

Guidance for Student Discipline Case Presenters¹

1. Background

A student may be referred to the University Disciplinary Panel (“**UDP**”), for serious and/or repetitive breaches of [Regulation XVII](#) (Conduct and Discipline of Students) (the “**Regulation**”). The referral often follows an investigation or information review conducted by a person/service area into the alleged misconduct. The UDP is tasked with considering whether a student has, on the balance of probabilities, breached the Regulation, and if so, it applies a penalty. A UDP hearing is intended to be inquisitorial as opposed to adversarial. The UDP is not set up to directly investigate the allegation, but its role does mean that the UDP may need to interrogate and question any information available or representations made.

To refer a student to the UDP, it is good practice for a [Referral Form](#) to be completed. The Referral Form is used to collect information about a case and the student, and is used for the initial administrative arrangements leading up to a disciplinary hearing. Any relevant documentary material comprising the allegation is circulated before the hearing: via the student’s invitation and the UDP’s agenda. The student is also encouraged to submit a written statement (with supporting evidence) in response to the allegation and this is circulated before the hearing too.

Practice at UDP hearings is for the allegation being made against the student to be presented in person by the person/service area making the allegation (the “**Case Presenter**”). The *“opportunity to present a case and to hear and respond to what the other has said”* is identified as an element of procedural fairness by the OIA. Given the level of potential penalties a UDP hearing and the need to interrogate the information available, it is considered proportionate to have a Case Presenter in attendance at UDP hearings.

At summary level hearings i.e. less serious misconduct, a Case Presenter may or may not be required, a decision which may be based on the complexity, sensitivity and contentiousness of the case. It may be possible to proceed on the basis of documentary material in such cases, but in the absence of a Case Presenter it will be important to at least have a clear written account submitted by the referring body so that the student can understand and respond to the allegation. It is important to distinguish the person/area making the allegation from the disciplinary panel, as the latter needs to approach the case independently.

2. Who should act as Case Presenter?

This should be the person(s) with knowledge of the case. It will usually be the person who has been handling the investigation into the allegation against the student. For example:

- A School’s Academic Malpractice Officer in cases of alleged academic malpractice.
- A member of staff from the Student Services Centre in cases of alleged unauthorised material.
- A representative from Residential Life for misconduct arising in halls of residence.
- The investigator into a formal complaint e.g. of bullying by one student against another.

In some instances, it may be necessary to have two Case Presenters, usually only in complex cases where there has been involvement of multiple people at different stages of the pre-disciplinary process. For example, a student who has allegedly committed misconduct in halls of residence and

¹ The principles in this Guidance may also apply to summary level disciplinary hearings where a Case Presenter is required.

who is later suspended by the Division of Campus Life; the UDP may need to hear from Residential Life for the details of the initial allegation and then the Division of Campus Life for details around the suspension.

The Referral Form prompts the person making the referral to provide their availability to help with allocating a case to a hearing. UDP dates have usually already been set in advance. Whether a case can be allocated to a given date will depend on the capacity of the disciplinary on that date and availability of multiple parties.

If it is considered necessary for there to be a witness, then this should be flagged at the earliest opportunity so that they can also be invited.

The starting point is that attendance at disciplinary hearings is compulsory. Permission can be sought for alternative arrangements if there a credible reason why a person cannot attend. Alternative arrangements might include using a video-link or proceeding on the basis of a written statement. The non-attendance of a particular person may, however, lead to cases being delayed or it may affect the presentation of the allegation. If a Case Presenter knows that they are going to be unavailable, then they could look to arrange for someone to attend in their place.

3. Summary format of a UDP hearing

- The Panel 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 Panel 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 Panel 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 Panel will retire in private to determine the penalty / penalties to impose.
 - The Case Presenter and the Respondent are informed of the penalty / penalties.
- The Respondent is to be advised that they will receive the Panel’s decision in writing and have the option to appeal.

Please note that the format of hearings may be varied from the above to account for any complexities in a case e.g. an allegation involving multiple students.

