

University Disciplinary Panels (“UDPs”): Information for Students¹

1. Overview

If a student is alleged to have committed a type of misconduct whilst registered at the University (as defined by the University) then internal disciplinary action may be taken. Disciplinary activity can take place across the University, both at a University level (for serious misconduct) and at a summary level (for less serious misconduct).

UDPs are arranged by the Division of Campus Life (“**Division**”), a department of the University. In most cases, the Division will receive a referral document from another department of the University, which describes why a student is being accused of misconduct and why it is serious enough to warrant consideration by the UDP. Assuming the allegation is serious then a UDP will be arranged.

2. The UDP

The UDP is the highest disciplinary body within the University. It is one of the only bodies within the University with the ability to expel a student.

UDP meetings are usually set in advance for the academic year but whether it then meets will depend on whether any referrals are submitted.

The UDP is usually comprised of five people but it can have more or less. The UDP is mostly made up of academic staff, including a Chair (the person that runs the meeting), but one of the panel members can be a student nominated by the Students’ Union. All those present have equal decision making powers, but the Chair has a casting vote in the event of a split decision. The panel will look to avoid any conflicts of interest e.g. people you may know from your academic School. Ensuring the right composition of the panel can sometimes affect the scheduling of the UDP meeting.

The UDP is supported by a Secretary who will be a student’s main point of contact for the meeting. They’ll be responsible for arranging the panel, making it run according to procedure and corresponding with the student. The Secretary will be present on the day of the meeting but they do not have the same decision making powers as the panel members. There may also be a note taker present on the day too so ensure a proper record of the meeting is made; similarly the note taker is not involved in the decision making.

Another individual / individuals who are asked to attend are those with knowledge of a case. These are often referred to as the Case Presenter. The Case Presenter is there to outline the allegation against a student i.e. explain why the case has been referred to the UDP. The Case Presenter may also have knowledge of a student’s record that the UDP might need to be aware e.g. academic standing, mitigating circumstances information, previous offences etc.

A meeting may include a witness where the information from a witness is necessary for the UDP to make a determination on a case. A witness could be anyone, including a fellow student. A witness’ attendance can be requested by the UDP or by the student themselves. In particularly sensitive

¹ The information in this document is intended as guidance. In the event of any conflict between this document and the overarching Regulation XVII (Conduct and Discipline of Students) (<http://documents.manchester.ac.uk/DocuInfo.aspx?DocID=6530>), the latter will take precedence.

cases, a witness may be kept separate from the student to whom the allegation relates and any questioning conducted through the UDP Chair.

In cases involving multiple students, then the format of meetings will generally align with the spirit of this guidance and University disciplinary policy. All of the students will likely be heard from together but with private elements to the disciplinary meeting taken as necessary e.g. to talk about sensitive information.

UDP meetings are compulsory to attend. Non-attendance, without good reason, could be viewed as a disciplinary offence in itself and may lead to a case being considered in a student's absence. UDP meetings will usually take place in a room on campus on a Tuesday or Thursday morning. Cases are often concluded on the day of the meeting. The length of the meeting will depend on the complexity of the case; some can be over close to an hour, others may take a number of hours. It is worthwhile putting aside a few hours to attend a UDP meeting.

Whilst a student may disagree with the allegations being made against them, they should remain respectful to the disciplinary process and those involved. Decisions to take students through the disciplinary process are often duly considered and are not taken lightly. A student has a right of reply to an allegation (both in writing and orally) and they should utilise these opportunities. It is recommended that they remain honest in their comments and avoid making personal slights against others.

3. Before the UDP meeting

The student will receive an invitation to the UDP meeting 10 working days before it is due to take place. With the invitation the student will receive the paperwork for the meeting, they will be notified of the panel membership and the invitation will contain other relevant information.

It is important to use the timeframe constructively:

- i. To put together a statement for the UDP addressing the allegation and explaining about any relevant mitigating circumstances. This statement should include any supporting evidence. The statement must be sent to the Secretary two working days before the meeting e.g. if an invite is sent out on Monday 1st, and the hearing is scheduled for Monday 15th, then a statement would be expected by the end of Wednesday 10th. The statement will then be provided to the UDP and any other attendees before the student meets the panel.
- ii. To seek advice and consider having someone accompany the student. Importantly students attending a UDP meeting are able to be accompanied at it by a supporter. This is encouraged. Often this support comes from the Students' Union Advice Service (<https://manchesterstudentsunion.com/top-navigation/advice-service/academic-advice>). However a student may be accompanied by a member of staff or fellow student. A legal supporter may be permitted by the UDP Chair depending on the circumstances of a case. The role of a supporter is detailed within separate guidance (<http://documents.manchester.ac.uk/display.aspx?DocID=38173>).
 - a. The supporter may make representations to the UDP if there are circumstances in which a student is unable to convey matters themselves e.g. due to incapacity. However in most cases students must expect to speak with the UDP directly.
- iii. To seek any further support that may be necessary e.g. from the Counselling Service (<https://www.counsellingservice.manchester.ac.uk/>).

If a student has any procedural questions or requests (e.g. a reasonable adjustment for a disability) relating to the UDP meeting, then they should send these to the Secretary as soon as possible.

The information disclosed as part of the UDP meeting should remain confidential to those who are a party to it or have a legitimate need to know. The information should only be disclosed outside of the meeting for the purpose of obtaining advice from a designated supporter and if a student decides to pursue any appeal options following the UDP meeting. It is important that a student does not attempt to contact members of the UDP, any University witnesses or the Case Presenter before the meeting. Failure to maintain confidentiality may be a disciplinary offence.

