

## REGULATION 20: COMMON PROFESSIONAL EXAMINATION IN LAW

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### Requirements of the Joint Academic Stage Board including the Scheme of Assessment

#### General

1. In accordance with Article 10 of the Charter and in accordance with the Statutes, the University shall:
  - (a) grant and confer Degrees, Diplomas, Certificates and other academic distinctions to and on persons who shall have pursued a course of study approved by the University and shall have passed the examinations or other tests prescribed by the University; provided that all Degrees, Diplomas, Certificates and other academic distinctions so granted and conferred shall be held subject to this Regulation.
  - (b) on what the University shall deem to be good cause, to deprive persons of any Degrees or other distinctions conferred on them and to revoke any Diplomas or Certificates granted to them by the University.
2. The degrees, foundation degrees, diplomas, certificates, and other distinctions of the University shall be awarded by the authority of Senate on the recommendation of one of its authorised sub-committees.
3. The University reserves the right to apply a range of sanctions against students for academic debt, academic-related debt and non-academic related debt as set out in the Student Debt Policy.
4. The conferment of any degree, or the award of any foundation degree, diploma or certificate, may be revoked by Senate, provided that the individual circumstances of each such case shall be considered by Senate.
5. Reference to the Joint Academic Stage Board means the Board established by the Council of the Inns of Court and the Solicitors Regulation Authority to govern the Common Professional Examination and to validate and monitor courses of study leading to that examination.

#### Registration

6. In addition to satisfying the conditions determined by the University pursuant to its Charter and Statutes, and Regulations, a student is registered on the course on the understanding that they have already carried out any prescribed reading in the area of English Legal Method and English Legal Institutions and has a sufficient command of written and spoken English to be able to follow the course.

#### Administration

7. There shall be a committee with the title of the Common Professional Examination Course Committee with the following terms of reference and membership.

*Terms of reference*

To monitor the operation of the Common Professional Examination course and where appropriate to propose alterations to its curriculum and organisation.

To ensure that the assessment arrangements are consistent with the requirements of the Joint Academic Stage Board and of the University.

To prohibit students from sitting examinations, in accordance with the requirements of the Joint Academic Stage Board.

Where appropriate, to recommend a replacement Chair of the Common Professional Examination Assessment Board.

*Membership*

Common Professional Examination Course Director (Chair) and all full-time faculty teaching on the course.

**Assessment***General*

8. Students will be assessed in accordance with these requirements. The results of students who have been assessed will be determined by the Assessment Board.
9. No student may sit the examination in any subject on more than three occasions. A sitting of the examination at any institution counts for this purpose but an attempt which is not completed for sufficient cause does not. However, in exceptional circumstances the Assessment Board may permit a student to sit all or part of an examination on more than three occasions.

*Examination Board*

10. The Examination Board shall comprise
  - (a) the Common Professional Examination Course Director,
  - (b) the Head of the Sussex Law School,
  - (c) the external examiners for the course,
  - (d) a member of faculty representing the teaching team for each of the modules,
  - (e) such other members as may be approved by the Joint Academic Stage Board and Senate generally or specifically.
11. The Common Professional Examination Course Director shall be Chair of the Assessment Board unless the Joint Academic Stage Board, on the recommendation of the Course Committee, approves a member appointed under Requirement 8 (b) or (d).

12. In the event of the absence or incapacity of the Chair of the Assessment Board, a member appointed under Requirement 8 (b) or (d) elected as Chair by the Assessment Board shall act as Chair for so long as the absence or incapacity persists.
13. The Assessment Board shall act in accordance with these requirements and any regulations and policy statements made by the Joint Academic Stage Board.
14. In addition the Assessment Board shall report to the Joint Academic Stage Board on any matters of general policy affecting the course.

