

Guidance for supporters of students attending disciplinary hearings (“Supporter”)

Introduction

1. This guidance is designed to help a Student Supporter understand their role. This guidance should be read alongside Regulation XVII (Conduct and Discipline of Students) <http://documents.manchester.ac.uk/DocuInfo.aspx?DocID=6530> (the “**Regulation**”) and the Procedure for Summary Disciplinary Panels (<http://documents.manchester.ac.uk/display.aspx?DocID=42773>) (“**SDP Procedure**”) and Procedure for the University Student Disciplinary Panel (<http://documents.manchester.ac.uk/display.aspx?DocID=42774>) (“**UDP Procedure**”).

Definition of a Supporter

2. Any student who is the subject of disciplinary proceedings pursuant to the Regulation will have the opportunity to present their case to a disciplinary panel. Attendance is expected; a student may be able to participate remotely. A student can also submit a written statement. Where a student does not attend a hearing may go ahead in their absence.
3. The Regulation states that “*A student may, and is encouraged to, be accompanied to a disciplinary hearing by a fellow student, a member of the University of Manchester Students’ Union or member of staff of the University of their own choice*”. A person who accompanies a student is referred to as a Supporter under the SDP Procedure and UDP Procedure. A student can be accompanied by one supporter.
4. For summary level cases, the SDP Procedure states at paragraph 3.6 “*The student must inform the Secretary of their proposed Supporter at least two working days before the date of the hearing. The SDP will want to hear from a student in their own words and so the Supporter role does not normally extend to having a right to make statements or ask or answer questions. As SDP hearings relate to less-serious misconduct a Supporter from outside the University will not normally be permitted. Any persons acting in the role of Support must respect and adhere to the University’s internal disciplinary process*”.
5. For University level cases, the UDP Procedure conveys similar information to that above at paragraph 3.9. However, for UDP hearings a student may request that the list of persons eligible to act as a supporter be expanded e.g. to include a person external to the University. Such a request needs to be made five working days before the date of the hearing. It is at the discretion of the UDP Chair whether the request is accepted – this may be based around case complexity, potential consequences etc.

Role of a Supporter

6. At a hearing, the student subject to the allegation will be given the opportunity to present their case and explain what has happened i.e. the disciplinary panel will want to hear from a student in their own words. Therefore, it is important to understand that a Supporter is not intended to act as an advocate and they are not there to speak on behalf of the student.

7. As the title indicates, the role is primarily to provide support to the student. This can include:
 - a. providing moral support to the student.
 - b. checking any statement a student wishes to submit prior to, and at, the hearing.
 - c. taking notes of the hearing.
 - d. providing assistance such as locating pages of a document referred to by the panel.
 - e. ensuring that the student understands any questions asked of them.
 - f. helping the student to identify any questions they may wish to ask.
8. A disciplinary panel may allow for a brief concluding statement to be made by a Supporter at an appropriate juncture of a hearing. Otherwise a Supporter will only be able to address a disciplinary panel more fully, in exceptional circumstances (and with the agreement of the panel and the student), such as where a student is unable to represent themselves due to incapacity or to provide an adjustment for a student's disability.
9. A Supporter must act with respect to, and in accordance with, the University's internal processes. Failure to do so may lead to delays in hearings, a Supporter being asked to leave a hearing or not participate.

Hearing summary

10. At the start of the hearing the Chair will explain the purpose of the hearing and an outline of the allegation will be given (e.g. in person or in writing by the person who made the allegation). The student will be given the opportunity at the hearing to fully describe their account of what has happened leading to their disciplinary referral, usually by way of an opening statement, asking questions, answering questions and a closing statement. Any other witnesses will be brought into the proceedings at an appropriate juncture. If the student does not admit to breaching the Regulation, the disciplinary panel will need to decide (by way of a private discussion) whether a breach has occurred.
11. If a student admits to/is found in breach of the Regulation, the panel will then proceed into the second part of the hearing. This will involve the panel being informed of any previous offences that the student has committed, being provided with any relevant information about the student's academic status and the student will also have an opportunity to outline any potential mitigating circumstances. The panel will retire in private to determine the penalty and the student will usually be informed at the hearing what has been decided¹.
12. A finding as to whether a breach has occurred and a decision as to the penalty cannot be challenged at the end of the hearing. These decisions take immediate effect. A written letter confirming the panel's decision will subsequently be sent to the student within ten working days and the student may then look to pursue any right of appeal that they have. Appeals need to be made within ten working days from the written notification of the disciplinary panel's decision.

¹ In summary cases i.e. non-USDP hearings, the finding and penalty decisions (paragraphs 5 & 6 above) may be taken in the same private discussion.

Confidentiality

13. The University considers disciplinary hearings to be conducted under the principle of confidentiality. The University expects there to be no disclosure (by the student or the University) of the content of the hearing, including the material under consideration, except on a need-to-know basis e.g. to allow the University to put the Regulation into effect, to allow a student to consider appeal options etc. The Supporter must similarly respect confidentiality.
14. Should confidentiality be believed to have been breached by a student or a Supporter, then the University may need to consider any further appropriate action e.g. a student can be disciplined for failing to act on a reasonable instruction given under the Regulation.
15. The University is unable to discuss the case against the student with a Supporter without the written permission of the student. It is recommended that the student acts as the University's point of contact for the hearing.