

## Guidance: Disciplinary Panel hearings

### Who this guide is for?

- Staff handling a complaint against a student in the School
- Disciplinary Panel members
- The representative of a complainant

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### City’s disciplinary process

Complaints of alleged misconduct against students will be managed accordance with Senate Regulation 13 (Student Discipline). In all cases, local procedures will normally have been conducted, and the outcome of this will determine whether or not it is necessary to refer the matter for consideration under the disciplinary procedure.

**Complaints relating to academic misconduct (plagiarism)** will be dealt with in the first instance in accordance with the Assessment Regulations (Senate Regulation 19). A School Academic Misconduct Panel may recommend a penalty which requires the referral of the matter to the disciplinary process: from this point onwards, the matter is to be dealt with under Senate Regulation 13 (Student Discipline) and may be considered by a Disciplinary Panel. Complaints relating to academic misconduct referred for consideration under Regulation 13 will be put directly to a Disciplinary Panel.

**Complaints relating to non-academic misconduct** matters may first be referred to a Preliminary Interview. Should it be not be possible to resolve the complaint at this stage, the matter will be referred to a Disciplinary Panel.

### Dealing with conflicts of interest

In practice one individual may discharge more than one role during the course of a disciplinary case by virtue of his/her responsibilities during the process. For example, depending on the nature of their prior involvement, the Secretary to a Panel may also act as Panel Advisor; or, a Panel Member of an Academic Misconduct Panel may act as representative for the complainant. What is important is:

- that no individual responsible for decision-making relating to the complaint at an earlier level, is then responsible for decision-making at a later stage (eg. Stage 2-level/appeal review)
- that no individual who might potentially be biased through prior knowledge of the case be responsible for decision-making during the appeal/ appeal review
- that no individual involved in consideration of the matter at School-level is later responsible for decision-making at a Stage 2-level review



Potential conflicts of interest might include where an academic has had substantive involvement in the teaching or assessment of a student, or conducted a preliminary investigation prior to Panel and has been party to information not disclosed in the documentation or subsequently made available to the rest of the Panel. In both these cases the individual might be called on to give evidence at a Panel but it might not be appropriate for them to be members of that Panel with responsibility for the decision.

If you feel there is a potential conflict of interest speak to the Stage 2-level Officer or Panel Chair/Secretary as soon as possible.

## **Conduct**

All staff, students, and their representatives, are expect to conduct themselves in a professional way and to treat each other with respect and courtesy. The *Student Charter* statement provides more information on what staff and students can expect from each other: <https://www.city.ac.uk/student-administration/student-charter>

## **Disciplinary Panel Roles and responsibilities within Stage 2 of the disciplinary process:**

### **Stage 2-level Officer (Deputy President or nominee)**

This Officer is nominated by the President or his/her nominee, based on his/her experience and expertise. The Officer will give initial consideration to the complaint at the preliminary stage of the Stage 2-level of the procedure. They are required to work with the Senior Administrative Officer to establish appropriate timescales for the investigation and consideration of the case, taking into account the nature and complexity of the matter, and any related proceedings.

This Officer has the authority to suspend the studies or exclude a student from particular facilities/services pending a hearing – this could be put in place before or after a Preliminary Interview. This action would be taken as a precautionary measure, where it is felt that the student presents a significant and immediate threat to themselves, other individuals or City in general. Where the decision is taken to take such action before a hearing, the matter should be reported to Senate (or the Chair), which can confirm whether the suspension/exclusion should stand or, be removed or reviewed.

In the case of complaints not relating to academic misconduct, this Officer may in the first instance invite the student to a **Preliminary Interview**. In cases of academic misconduct, the Regulations require that the matter be referred directly to a Disciplinary Panel. The purpose of this Interview is to allow an informal opportunity for the matter to be discussed with a view to finding a solution to the matters raised. If appropriate the matter may be closed at this stage.

This Officer is empowered to invoke any sanction available to the Disciplinary Panel (other than expulsion or retrospective withdrawal of a City award) where a student admits the allegations made against them, and does not present evidence which would necessitate for thorough investigation by a Panel. In all other instances, the matter should be referred to a Panel.

It is for this Officer to determine how to deal with the complaint at the Preliminary Interview stage. Should they be satisfied that the matter can be dealt with without the need to refer to a Panel, it is within this Officer's remit to decide no further action is warranted or to dispense a penalty within the limitations set out in the regulations. The Preliminary Interview is not intended to be a full investigation of the matter. Should it become apparent that it will not be possible to satisfactorily deal with the matter via the Interview it is appropriate to refer the matter to a Panel. This might be where a student disputes the allegation, or raises information which could represent mitigation. A formal Panel hearing allows the matter to be investigated in more depth, for claims of mitigation to be considered in the light of appropriate evidence, and for the complainant to comment on any claims made by the student.

### **Panel Member**

Panel members are drawn from a pool of staff approved by Senate on an annual basis.