*External examiners*

15. There shall be more than one external examiner for the Common Professional Examination course. The appointment of a person as an external examiner for the course requires the approval of the Joint Academic Stage Board, and must comply with such directions as to attributes, period of appointment and other matters as the Joint Academic Stage Board may give from time to time, generally and specifically.
16. The functions of the external examiners shall be:
  - (a) to monitor the operation of the course as a whole;
  - (b) to moderate proposed examination papers and to recommend or as they think fit require such changes in them as they consider necessary;
  - (c) to examine marked examination scripts and assessed coursework in the subjects for which each is responsible, and to make recommendations on the modification of marks to the Chair of the CPE Examination Board in accordance with approved procedures;
  - (d) to attend meetings of the Assessment Board and the Course Committee;
  - (e) to satisfy themselves that the decisions of the Assessment Board are consistent with the intentions of the Joint Academic Stage Board and of these requirements;
  - (f) at the end of each academic year, to report to the Vice-Chancellor and to the
  - (g) Common Professional Examination Course Director on the standards achieved by students on the course and to propose any changes they think fit to the procedures adopted by the Assessment Board and/or to the methods of assessment.

*Course content and assessment*

17. Students shall be assessed in the following subjects unless exempted from at least four subjects by the Solicitors Regulation Authority, the Bar Standards Board or the Joint Academic Stage Board:
  - Contract
  - Tort
  - Land Law
  - Equity and Trusts

Criminal Law  
 Constitutional and Administrative Law  
 Law of the European Union

In addition, students will be assessed on a further area of law, on which they will write a dissertation of no more than 4,000 words.

18. The principal written examination shall be held in May or June of each year. Every written examination, whether sat as part of the principal written examination or after referral or as a resit, shall consist of a two-hour unseen paper in each subject being taken. A reading time of fifteen minutes shall be allowed before the commencement of every written examination.

*Eligibility to sit an examination*

19. The Course Committee may prohibit a student from sitting a written examination in any of the following cases, where:
- (a) the student has failed to submit satisfactory assessable coursework;
  - (b) the attendance of the student has been unsatisfactory;
  - (c) the student has not demonstrated a knowledge of and ability in English Legal Method and English Legal Institutions satisfactory to the Assessment Board.
20. Any decision of the Course Committee to prohibit a student from sitting a written examination shall be notified to that student no fewer than six weeks before the beginning of the diet of examinations concerned, and the student on notification has the right to appeal against the decision to the Vice-Chancellor or nominee. Any such appeal shall be heard within two weeks of written notice being given.

*Conditions for passing*

21. Coursework shall be assessed in seven of the foundation subjects on the basis of one written assignment set during the first term and submitted in January.
22. The following principles shall apply in determining whether a student has passed or failed in any of the foundation subjects:
- (a) the subject shall be marked out of 100, composed of 75% from a written examination and 25% from assessed coursework;
  - (b) to obtain a pass mark a student shall obtain at least 40% in the examination and at least 40% in the coursework weighted as in Requirement 20(a);
  - (c) a student who has passed in six subjects may in exceptional circumstances be credited with a pass in one subject with a single element mark of at least 35% but less than 40%, on the basis of written work during the year, tutor's reports, strength in other subjects and any other relevant information. All evidence for such a decision shall be made available for inspection by the external examiners;

- (d) where a student is required to resit coursework and/or examinations, the mark to be awarded shall be no greater than 40%. This shall not apply where the resit is deemed to be a first sitting.

The pass mark for the dissertation on a further area of legal study shall be 40%.

