

# Terms of Reference and Protocol

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## Student Disciplinary Panel

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# 1. Key purpose

The Student Disciplinary Panel reviews cases of suspected major behavioural misconduct to determine:

- whether misconduct has occurred;
- the penalty to be applied for confirmed cases.

This document must be used in conjunction with the [Code of Practice chapter on Student Academic and Behavioural Conduct \(opens new window\)](#) and the [Student Disciplinary Procedure \(opens new window\)](#).

Student Disciplinary Panels consider non-academic behavioural issues only. Academic misconduct is dealt with under a separate [Academic Misconduct Procedure \(opens new window\)](#).

# 2. Key principles

The Student Disciplinary Panel should follow these key principles:

- There must be no unnecessary delay and students must be allowed reasonable time to prepare;
- Provide clear information to allow students to understand the allegations brought against them;
- Allow reasonable adjustments to accommodate the needs of students with declared disabilities;
- Enable all students to receive a fair hearing where decisions are made by members free from bias or perceived bias;
- Ensure that cases are treated confidentially and adhering to the General Data Protection Regulation (GDPR);
- Provide students with the opportunity to respond to allegations of behavioral misconduct either in writing or by attending the meeting;
- Provide students with the opportunity to be accompanied to the meeting (see [UCEM Student Disciplinary Procedure \(opens new window\)](#) for details);
- The outcome of the meeting will be clear, explicit and notified to the student in writing within five working days.

# 3. Prior to the Student Disciplinary Panel Meeting

## 3.1 Allegations of major behavioural misconduct

In line with UCEM's [Student Disciplinary Procedure \(opens new window\)](#), Student Disciplinary Panel meetings will be held to consider allegations of major misconduct.

Students should receive notification in writing stating the nature of the suspected major misconduct within 10 working days of the major misconduct referral being made. This notification will outline the nature of the concern and inform the student that a Student Disciplinary Panel will be convened.

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The student must also receive the following in writing prior to the panel:

- Precise details of the allegation;
- A copy of any evidence considered to support the allegation;
- A link to the UCEM [Student Disciplinary Procedure \(opens new window\)](#) and Terms of Reference and Protocol for Student Disciplinary Panel;
- The date, time and location of the Student Disciplinary Panel. The roles of those attending will be notified to students in advance and names will be clear on the agenda;
- Information on how to present their response either in writing or through attendance at the panel, or both;
- The deadline for providing any evidence they wish to present (at least 2 working days in advance of the panel);
- Note that:
  - witness statements can be included as part of the response;
  - they have the right to be accompanied (see [Student Disciplinary Procedure \(opens new window\)](#) for details);
  - if they fail to provide a response in writing or at the meeting the panel will proceed in their absence;
  - if a response is not provided this will not be considered by the panel as an admission of guilt;
  - if any special requirements are needed to allow them to attend / or participate fully in the hearing, they must notify UCEM at least 5 working days prior to the meeting;
  - if they chose to attend, attendance must be confirmed at least 5 working days prior to the meeting;
- Details of how they can access advice and support.

Students should receive a copy of any documentation the panel will take into account in their decision making no later than 5 working days prior to the hearing, unless this is restricted by UCEM's Data Protection and Privacy Policy, the Data Protection Act 2018 or the General Data Protection Regulations 2016 (GDPR). The student will be asked to provide any evidence they wish to present at least 2 working days in advance of the panel.

## 4. The Student Disciplinary Panel Hearing

### 4.1 Timing of the Hearing

The panel will be convened in a timely manner and should not be unreasonably delayed. It should normally be held within 20 working days of the major misconduct referral. Students should normally be given at least 10 working days' notice of the panel meeting.

There is a balance between allowing students a reasonable amount of time to prepare and participate in the hearing and the stress that students may experience while they are waiting for their case to be heard.

## 4.2 Purpose of the Hearing

The purpose of the Student Disciplinary Panel hearing is to consider allegations of major behavioural misconduct and determine an appropriate outcome.