4. Statements and Questions (see bold text in section 3)

i. Stage one (outline of the allegation)

It is recommended that any case outline provides an objective analysis/summary of the allegation, with focus on established facts and how these have led to the concerns of misconduct. This does not mean that the Case Presenter needs to be impartial (impartiality is achieved by the panel) – it is expected that the Case Presenter will have formed a view of a case given they have referred it to a panel. A case outline might include:

- How the allegation came about.
- Key dates relating to the case.
- Highlighting particular examples of behaviour of concern e.g. in the case of malpractice, what sections of the work supports the allegation.
- What information the student received about behaviour standards.
- The effect of the student's alleged misconduct on others.
- Why the case has been referred to a disciplinary panel.

A student has the right to reply (orally and in writing) and ask questions. The student is asked to be honest and respectful when making their comments. If the student denies the allegation being made, then there might be some challenge from them as to what the Case Presenter has outlined. It is important to try and remain objective and to focus on the issues that have brought the student before the UDP.

Example (academic malpractice)

The student is a third year undergraduate on the LLB Law Programme. As part of their third year, one of the units is a 30 credit dissertation (worth 100% of the unit's marks) with an approximate word count of 5,000. The dissertation runs across the second semester; students are given a handbook (that provides guidance on malpractice) and students have access to a supervisor. Records show that this student met with their supervisor twice, but the supervisor has reported that despite encouragement to submit draft work, the student did not do so. The student met the submission deadline of 30th May.

The piece of work was run through Turnitin (a copy of the Turnitin report has been supplied to the panel). Turnitin flagged an 80% similarly match to multiple sources. In reviewing the report, the concern of the examiner was in relation to three large sources, which accounted for similarity in the amounts of 26%, 14% and 10% respectively. On reviewing these sources, it was noted that the student had not included excerpts within quotation marks from all three or included them in footnotes or the bibliography. Some minor wording had been altered in the dissertation, but otherwise the wording largely matched the sources.

For the purpose of providing examples, I would highlight paragraph one of page five of the dissertation which matches paragraph one of page 25 of source one. Similarly, paragraph two of page 10 of the dissertation match paragraph two of page 15 of source two. There are numerous other examples.

Based on the information available, the School considers that there is a likelihood that the student may have committed plagiarism thereby in breach of the University's rules around

malpractice. The School views this as particularly serious given the amount of plagiarism, the student's advance level of study and the importance of the unit to the student's degree.

Example (general misconduct)

The student is in their first year and is residing at Whitworth Park Halls of Residence. In the early hours of 30th January, Security received reports of the student having damaged University property and physically threatened one of their flatmates. Security attended the incident and came across the student who was acting in an agitated manner; there was also a broken window (damage estimated to the value of £150). In the first instance the student behaved quite aggressively towards Security, and directed insulting language towards them. A copy of the Security Report has been provided to the Panel. In relation to the other student who was allegedly threatened, Security describe that he appeared shaken and his recollection of having been pinned against the wall. However, he later calmed down when being spoken to by his Residential Life Advisor (RLA). A statement from the RLA is also available to the Panel. The student was informed that his behaviour was not acceptable and that he would be invited to a meeting with members of the Residential Life team to discuss the incident.

On 2nd February, before meeting with the Residential Life team, staff from the domestic team were cleaning the student's room, and noticed that he had covered the smoke detector, thereby causing potential health and safety risks.

A meeting took place with the Residential Life team on 5th February. The student acknowledged at the meeting that his behaviour had been unacceptable but he provided no other explanation or mitigation. A referral to the USDP was therefore made as (i) there were well-evidenced incidents across two dates which could be considered serious, (ii) a number of definitions of misconduct appeared to have been met (paragraphs 8(c, f and l) of Regulation XVII), (iii) the student's behaviour affected members of the Security team and another student and (iv) there was no mitigation presented. Residential Life therefore considered that a penalty above those available at summary level might be proportionate.

