

UNIVERSITY OF MALTA

Proceedings of the University Assessment Disciplinary Board

1. Objective

- 1.1 The purpose of this document is to guide members and the Secretary of the University Assessment Disciplinary Board [UADB] in their functions. The objective is to ensure that the UADB follows a clear and efficient *modus operandi* so as to safeguard each student's right to a fair hearing and respect for the rules of natural justice as well as observance of the University Assessment Regulations, 2009 (http://www.um.edu.mt/registrar/regulations/general/assessment_regulations) herein after referred to as 'the Regulations'.

2. Composition of the UADB

- 2.1 According to the provisions of the University Assessment Regulations, the University Assessment Disciplinary Board is composed of:
- (a) the Rector or delegate, as Chairman
 - (b) the Registrar, as Vice-Chairman
 - (c) an academic appointed by Senate
 - (d) the Dean of the Faculty¹ offering the course on which the student is registered, or his/her delegate, provided that these academics have not been involved in the assessment of the student in the study-unit, and
 - (e) a student or his alternate appointed from among the students' representatives on Senate, provided that any one case is considered by the same student representative.
- 2.2 An Administrator, delegated by the Registrar, shall act as Secretary to the UADB.

3. Functions of the Secretary

- 3.1 The Secretary shall be responsible to provide all necessary support to the UADB as detailed in these procedures.
- 3.2 The Secretary shall communicate with students by means of a letter to the address as provided to the University by the student and by e-mail to the University e-mail account of the student.

¹ This refers also to Directors of Institutes/Centres/School

- 3.3 The Secretary shall make every effort to ensure that the letter and e-mail are delivered to the student.² Should the student, after being duly notified and without giving a good and sufficient reason, persist in ignoring the communication of the UADB, the UADB shall proceed to consider the report and take a decision.

4. Procedures

- 4.1 A report in writing, drawn up by a lecturer, an administrator or an invigilator or other authorised person, alleging a breach by the student of the Regulations shall be submitted to the Secretary of the UADB.
- 4.2 Within fifteen [15] working days from the day the report is received by the Secretary of the UADB, or by not later than fifteen [15] working days after the last day of the student's examinations³, the Secretary shall inform the student:
- (a) the reported breach of the Regulations (misdemeanour[s]);
 - (b) the provision/s regulating the misdemeanour(s);
 - (c) the date, time and venue of the meeting of the UADB;
 - (d) the possibility to be accompanied by a family member or personal friend or student colleague;
 - (e) the possibility to be accompanied by a legal adviser.⁴ The student shall inform the Secretary of the UADB of the intention to be so accompanied at least five [5] working days before the meeting and shall be responsible for all arrangements involving the legal adviser;
 - (f) the possibility of calling a witness/es, in which case the student shall indicate the name of such person/s to the Secretary of the UADB, together with the reason for their attendance, at least five [5] working days before the meeting and shall make all necessary arrangements for the witness(es) to attend. If the witness is a member of staff of the University or an invigilator, the Secretary of the UADB shall make the necessary arrangements for his/her attendance.

² Where necessary the UADB shall direct the home Faculty of the student to make its best effort at delivering the letter to the student in person.

³ The UADB shall not call a student to appear before it if the student still has to sit for other examinations during the examination session. It shall inform the student within the time frame indicated in order to give the student sufficient time to prepare for the meeting.

⁴ The role of the legal adviser shall be to provide the student with support and not legal representation.