It is essential that the hearing process is fair and transparent. Failure to ensure this may lead to decisions being challenged at appeal stage.

UCEM uses the standard of proof based on the 'balance of probabilities' rather than 'beyond all reasonable doubt'. Therefore, evidence indicating that, on the balance of probabilities, behavioural misconduct has occurred will be deemed sufficient evidence for action to be taken.

The burden of proof in the first instance is on the individual making the allegation. In the context of the investigation and panel hearing, it is on the Head of Academic Registry or Academic Registry Manager (Academic Standards).

## 4.3 Composition of the panel

The membership of the panel comprises a chair drawn from UCEM's Executive (usually a Vice-Principal), a senior member of the academic community (Dean or Associate Dean) and a non-academic member of the Senior Leadership team. Please see [Appendix A](#) which sets out the panel membership.

When convening the panel to consider each case, steps will be taken to ensure that those selected onto the panel will have had no involvement in the previous stages of the investigation. Any other conflicts must be declared and resolved prior to the panel hearing.

The Head of Academic Registry or Academic Registry Manager (Academic Standards) shall nominate a Note taker who will be in attendance at the meeting to record the outcome.

## 4.4 At the hearing

The student will normally be invited to the hearing related to their case.

For group allegations all students involved will normally have their cases heard at the same meeting. They will be provided with all written documentation, unless this is restricted by UCEM's Data Protection and Privacy Policy, the Data Protection Act 2018 or the General Data Protection Regulations 2016 (GDPR). They will be entitled to hear the other students' responses.

The Student Disciplinary Panel has the power to call any witnesses and the student may submit written witness statements as part of their response, for the Student Disciplinary Panel to consider as part of the hearing.

The Head of Academic Registry or Academic Registry Manager (Academic Standards) will be invited to the meeting to present evidence but will not be part of the decision making.

## Order of proceedings

The Chair should open the meeting by:

- Inviting the panel to introduce themselves and by explaining everyone's role in the proceedings;
- Describing how the meeting will be conducted and emphasising that any conflicts of interest should have been resolved prior to the meeting;
- Advising that the meeting will be recorded, and a note taker is present to record the minutes of the meeting;

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- Confirming for the minutes if the student is accompanied or if they are not advising that they had the right to be accompanied;
- Ensuring that everyone has the relevant papers.

The Chair will then ask the Head of Academic Registry or Academic Registry Manager (Academic Standards) to present the case referring to any relevant evidence. The panel then has the opportunity to seek additional clarification by asking questions of the Head of Academic Registry or Academic Registry Manager (Academic Standards).

The Chair will then ask the student if they are in attendance at the meeting to present their case referring to any relevant evidence. The panel may ask questions for clarification. The panel may want to discuss the student's understanding of the offence.

If the student is absent from the meeting their 'right to reply' response will be read out by the Chair and a copy circulated to the panel.

If the Head of Academic Registry or Academic Registry Manager (Academic Standards) or student has any questions, these must be directed to the Chair.

When the panel is satisfied that there are no further questions, the Head of Academic Registry or Academic Registry Manager (Academic Standards) and the student will each be given an opportunity to summarise their case.

The Head of Academic Registry or Academic Registry Manager (Academic Standards) and student will then leave the meeting and the panel will make their decision.

The panel will make their decision on the evidence presented.

### Outcome

The panel will first determine whether, on the balance of probabilities, major behavioural misconduct has occurred. They will determine that there is either:

- a. No / insufficient evidence of major behavioural misconduct (possible referral for support but otherwise no further action);
- b. Sufficient evidence of major behavioural misconduct (apply penalty).

If the student has a previous history of misconduct, it will only normally be brought to the attention of the panel once a decision has been taken whether there is misconduct in this instance and before a penalty is decided upon. This is with the exception of cases which have been brought to the panel after the process for dealing with minor behavioural misconduct has been followed and there is no or insufficient improvement in behaviour. In such cases, details of the corresponding minor misconduct case should be considered as part of the evidence.

