

**Proceedings of the  
Faculty Assessment Disciplinary Board**

**1. Objective**

- 1.1 The purpose of this document is to guide members of the Faculty Assessment Disciplinary Board [FADB] in their functions. The objective is to ensure that the FADB 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 ([https://www.um.edu.mt/\\_data/assets/pdf\\_file/0010/24868/Assessment\\_Regulations.pdf](https://www.um.edu.mt/_data/assets/pdf_file/0010/24868/Assessment_Regulations.pdf)) herein after referred to as 'the Regulations'.

**2. Composition of the FADB**

- 2.1 According to the provisions of the University Assessment Regulations, the Faculty Assessment Disciplinary Board is composed of:
- (a) the Dean of the Faculty<sup>1</sup> or his/her delegate, as Chair
  - (b) the Head of Department or his/her delegate, and
  - (c) a student from among the students' representatives on the Faculty Board.

The academic who reports the case shall not form part of the Faculty Assessment Disciplinary Board.

- 2.2 The Faculty Manager or one of the officers at the Faculty, shall act as Secretary to the FADB.

**3. Functions of the Secretary**

- 3.1 The Secretary shall be responsible to provide all necessary support to the FADB as detailed in these procedures.
- 3.2 The Secretary shall communicate with students by e-mail on the University e-mail account of the student.

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<sup>1</sup> This refers also to Directors of Institutes/Centres/School

3.3 The Secretary shall make every effort to ensure that the e-mail is delivered to the student including by calling the student to check that he has read the email. Should the student, after being duly notified and without giving a good and sufficient reason, persist in ignoring the communication of the FADB, the FADB 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 FADB.

4.2 Within fifteen [15] working days from the day the report is received by the Secretary of the FADB, or by not later than fifteen [15] working days after the last day of the student's examinations <sup>2</sup>, the Secretary shall inform the student regarding:

- (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 FADB;
- (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.<sup>3</sup> The student shall inform the Secretary of the FADB 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 FADB, 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 FADB shall make the necessary arrangements for his/her attendance.

4.3 The student shall be asked to consider taking either one of the following options:

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<sup>2</sup> The FADB 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.

<sup>3</sup> The role of the legal adviser shall be to provide the student with support and not legal representation.

- (a) to admit the charge/s, in which case the student shall not normally be called to appear before the FADB<sup>4</sup>; or
  - (b) to contest the charge/s, in which case the student shall be called to appear before the FADB.
- 4.4 Should the student opt for 4.3(a), the student shall, within fifteen [15] working days from the date of the 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 FADB.
- 4.5 Should the student opt for 4.3(b) the student shall within fifteen [15] working days from the date of the e-mail, send a written statement to the Secretary stating that s/he will be contesting the charge/s.
- 4.6 Failure to reply shall be deemed to mean that the charge/s is/are being admitted and the Board shall proceed to consider the case.
- 4.7 In the case of 4.3(b), the FADB shall endeavour to hold the meeting within thirty [30] working days from when the notification was sent to the student.
- 4.8 At the start of the meeting, the Chair of the FADB shall introduce the members comprising the FADB and explain its composition. Any objection to the composition of the FADB may be lodged at the start of the meeting following the introduction and shall be considered by FADB on grounds of procedure or other points of law, particularly those relating to the right of the student to a fair hearing.
- 4.9 Where the student is accompanied by a member of his/her 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.
- 4.10 The Chair of the FADB 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 FADB 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*.

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<sup>4</sup> The FADB 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 FADB shall consider requests from students who admit the charge but wish to appear before it.

The student shall be invited to make a statement and to produce evidence in rebuttal to the charge/s.

- 4.11 Questions to witness/es shall be directed through the Chair. Witnesses shall not give evidence in each other's presence, unless a confrontation is ordered by the FADB in the case of conflicting statements.
- 4.12 Upon a declaration by the student that all evidence and/or witnesses have been produced, the Chair 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 Chair shall inform the student that the FADB shall continue considering the case at a future FADB meeting, indicating date if possible.
- 4.14 When all written and verbal submissions have been concluded, the Chair shall inform the student that the FADB 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 FADB 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 FADB shall take its final decision on the basis that the burden of proof will be established on a balance of probabilities.
- 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 FADB 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.
- 4.20 In the case of visiting students, the Secretary of the FADB shall inform the home institution of the outcome of the disciplinary proceedings by e-mail sent to its programme coordinator, provided that the home institution shall only be informed if the student is found guilty as charged.

4.21 The FADB shall communicate the decision in writing to the student. A copy of the letter and the minutes of the relevant meeting are to be forwarded to the Academic Registrar.