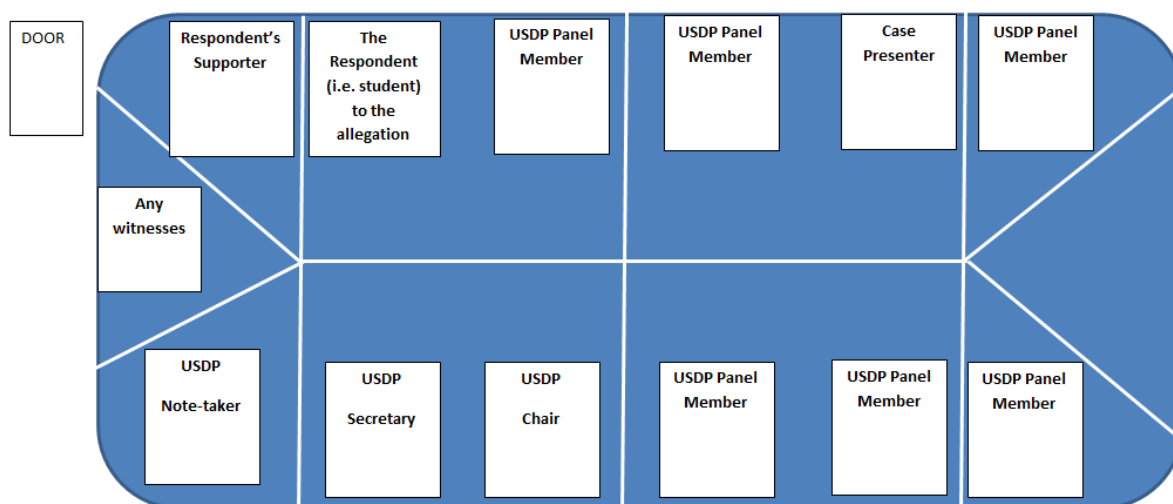
4. The UDP meeting

The UDP meeting will take place in a large, accessible, meeting room. Students, their supporter and the Case Presenter will have a separate space where they can wait until the panel invite them in to the main meeting. It is recommended that students arrive 10 minutes before the meeting is due to start.

The UDP first have an opportunity to meet privately. In this pre-meeting there will be an introduction of the case and any procedural issues will be discussed e.g. late material having been submitted, someone not attending etc. The UDP will not at this point discuss the facts of the case or discuss penalties. The UDP will however have received the same paperwork as that which has been sent to the student.

When the UDP is ready to start considering the case, the student, supporter and Case Presenter will be invited into the meeting.

i. Example meeting layout



ii. General meeting overview

An introduction to the meeting will first be made. The meeting will then follow a two stage format:

- a. Stage One is used to determine whether academic malpractice or general misconduct took place in breach of Regulation XVII. This, in summary, involves listening to the allegation, hearing the student's response and having an opportunity for questions. If the breach is admitted, then the hearing will proceed to Stage Two without a break (unless requested). If the breach is denied then the UDP will have a private discussion to determine whether, on the balance of probabilities a breach occurred.

- b. Stage Two is entered following a finding of a breach. The UDP will ask for additional information to help it in determining a penalty. For example, mitigating circumstances, past offences, academic standing etc. The UDP will then determine a penalty in private following its collection of the additional information.

Students should expect to raise anything they think is relevant at the UDP meeting. If the UDP are not made aware of something then it can't factor this into its decision making. A student should also expect to be questioned intensively.

iii. Meeting step-by-step

- The UDP will receive a brief introduction to the case, have an opportunity to consult the case material and discuss any preliminary matters.
- The Case Presenter and student whom the allegation is against (the “**Respondent**”) to be invited to meet the Panel.
- Introduction of the hearing.
- Stage one:
 - Case Presenter to outline allegation.
 - Questions asked of the Case Presenter.
 - The Respondent to comment on the allegation.
 - Questions asked of the Respondent.
 - If there are any witnesses, they are introduced to the Panel to make a statement and be asked questions.
 - Closing comments invited.
 - Respondent asked whether they admit the offence.
 - If there is no admission, the UDP will retire in private to determine whether the Respondent has breached or not breached Regulation XVII.
 - The Case Presenter and the Respondent are informed of the whether the Respondent is found to have breached the Regulation.
- Stage two (if the Respondent is found in breach):
 - The Case Presenter / Secretary (as appropriate) advise the UDP of any known mitigation or previous offences related to the Respondent. Further statements may be sought from the Respondent about these matters and questions asked.
 - The potential penalties are highlighted. Where relevant, information may need to be sought from the Case Presenter to determine the effect of the available penalties.
 - The Respondent is asked for any closing comments.
 - The UDP will retire in private to determine the penalty / penalties to impose.
 - The Case Presenter and the Respondent are informed of the penalty / penalties. These take effect from the date of the hearing.
- The Respondent is to be advised that they will receive the UDP's decision in writing and have the option to appeal.

5. After the USDP meeting

A student will receive an outcome letter ten working days after the UDP meeting. This will outline the UDP's decision, with reasons, and explain about any appeal routes that exist. The letter will be copied to a student's academic School. In some cases, the letter may take longer to issue e.g. to allow for the minutes to be finalised, to collect additional information etc.

The option to appeal remains open for 10 working days from the date on which the UDP's decision letter is issued. Appeals can only be made on one, or more, of three permitted grounds. More information in this regard is detailed in the decision letter and in associated policy documents.

If a penalty requires any further action on the student's part, then the outcome letter will advise them of this. Should a student be expelled, then this will lead to their University access being rescinded and the student's registration being terminated; this may have further implications for students with visas. If a penalty is not complied with by the student, then this may lead to further disciplinary action.