Additionally, alongside referral through the disciplinary process, the student was issued with a notice to terminate their accommodation contract on 10th February. The student has since vacated their accommodation. The notice to terminate however does not bar the student from accessing University premises.

ii. Stage one (questions)

The UDP will want to interrogate information provided and this may therefore lead to questions. A sound working knowledge of the case is therefore necessary. There may be less questioning from the UDP when a detailed case outline has been made or when the advance information is comprehensive. It is not possible to predict what questions may arise as these will be dependent on the case itself.

The student is able to ask questions of the Case Presenter too, although this is not particularly common. Similarly, a Case Presenter can ask questions of the student; it might be useful to take this opportunity to query anything from the student's statement that might be factually inaccurate.

Example questions (academic malpractice)

- Could any of the copied text from the assignment be accounted for by common language in the academic field?
- Why were some of the sources flagged by Turnitin discounted as not accounting for plagiarised material?
- How was good academic practice covered as part of the programme?
- One of the sources is an assignment from another student's work from a previous year. Was this work made available by the School for students to access?
- How much supervisory support is available for this unit?
- What was the approval process for the student's research project?
- Who develops the research title?
- Is there a threshold for the amount of similarity that is considered to amount to plagiarism?
- How would you rate the malpractice on a scale of minor, moderate and major.

Example questions (general misconduct)

- To what extent was the student warned that their behaviour was unacceptable?
- How was the cost of the damage calculated?
- Why was the incident referred to the UDP?
- Was there a report made to the police?
- Please can you clarify if there is an error or discrepancy in section one of document one and section one of document two from the material pack?
- What resolution was the complainant seeking when they made their complaint?
- Were any injuries reported?
- How was the decision arrived at that the student be referred on for one type of misconduct and not more?

iii. Stage two

Other information that might be relevant to a disciplinary case, include previous offences, formal requests for mitigation and the effect of the penalties available. These will usually be matters that are relevant to setting the penalty rather than establishing whether misconduct has occurred. They are discussed in the second stage of a UDP hearing; only factual accounts are expected. The Secretary will attempt to obtain some of this information prior to the hearing taking place, particularly where a Case Presenter may not have access to the information. Therefore in some instances the Secretary can take the place of the Case Presenter.

- **Previous offences:** the Secretary will provide the UDP with any decision letters from previous offences. The Case Presenter can provide a general outline of the type of misconduct and the penalty applied. Questions (if any) around previous offences tend to be directed towards the student rather than the Case Presenter.
- **Mitigation:** the onus is on the student to make known any mitigating circumstances that they think that a disciplinary panel might need to be aware. However, where known, the Case Presenter should outline any recent formal requests for mitigation made by the student, including the decision made in relation to them i.e. was the request accepted and what mitigation was applied. The Secretary will be able to supply copies of the requests. The UDP may ask about the handling of the requests for mitigation. Even when a student has not made a formal request for mitigation to their School, the student will still have an opportunity to raise mitigating circumstances with the UDP.

- **Penalty effect:** in general misconduct cases, the effect of penalties is usually clear and only basic academic information about the student may be required. For academic malpractice cases though, the Case Presenter is expected to explain to the UDP how certain penalties may affect a student's degree or progression on their programme e.g. is re-assessment usually permitted etc. As part of the Referral Form, a Penalty Consequences Form is requested and which outlines a summary of implications of particular penalties; the proforma is circulated to the student and panel in the second stage of the hearing.

5. Communication of the decision

Where necessary, the Case Presenter can remain in a waiting room, whilst the disciplinary panel reaches a decision in private. They can then be informed of the outcome at the end of the hearing with the student. Otherwise, they will receive written notification of the outcome by way of letter issued after the hearing.

The Case Presenter may not necessarily agree with the disciplinary panel's decision, but they should remain respectful to the panel and appreciate that it has considered a case in detail and has reasons for its decision. There is no right of challenge against a disciplinary panel's decision for the Case Presenter; an appeal route is only open to the student after a finding of guilt.

The Case Presenter is expected to relay the outcome to colleagues who may need to be informed of the outcome so that the penalty and any recommendations can be put into effect e.g. to issue the student with an exit award.