# University Disciplinary Panel – Chair Checklist[[1]](#footnote-1)

**Section 1: Pre-meeting**

1. Welcome the Panel.
2. Brief introduction to the case from Secretary, including any procedural matters.
   1. Highlight that the Panel is meeting in accordance with the Procedure for the University Disciplinary Panel (“**Procedure**”) and identify the definition(s) of misconduct alleged to have been breached.
   2. When was the referral made?
   3. Who is the referral from?
   4. Is the Panel quorate? Has the student objected to any panel members? Are there any conflicts of interest?
   5. Did the student receive the invitation and paperwork in the necessary timeframe (10 working days before the hearing)?
      1. **Note 1:** the student can agree to a shorter timeframe. However, any lesser timeframe should not be more than 1/2 days to avoid disadvantaging the student.
   6. Is the student attending/participating, and if so, will they have a supporter?
      1. **Note 1**: if the student does not attend/participate without good cause then the Panel can proceed in their absence. If the student hasn’t had the right notice period, and hasn’t attended, this might be a reason to adjourn.
      2. **Note 2**: in complex cases the student can at the Chair’s discretion (usually agreed in advance) be accompanied by someone from outside the University e.g. a lawyer. However, this is for support purposes not to advocate for the student.
      3. **Note 3**: usually only one supporter is permitted.
   7. Has the student submitted a written statement that can be / has been circulated to the Panel?
      1. **Note:** any late material can only be accepted for consideration at the Panel’s discretion where there is a good reason. This applies on both sides.
   8. Who will be presenting the allegation?
      1. **Note:** this will usually be one member of staff but may extend to two where the presenter needs support to present the case.

The Case Presenter today will be XX. The Case Presenter’s role is to present the allegation(s) and their professional reasoning as to why they have referred the student to the disciplinary panel; it is the student’s role to respond to the allegation.

Naturally, both parties will have a view on a case, but the Case Presenter should aim to provide as neutral an overview as possible, both the strengths of the referral and any weaknesses, including the evidence, process and decision making. All of the documentary material, plus anything you hear today, is to feed into the disciplinary panel’s decision on whether in its own view the student has breached the Regulation, as the final decision-making rests with the panel. Please adopt an open mind and a respectfully inquisitorial approach but avoid any leading or abrupt statements or questions. The Panel can disagree with the Case Presenter’s conclusions, or the student’s position, but this is to be drawn out in any private recesses when the panel is tasked with identifying the reasons for its decision.

* 1. Have any other witnesses been invited?
     1. **Note 1**: witnesses can be invited by the Panel or by the student subject to the allegation.
     2. **Note 2**: the Panel can proceed in the absence of a witness if the student has consented to this, if it is impractical for the witness to attend or if it is otherwise inappropriate. In the absence of witness a written statement can be submitted.

1. The Panel may need to discuss any procedural matters that have been identified.
2. Most papers are circulated at least a week in advance of the meeting, with the student’s submission sent 24-48 hours before the meeting. Some papers, if submitted late, may only be available at the time of the hearing. Panel members should be offered some reading time to revisit the papers if they need to.
   1. **Note**: no discussion of the case should take place until the Panel has entered Stage One of the hearing.

**Section 2: Introduction to the hearing**

1. Student, supporter and Case Presenter enter the meeting.

Welcome the attendees and ask Panel Members, Secretary, Notetaker, Case Presenter, Student and Supporter to introduce themselves.

* 1. **Note:** If the student is unaccompanied, **ask them to confirm** that they understood that they had the right to bring a supporter.
  2. **Note 2:** A student will have been provided with details of what the role of a supporter is. If a student supporter is in attendance then in most cases this will be to support the student (not act as their advocate) e.g. help them to understand the process, provide moral support etc. The supporter may be invited to provide a brief statement prior to the conclusion of stage two of the disciplinary process. Allowing a supporter to fully represent a student would only be permitted in exceptional circumstances e.g. the student is incapacitated, the student is unable (by reason of a disability or severe language barrier) to address the panel directly etc.