- 4.3 The student shall be asked to consider taking either one of the following options:
- (a) to admit the charge/s, in which case the student shall not normally be called to appear before the UADB⁵; or
 - (b) to contest the charge/s, in which case the student shall be called to appear before the UADB.
- 4.4 Should the student opt for 4.3(a), the student shall, within fifteen [15] working days from the date of the letter/e-mail, send a written statement to the Secretary admitting the charge/s. The student may also include any relevant details which should be made known to the UADB.
- 4.5 Should the student opt for 4.3(b) the student shall within fifteen [15] working days from the date of the letter/e-mail, send a written statement to the Secretary stating that s/he will be contesting the charge/s. Failure to reply shall be deemed to mean that the charge/s is/are being contested and the Board shall proceed to consider the case.
- 4.6 In the case of 4.3(b), the UADB shall endeavour to hold the meeting within thirty [30] working days from when the notification was sent to the student.
- 4.7 At the start of the meeting, the Chairman of the UADB shall introduce the members comprising the UADB and explain its composition. Any objection to the composition of the UADB may be lodged at the start of the meeting following the introduction and shall be considered by UADB on grounds of procedure or other points of law, particularly those relating to the right of the student to a fair hearing.
- 4.8 Where the student is accompanied by a member of his family, personal friend, student colleague, or legal adviser, these may be present during the entire meeting, provided that where a member of the family, personal friend, student colleague or legal adviser is to be called as a witness that person shall only be called at the appropriate time.
- 4.9 The Chairman of the UADB shall read out the charge/s to the student after which point the Secretary shall make available all evidence in support of the alleged misdemeanour. The UADB shall offer the student the opportunity to read documentary evidence upon which the charge/s is/are based and to ask questions. Where practicable, such evidence shall be produced *viva voce*.
- 4.10 The student shall be invited to make a statement and to produce evidence in rebuttal to the charge/s.

⁵ The UADB retains the right to require the student to appear before it if it deems this to be in the best interests of the student. The UADB will consider requests from students who admit the charge but wish to appear before it.

- 4.11 Questions to witness/es shall be directed through the Chairman. Witnesses shall not give evidence in each other's presence, unless a confrontation is ordered by the UADB in the case of conflicting statements.
- 4.12 Upon a declaration by the student that all evidence and/or witnesses have been produced, the Chairman shall give the student the opportunity to make a final statement.
- 4.13 Where further evidence and/or witnesses are required to resolve the case, the Chairman shall inform the student that the UADB shall continue considering the case at a future UADB meeting⁶, indicating date if possible.
- 4.14 When all written and verbal submissions have been concluded, the Chairman shall inform the student that the UADB shall deliberate *in camera* and take a decision which shall be communicated to the student as soon as possible, but in any case not later than fifteen [15] working days from the date of the meeting. Should the UADB need to deliberate further, the student shall be informed and shall be given an indication of when a final decision will be communicated to him/her.
- 4.15 The student and any other person accompanying him/her shall be asked to withdraw from the meeting.
- 4.16 The UADB shall take its final decision on the basis that the burden of proof will be established on a balance of probabilities. All efforts shall be made to reach a consensus, but where this is not possible, the UADB shall decide by majority vote. In the case of a tie, the Chairman shall have a casting vote.
- 4.17 Any penalty imposed on the student shall be in accordance with the Regulations.
- 4.18 The penalty imposed shall be recorded in the student's file. This information will be kept confidential and subject to the laws that govern the protection of personal data.
- 4.19 The student may request a reconsideration of the decision of the UADB in terms of the Regulations, by writing to Senate not later than fifteen [15] days from the date of notification of the UADB's decision.⁷
- 4.20 Senate shall refer any request for reconsideration to the UADB which shall initially be considered *in camera*. Where it is determined that new evidence is available which could not have been provided earlier, the UADB shall appoint the case for hearing, in keeping with the procedures applicable under section 4.
- 4.21 The UADB shall endeavour to consider and resolve the request for reconsideration as soon as possible during a scheduled UADB meeting or earlier if necessary.

⁶ List of the dates for UADB meetings will be published on the University website at the beginning of each academic year.

⁷ UADB decisions are not subject to appeal. Further proceedings may be lodged through the University Ombudsman or the Courts of Justice.

- 4.22 The Secretary of the UADB shall inform the student of the decision regarding his/her request for reconsideration as soon as possible but in any case not later than fifteen (15) working days from the meeting.
- 4.23 The UADB may also find a student not guilty on grounds of insufficient evidence but nevertheless require the allegation and said decision to be recorded in the student's file.
- 4.24 In the case of visiting students, the Secretary of the UADB shall inform the home institution of the outcome of the disciplinary proceedings by letter sent to its programme coordinator, provided that the home institution shall only be informed if the student is found guilty as charged.

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