

Conduct of Panels and Hearings

Appendix V, UPR SA13 version 11.0

Policies superseded by this document

This document replaces version 10.0 of Appendix V, UPR SA13, with effect from 1 September 2022.

This document contains the generic rules for the operation of Student Disciplinary Panels and Student Academic Misconduct Panels convened under the provisions of UPR SA13¹ and to UPR SA15²; the operation of Student Fitness to Practise Panels under the provisions of UPR SA15² and the conduct of Review Committees of the Board of Governors under the provisions of UPR SA13¹ and UPR SA15².

The text in this document (Appendix V, UPR SA13) is identical to the text in Appendix V, UPR SA15³.

Summary of significant changes to the previous version

None.

Glossary

A glossary of approved University terminology can be found in [UPR GV08](#).

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¹ UPR SA13 'Student Discipline'

² UPR SA15 'Student Fitness to Practise'

³ Appendix V, UPR SA15 'Conduct of Panels and Hearings'

1 Rules for the administration of Student Discipline

(Note for guidance:

The term 'Letter' is defined in section 3.5, UPR SA13⁴ and means the Letter approved by the Secretary and Registrar for use at a specific point in this process.

Letters must be sent to the email address the student has provided to the University for all correspondence and, where possible, by Recorded Mail.)

1.1 General rules

Those responsible for administering the University's Student Disciplinary Procedures and its student Fitness to Practise processes will comply with the rules set out in this document.

1.2 Confidentiality

1.2.1 Other than for the proper administration of these procedures, information relating to any case which is the subject of disciplinary action or student fitness to practise proceedings is strictly confidential.

1.2.2 All parties to the case (including students and witnesses) and individuals who have been involved in any related investigation and/or the management and/or administration of the disciplinary process will observe the requirements for confidentiality. While confidential information will need to be disclosed in order to consider the case, it will be disclosed only to those staff involved in the consideration of the matter. In addition, confidential information may be disclosed to governmental, Police or regulatory authorities or otherwise disclosed as may be required by law.

1.2.3 All personal information will be processed by the University in accordance with the Data Protection Act 2018.

1.2.4 Any breach of confidentiality will be regarded as a disciplinary matter.

1.3 Conduct of Hearings

Panel Chairs and others responsible for administering the University's Student Disciplinary Procedures will comply with the following rules:

- i where a matter is being dealt with under the provisions of UPR SA13¹, the student may, if they so wish, be accompanied by a Student's Adviser at any Hearing or meeting to which the student has been invited at which the matter is to be discussed;

⁴ UPR SA13 'Student Discipline'

- ii where a matter is being dealt with under the provisions of UPR SA15², the student may, if they so wish, be accompanied by a Student's Adviser at any Hearing or meeting to which the student has been invited at which the matter is to be discussed but may not be represented at such a meeting or Hearing either by a member or nominee of the Students' Union Executive or any other individual;
- iii the Chair may at their discretion, invite a subject specialist to attend and to advise the Panel;
- iv where practicable, arrangements will take account of the needs and concerns of those involved;
- v the Hearing will be attended, as appropriate, by the individuals stipulated for each stage of these procedures;
- vi the case will be presented on behalf of the University by the Case Officer;
- vii the Case Officer may be questioned by the Chair and the Panel and, at the invitation of the Chair of the Panel, by the student;
- viii the Case Officer may call witnesses who may be questioned by the Chair and at the invitation of the Chair, by the student;
- ix the student may be questioned by the Chair and the Panel;
- x the Chair will invite the student to respond and to call any witnesses who may be questioned by the student and the Chair of the Panel and, at the invitation of the Chair, by the Case Officer;
- xi the Chair will invite the Case Officer and then the student to make any closing remarks;
- xii the Chair may direct the Case Officer and the student and their Adviser to withdraw while they consider the matter and may recall all parties for further questioning;
- xiii where possible, the Chair will advise the student of their decision immediately after the Hearing or will indicate to the student when they might expect a decision;
- xiv a written record will be made of the Hearing in accordance with the detailed arrangements specified for each stage of these procedures;

- xv an audio recording of a Hearing may be permitted in exceptional circumstances, at the discretion of the Chair and with the prior written consent of all persons who will be present. The exceptional circumstances will be a matter of record.

1.4 Students' Advisers and Students' Representatives

1.4.1 Students' Advisers

- a A student may invite another person to accompany them to and to act as their Adviser at any Hearing or meeting (formal or informal) at which the matter is to be discussed.
- b Although the student might, for example, invite a lawyer or a Trade Union representative to act as their Student Adviser, it should be noted that the person attends the meeting or Hearing purely in an advisory capacity and does not, therefore, act as the student's representative.
- c Where a student wishes to be accompanied by a Student Adviser at a meeting or Hearing, they will so advise the Student Procedures Co-ordinator not less than five (5) working days beforehand.
- d A Student's Adviser will only be permitted to speak during a Hearing if asked direct questions by the Chair of the Panel. However, the student may consult freely with their Adviser at any time.

1.4.2 Students' Representatives

- a Where a matter is being dealt with under the provisions of UPR SA13¹, the student may elect to be represented at the Hearing or meeting by a member or nominee of the Students' Union Executive.
- b Where a matter is being dealt with under the provisions of UPR SA15², the student may not be represented at a meeting or Hearing either by a member or nominee of the Students' Union Executive or any other individual.

1.5 Adjournment

In exceptional circumstances, at any stage of proceedings, an adjournment may be necessary for either party to obtain more evidence or for a Panel to consider the evidence further. Requests will be granted at the absolute discretion of the Chair of the Panel and will not be withheld unreasonably.

1.6 Interface between the University's complaints and grievance procedures

The processes whereby a complaint or grievance are dealt with by the University are distinct from the University's disciplinary procedures although, in some circumstances, the investigation of a complaint may result in the University taking disciplinary action against a member of staff and/or a student or referring a matter for consideration under the provisions of UPR SA15². Such proceedings and their outcomes are confidential, and the complainant is not entitled to challenge their outcome.

Signed:

Date: **1 August 2022**

Sharon Harrison-Barker
Secretary and Registrar

Alternative format

If you need this document in an alternative format, please email us at governanceservices@herts.ac.uk or telephone us on +44 (0)1707 28 6006.