*Referral and resit arrangements*

23. In deciding whether or not to refer a student the Assessment Board shall take into account the extent of the failure, the results in other subjects and other relevant considerations.
24. The following principles shall apply where a student has failed subjects at the first attempt:
- (a) a student taking six or more subjects may normally be referred in not more than four subjects;
  - (b) a student taking fewer than six subjects may normally be referred in two subjects only;
  - (c) a student who has been referred in a subject having failed the examination but passed the coursework shall be required to resit only the examination; a student who is referred in a subject having failed the coursework but passed the examination shall be required to resit only the coursework.
  - (d) the referral examination shall normally be held in July or August following the examination at which the subject was failed. A student required to resubmit coursework shall do so no later than the date of the referral examination;
  - (e) a student failing the dissertation shall be required to re-submit the same project at a date no later than the date of the referral examinations.
25. The following principle shall apply where a student fails a subject on referral:
- A student who fails any one or more subjects on referral may be permitted to retake any one or more failed subjects on one further occasion only. In such a case only the element of assessments failed need to be retaken.
26. Resits under Requirement 25 shall normally be held at the time of the principal examination next following the date of the failure in the referred examination.
27. Subject to Requirement 9, the following principles shall apply where a student has failed a subject at the first attempt and who has not been referred:
- (a) the student shall be required to resit only those subjects in which there has been a fail and only the assessment element which has been failed. The resit will be held at the time of the principal examination next following the date of failure unless the Assessment Board at its discretion allows the resit in the July or August immediately after failure;

- (b) the Assessment Board may impose conditions regarding attendance and/or the submission of written work, and may exclude from assessment any student not satisfying these conditions;
  - (c) the Assessment Board may at its discretion permit a student who has failed to pass any subjects under Requirement 25(a) to resit those subjects, including any failed coursework, on one further occasion only.
28. The examination of candidates who have been referred shall be held at such time as the Assessment Board shall determine being not less than three weeks after the publication date of the results of the principal examination.

*Result of examination*

29. A student shall pass the Common Professional Examination who passes in accordance with these requirements, either at first attempt or at a referred or resit examination, all the subjects listed in Requirement 17 from which exemption has not been granted.
1. A student **must** be awarded a **distinction** where:
    - (i) They have passed all elements of the assessments at the first attempt, without any subject being compensated; AND
    - (ii) They have obtained an overall average of at least 70%.
  2. A student **may** be awarded a **distinction** where:
    - (i) They have passed all elements of the assessments at the first attempt, without any subject being compensated; AND
    - (ii) They have obtained an overall average of at least 70% in at least 50% of the subjects counting towards the final award; AND
    - (iii) They have obtained an overall average of at least 67%; AND
    - (iv) The examination board considers that it is not inappropriate to award a distinction.
  3. A student must not otherwise be awarded a distinction.
  4. A student **must** be awarded a **commendation** where:
    - (i) They have passed all assessment at the first attempt, without any subject being compensated; AND
    - (ii) They have obtained an overall average of at least 60% in the assessments.
  5. A student **may** be awarded a **commendation** where:
    - (i) They have passed all elements of the assessment at the first

attempt, without any subject being compensated; AND

- (ii) They have obtained an overall average of at least 58%; AND
  - (iii) They have obtained an overall average of at least 60% in at least 50% of the subjects counting towards the final award; AND
  - (iv) The examination board considers that it is not inappropriate to award a commendation.
6. A student must not otherwise be awarded a commendation.

30. A student who has failed in any subject and who is not referred shall fail the examination.
31. A student who has passed the Common Professional Examination is entitled to the award of the Graduate Diploma in Law of the University of Sussex.

*Illness etc.*

32. A student who has been prevented by sufficient cause from sitting or completing all or part of the principal examination may at the discretion of the Assessment Board be allowed to sit or complete the examination in the next following July or August in respect of each part not previously attempted.

*Exemptions*

33. Where a student has been exempted from taking four or more subjects, all remaining subjects must be taken in one sitting.
34. Where a student has been exempted from any subject, these requirements shall apply with any necessary modifications. In particular referral is possible only in accordance with the following principles:
- (a) for a student sitting six subjects, referral is normally possible in four subjects only,
  - (b) for a student sitting fewer than six subjects, referral is normally possible in two subjects only.