Each Panel is made up of three members, one acting in the role of Chair. The role of Panel members is to form a collective, objective decision based on the verifiable facts of the case. This Panel is authorised on behalf of City to determine an appropriate course of action in accordance with City's regulations, policy and guidance. The Panel should conduct the Panel in the interests of natural justice both to the student and the student body as a whole.

The **Student Panel Member** for the Disciplinary Panel will be any member of the student body nominated by the Students' Union. Every effort will be made to arrange for a student to be on the Panel, but where all reasonable efforts have been exhausted and it is not possible to confirm a student to sit on this Panel, the student member may be replaced with a third academic staff member. In the case of a Disciplinary Appeal Panel hearing, the student member of the Panel must be a member of Senate (ie. a Students' Union Sabbatical).

Papers to assist the Panel will be circulated to the Panel members in advance of the hearing.

## **Panel Chair**

The Chair is appointed by virtue of his/her experience, expertise and knowledge. The Chair ensures the Panel comes to its collective, objective decision based on the verifiable facts and, in particular ensure:

- that the Panel is quorate
- that conflicts of interest are addressed
- that due reference is made to relevant City, Validated Institution, School and programme requirements during discussion and decision-making (the Panel Advisor provides support with this aspect)
- that the Panel takes due account of the need to uphold academic standards
- that the Panel upholds the principles of fairness and natural justice both for the individual student and the student body as a whole
- that Panel members and attendees fulfil their designated roles during the hearing
- that the Panel has access to specialist representation where needed (e.g. for research degrees)

The Chair should convene a short briefing meeting for the Panel Members and Secretary to ensure the smooth running of the Panel (e.g. that the it will run to time, that all the evidence will be heard). This meeting will normally run for approximately 10 minutes, directly prior to the Hearing.

During the Hearing the business of the Panel should be conducted through the Chair with statements being made to the Panel rather than via dialogue between attendees.

The Chair should ensure that the Panel is satisfied that all relevant information has been presented before asking the student, their representative, and Programme/School/ Validated Institution representatives to withdraw. The Panel will then deliberate before reaching its decision. The Panel Secretary and Panel Advisor may remain for the purpose of recording the decision and advising on relevant Regulation and Policy; they do not, however, form part of the Panel and should not take part in the discussion apart from for the purposes stated. The Panel Advisor may also reference relevant precedents to assist the Panel; these are non-binding and the Chair should ensure that decisions are taken within the context of each individual case.

Following the Panel the Chair will ensure that the written record of the Panel and notifications to the student represent a true record. Where approval from another area of City is required following the Panel recommendation, the Chair will be available to liaise with the appropriate body to ensure speedy resolution (with support from the Senior Administrative Officer). The Chair will also ensure in the notification to the student that it is clear what decisions remain within the remit of the Assessment Board.

If you have not already acted as a Panel member, you may wish to consider meeting with a member of Student & Academic Services for a briefing.

## **Representative of Complainant (School/Department)**

When a Disciplinary Panel is convened, the student's host School is expected to send a suitable representative.

Your role in relation to the hearing is to represent the School and assist the Panel in its consideration of the complaint against the student. As part of the normal hearing proceedings, you will be asked to make a statement to the Panel. You, the student and the Panel will all have received and read through the papers circulated in advance of the hearing. You are not expected to verbally repeat the content of the School's paper submission. You may wish to consider including a brief statement explaining the rationale for the referral to the disciplinary procedure, summarizing what actions were taken prior to the referral; and highlight the main points the School would like the Panel to consider. You may wish to briefly outline any relevant procedures or practices (e.g. extenuating circumstances, the option of deferral, information and training about academic misconduct and how to avoid it). The Panel may benefit from hearing about the contextual background information to help them understand the specific circumstances of the case.

In the interests of natural justice and transparency, the student is provided with the same documentation as the Panel and is invited to attend. All communications should be through the Panel, and you should avoid getting into a direct dialogue with the student or someone who is accompanying them. Wait for the Panel to ask the questions and respond to the Panel.

Remember that the Panel members take an objective position and must be seen to do so. Do not assume that they will favour either the Programme/Validated Institution/ School or the student's position, or that colleagues on the Panel will know what you are talking about without your needing to spell it out. Once the Panel has heard from both you and the student, it will retire and deliberate in private – all other proceedings take place in the presence of the Programme/ Validated Institution/ School representative and the student.

Generally, information you give to the Panel must be based upon verifiable facts, and you should avoid drawing inferences where these cannot be supported. This does not mean you cannot express a view, but if you do so, it must be one you can reasonably justify, or that you are particularly qualified to make, e.g. an academic judgement.

### **Student & their representatives**

You will be informed when the complaint against you is referred to a Panel and invited to attend together with someone of your choice. In rare cases you can may ask someone else to attend on your behalf but this must be approved by the Chair of the Panel in advance.

You will be sent details of the Hearing including the time and location and will be asked to confirm whether you plan to attend. You will also receive a copy of the documentation being considered by the Panel. You do not have to attend the Hearing if you don't want to but it does represent an opportunity for you to make a statement in support of your case and to answer any questions the Panel might have. If you plan to bring someone else then you will need to inform the Panel Secretary of their name, relationship to you and the reason for their attendance.