Mitigating factors presented by the student will not normally impact the decision on whether misconduct has occurred but should be taken into account when deciding upon a penalty.

If it is agreed that major behavioural misconduct has occurred, the panel will determine the scale of the offence and the penalty to impose by working through the penalties outlined in the UCEM [Student Disciplinary Procedure \(opens new window\)](#) until the appropriate penalty is reached. They should consider all penalties available and agree why each penalty should or should not be applied. The panel should also consider impact of imposing a particular penalty. An anonymised record of penalties applied in past cases will be kept and will be made available to the panel upon request.

If applicable, the panel should also agree on any actions required by the student in order to demonstrate that they have rectified their behaviour, and/or any conditions to be applied. These must be specific and measurable and accompanied by clear timeframes.

The panel has the power to adjourn a hearing if further evidence is required, as long as the hearing is reconvened within a reasonable period.

## 5. After the Hearing

The Note taker will prepare the minutes from the Student Disciplinary Panel and will send to the Chair for approval. The minutes must include for each case:

- The date of the hearing;
- Who attended the meeting;
- A summary of the discussions;
- State whether the allegation is Proven or Not Proven and the reasons why;
- Where the allegation is proven the minutes should detail the penalty/penalties to be applied in line with the penalties outlined in the UCEM [Student Disciplinary Procedure \(opens new window\)](#);
- Any actions required by the student in order to demonstrate that they have rectified their behaviour, and/or any conditions applied;
- If the Student Disciplinary Panel is unable to reach a conclusion on all or part of the allegation of misconduct due to conflicting evidence, the minutes should note this.

The notification letter to the student should be sent within five working days of the meeting (see the UCEM [Student Disciplinary Procedure \(opens new window\)](#) for details).

## 6. Reporting

The Note taker must maintain a cumulative record of all cases considered by the Student Disciplinary Panel and this will be reported to the Senior Leadership Team Quarterly Business Review and to the Board of Trustees.

The report will include a breakdown of cases considered by type, outcomes and penalties.

## 7. Appeals

Students have the right to appeal against a decision reached by the Student Disciplinary Panel and should be directed to UCEM's Appeals Procedure.

# Appendix A – Membership of Student Disciplinary Panel

The following members of the Student Disciplinary Panel make the deliberative decisions:

Panel Role	Name and title	Title	Ex officio/ appointed
One Chair drawn from the UCEM Executive:	Wendy Finlay	Vice Principal Learning, Teaching and Apprenticeships	Ex officio
	Lynne Downey	Vice Principal, Digital Education and Professional Services	Ex officio
	Stephen Bartle	Executive Director, Commercial & Business Development	Ex officio
	Aled Williams	Executive Director, Research, Innovation and Partnerships	Ex officio
	Tim Mills	Executive Director, Finance	Ex officio
	Andy Youell	Executive Director, Regulation	Ex officio
One Senior Academic:	Alan Hill	Dean – School of the Built Environment (Academic)	Ex officio
	Cathy Higgs	Associate Dean (School of the Built Environment)	Ex officio
One Non-Academic Senior Leadership Team Member:	Helen Edwards	Director of Academic Quality	Ex officio
	Ruth Grindey	Director of Development	Ex officio
	Jess Handley	Director of Registry and Student Services	Ex officio
	Mike Speight	Director of Apprenticeships Compliance	Ex officio
	Kate Deakin	Director of Apprenticeships Operations	Ex officio

*The panel chosen should have had no previous involvement with the case and no reasonable perception of bias.*

In addition to the student and any person accompanying them (see UCEM [Student Disciplinary Procedure \(opens new window\)](#) for details), the following are invited, but do not take part in the decision-making process:

Name	Title	Role
As appropriate	Nominee from the Academic Standards team	Note taker – in attendance
Montanna Banks / TBC	Head of Academic Registry / Academic Registry Manager (Academic Standards)	Invited to present the evidence
Richard Higgins	Disability and Welfare Adviser or nominee from the Disability and Welfare Team	Invited if a disability or additional need is referenced in the right to reply letter