*Collusion, Plagiarism and Misconduct*

35. The procedures outlined in the Regulations for the Award of First Degrees will be followed when (a) investigating an allegation of collusion, plagiarism, misconduct or cheating and (b) the penalties to be applied.
36. Where a student is found to have committed academic misconduct, this will be disclosed in applications for the vocational stage of training. Such a finding will be considered very seriously by the professional bodies and may exclude students from membership of an Inn of Court or from enrolment with the Solicitor Regulation Authority.

*Withdrawal or placing of conditions on continued registration or progression of a student arising from criminal convictions acquired during the course of studies*

37. Teaching and Learning Committee has a Criminal Convictions Committee to consider such cases, and the Criminal Convictions Committee will first consider written evidence in reaching an initial recommendation.
38. Where the recommendation affects the continued registration or progress of a student the case will be formally considered and the student, together with a representative, will have the opportunity of attending and making a reply which may include relevant new material. All information for the attention of the sub-committee shall be open to the Panel unless the Chair shall otherwise determine, having regard to natural justice. In such instances the Criminal Convictions Committee will be chaired by the Pro-Vice-Chancellor (Teaching and Learning), and the Director of Student Experience from the School in which the student is registered will be permitted to attend.
39. Having heard the evidence in the case, the Criminal Convictions Committee will decide on the outcome, which may include requiring a student to withdraw, or placing conditions on their further registration with the University.
40. Where it is necessary for both Teaching and Learning Committee (via its Criminal Convictions Committee) and Student Discipline Committee to investigate a closely-connected set of events, those proceedings and their outcomes will be appropriately coordinated.
41. The student will normally be informed of the outcome by the Chair of the Committee, at the conclusion of the hearing of the case, and this will be confirmed in writing. Exceptionally, where the Committee cannot reach an immediate decision, the outcome will be communicated in writing within seven working days.

*General*

42. If in exceptional circumstances the Assessment Board is satisfied that any of Requirements 13 to 28 operate unfairly in relation to any student, the Board may take such decision as appears to the Board to be necessary to achieve the fair operation of the system of assessment prescribed by these Requirements. Notice of any such decision of the Assessment Board and of the exceptional circumstances of the decision will be given to the Joint Academic Stage Board by the Chair of the Assessment Board.

*Appeals*

43. Appeals against the decisions of the Assessment Board shall be governed as far as is practicable by the provisions for such appeals as set out in the Regulations for the Award of First degrees etc.

**Fitness to Study**

44. Fitness to study is defined as fit to: benefit from the programme of study or research; participate and function largely independently in the university environment including in academic, residential, social, community activities. A student may be considered not fit to study if they cannot make academic progress without frequently disrupting the

academic, social or normal business of the University, its staff and other students. This regulation also applies where continued attendance is likely to be detrimental to the health of the student. Under procedures approved by Senate, where a Fitness to Study Panel believes that a student is not fit to study, the Director or Deputy Director for the Student Experience (or nominee) may recommend to the Pro Vice Chancellor for Education and Students that the student be required to temporarily or permanently withdraw or that an applicant may be required to withdraw or defer admission.

45. Fitness to Study procedures also apply to students wishing to study abroad and to those going on placements.

*Right of Appeal*

46. A student who is required to withdraw/temporarily withdraw (or an applicant whose place is withdrawn/deferred) on fitness to study grounds shall have the right to appeal to the Deputy Vice Chancellor in writing within 7 working days of the decision being communicated to the student's address, including their email address, as recorded on their student record. The grounds for appeal must be that there has been procedural irregularity or other inadequacy in the process by which the withdrawal/temporary withdrawal has been required.
47. Where a student or applicant lodges an appeal, they must not attend between the date of the notice in writing that they must withdraw, or temporarily withdraw, and the outcome of the appeal.

**Return from temporary withdrawal or deferral of admission on health grounds:**

48. A student preparing to return from temporary withdrawal (on health grounds) must satisfy the Fitness to Study Panel that their health has improved sufficiently to [re]commence studies or research

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