (Regulation 7.2.6 deals with students who fail a module, which makes it clear that the reassessment is undertaken in accordance with the Regulations). However, in order to pre-empt a potential challenge it is considered prudent to add to Regulation 8 that the process relates to external resit status too.

### **Argument to Support Proposal**

6. As Regulation 8 currently stands, there is potential for an external resit student to challenge the current wording if they found themselves subject to an investigation since technically they have not registered for the academic year.
7. If an external resit student were to cheat in an exam or submit a piece of written work which had been plagiarised, or their fitness to practise was impaired, the University would wish to take action against that student.
8. A reference to 'external resit status' in Regulation 8 will make it absolutely clear that if a student is alleged to have committed academic misconduct during their assessment, and/or fitness to practise concerns arise, they will be subject to the same process as all registered students.

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Registry