The Panel will try to stick to the timings given in your invitation to Panel but it is recommended that you keep additional time available just in case the Hearing is longer than planned.

During the Hearing you, the complainant's representative, and any other respondents invited by the Panel will be invited to make a statement regarding your case and will be asked questions by the Panel. You should address your statement and answers to the Chair of the Panel. Sticking to the facts of the case will help the Panel to make an unbiased decision; this doesn't mean you can't express how you feel, but remember that the Panel needs to know about what happened and ascertain the facts regarding the complaint.

The Panel will put questions directly to you, as the student. Your representatives may respond to the Panel on your behalf only with the agreement of the Chair.

When you are informed of the outcome of any particular stage of the discipline process you should also be informed of any further stages, including any right of appeal against that outcome.

### **Senior Administrative Officer/ Panel Secretary/Panel Advisor**

In practice, these roles may be held by the same individual, who will be based within Student & Academic Services.

The Panel Secretary is responsible for keeping a formal record of the Hearing and its outcome and for ensuring that all practical arrangements are in place for the conduct of the Panel. This includes:

- agreeing timings for the process with the Chair
- communicating the procedure, timescales, progress of the process & any changes to timescale
- liaising with the student regarding their attendance at a Preliminary Interview/Hearing
- ensuring that all papers have been circulated
- ensuring, in consultation with the Panel Advisor, that copies of the relevant Regulation, Policy and guidance are available to the Panel
- keeping a formal record of the Hearing to be approved by the Chair
- ensuring the decision of the Panel is communicated to relevant parties (e.g. student, Dean of School/ Principal of Validated Institution, Programme Director, School Quality Officer). The notification to the student must include the rationale for the Panel's decision and make it clear what decisions (if any) remain within the remit of their School.

The Secretary is in attendance at the Hearing and may be present for the Panel's private discussion but does not form part of the Panel.

## **Suggested order of business for Disciplinary Hearing**

The Panel will normally conduct a brief (5-10 minutes) pre-meeting with just the members of the Panel present. This is for the purposes of the ensuring the Panel have agreed how they wish to manage the hearing proceedings.

1. The Chair invites all those present to introduce themselves and to identify their role in the hearing (ie. Panel member, Student, Complainant's Representative).
2. The Chair confirms all have received copies of the papers circulated in advance for consideration by the Panel.

Where there is additional documentation or information tabled today and accepted by the Panel for consideration this should be noted at this point.

3. Where the student's response to the allegations is unknown or unclear, the Chair invites the student to state whether s/he refutes or accepts the complaint against them.
4. The Chair invites the Complainant's Representative to present the complaint to the Panel.

Witnesses may be called at this time. The Panel may ask questions at any time during or after this statement.

5. The Chair invites the student to make a statement.

The student may call witnesses at this point, and/or ask questions of the complainant's witness/es. The Panel may ask questions at any time during or after this statement.

6. The Chair will invite the representative of the complainant to make a summary statement.
7. The Chair will invite the student to make a summary statement.
8. All present withdraw (except the three Panel members) for the Panel's deliberations.

*The Student and Complainant's Representative do not need to return to hear the Panel's verbal report of its decision, though it is recommended should clarification on the outcome or further actions been required. Before withdrawing, the Panel should confirm whether the Student and the School's Representative wish to wait for the Panel's verbal report of their decision (should this be possible on the day).*

### **Panel decision**

*Where the Panel require further information before coming to a conclusion, the Panel may wish to invite the student or the Complainant's Representative to return to the hearing room to respond to further questions. Where the Panel requires information that is not available on the day of the hearing, the Panel are invited to report only that it will postpone reporting its decision verbally to allow further information to be gathered – the decision will be reported via correspondence.*

9. The Panel communicates its decision and recommendations - where this is available on the day this will be reported on the day to the Student and/or the Complainant's Representative should they wish to remain at the hearing to receive this. This decision will normally be conveyed to both the Student and the School in writing within 14 calendar days of the date of the hearing.

*Both the Student and the Complainant will be issued with a note of the hearing.*



## **Disciplinary appeal process**

A student may appeal the outcome of a Disciplinary Panel consideration of their case on one or more of the following grounds:

- That there were defects in the conduct of the previous disciplinary investigation such as to render the decision unsound; and/or
- That there is additional significant and relevant evidence that, for demonstrable, valid and over-riding reasons, could not be submitted previously; and/or
- That the sanction applied at the Stage 2-level was disproportionate in the circumstances.

An appeal is not a re-hearing of the complaint against the student. Dissatisfaction with the outcome would not alone be a ground for appeal.

## **Office of the Independent Adjudicator (OIA)**

On completion of City's internal process, a student will be issued with a Completion of Procedure (CoP). This letter enables a student who is dissatisfied with the final decision on their case to apply to the OIA for a review of City's handling of the case.

## **Reference material**

[Student Discipline Policy](#)

[Senate Regulations 13 \(Student Discipline\)](#)

Template for referring complaints to be considered under disciplinary process.