1. Outline any procedural issues that have been identified in the pre-meeting e.g. Panel not quorate, late material etc. These may need input from the Case Presenter and student before there is a decision about whether to proceed.
   1. **Note:** some procedural issues may require a private adjournment for the Panel to discuss and reach a decision.
2. Confirm whether there will be any witnesses attending during the hearing.
   1. **Note:** if there are witnesses, they will be brought into the meeting at an appropriate juncture of the meeting, usually after any statements and questioning have concluded.
3. **Ask the student to confirm** that they have received all the paperwork in advance i.e. the evidence circulated to the Panel.
4. Highlight to the student that their invitation to the meeting advised them of the penalty range available to the UDP. For completeness, signpost the student to Appendix One of the Procedure for the University Disciplinary Panel.
5. Outline that the hearing is mainly made up of a two stages process:
   1. 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 Panel will have a private discussion to determine whether, on the balance of probabilities a breach occurred.
   2. Stage Two is entered following a finding of guilt. The Panel will ask for additional information to help it in determining a penalty. For example, mitigating circumstances, past offences, academic standing etc. The Panel will determine a penalty in private following its collection of the additional information.
6. Remind the attendees that the hearing should remain confidential to those in attendance and only disclosed on a need to know basis e.g. colleagues who are not present may be asked to implement the outcome. Notes from the meeting will be made which will include everything said and a summary of private deliberations. This will be used to produce an outcome letter shared after the hearing.

**Note 1:** we intend to record the meeting for the purpose of ensuring an accurate note of the meeting can be made, after which the recording will be deleted. The recording would only be made available to the Secretary, Chair and Note Taker for the aforementioned purpose.  The recording is not intended for further disclosure and no personal recordings are permitted.  A copy of the notes of a hearing, if not contained in the outcome letter, can be made available to the student subject to the hearing once finalised.

**Note 2**: Ask if everyone is in agreement with this.

1. Remind the attendees that it is important everyone acts professionally and respectfully towards each other. The attendees should have a sound working knowledge of the case and intensive questioning may be required. If anyone needs a short break then they should indicate this. If there is any disruption or aggression during the meeting from an attendee, and they continue in this regard, this may lead to them being asked to leave the meeting and the meeting continuing in their absence.
2. **Ask the student to confirm** that they understand the process and agree to proceed.
   1. **Note**: if the student doesn’t understand something then you can revisit that and explain. If the student doesn’t agree to proceeding, then the Panel may need to take a view on whether it feels it is appropriate to proceed.

The Secretary will now record the meeting for notetaking purposes. Please ensure everyone consents to being recorded so the recording can begin.

**Section 3: Stage One of the hearing**

1. Ask the Case Presenter to outline the allegation.
   1. **Note**: remind them to not disclose any of the student’s possible prior offences or mitigating circumstances and that there will be an opportunity for these details to be discussed if the panel reaches Stage Two.
2. Allow the Panel an opportunity to ask questions of the Case Presenter.
   1. **Note:** it is expected that the Case Presenter will have a sound working knowledge of a case. However, it should be appreciated that they may not be able to answer every question that arises.
3. Ask the student whether they would like to request that the Chair considers asking any further questions of the Case Presenter.
   1. **Note**: if the student/Case Presenter is uncomfortable with direct questioning from the other party, questions can initially be put through the Chair to consider asking. The Chair may refuse to ask a question if the question is aggressive, irrelevant or if the answer already lies in the written materials.
4. Ask the student to give their response to the allegation.
   1. **Note:** in cases involving multiple students, in the interests of transparency, all students should be present for Stage One of the hearing. Steps 3-10 will therefore need to be repeated in turn. The Panel can then separate out the hearing again from step 12.
5. Allow the Panel an opportunity to ask questions of the student.
6. Ask the Case Presenter whether they would like to request that the Chair considers asking any further questions of the student or if there is anything they’d like to respond to.
7. If a witness has been invited, then they should now be brought in to meet the Panel. The Panel should be introduced and the allegation against the student should be repeated to the witness. The witness can then make a statement about what they may know about the facts of the case.
   1. Allow the Panel to ask questions of the witness.
   2. Ask the student whether they would like to request that the Chair considers asking any further questions of the witness.
   3. Ask the case presenter whether they would like to request that the Chair considers asking any further questions of the witness.
   4. **Note:** the witness can be thanked and released from the hearing at this stage. It is worthwhile informing them of the need to keep the hearing, and its contents, confidential.
8. Allow the Panel a final opportunity to ask questions about the allegation.
9. Ask the student for any final comments on the case.
   1. **Note:** if the student has attended with a supporter, then they can be asked for a short closing statement too.

Ask the Secretary if anything has been missed or needs to be checked.

1. Ask the student whether they admit the allegation based on the information available and matters discussed, with reference to the paragraphs of Regulation XVII.
   1. **Note 1**: it may be that parts of the full misconduct definitions are not applicable. Any admission should be in the context of the misconduct definition read alongside the specific allegations made.
   2. **Note 2**: if the student admits the allegation, then the hearing can proceed to Stage Two, unless there is a request for a break.
   3. **Note 3**: if the student denies the allegation, or there is any ambiguity around an admission, then ask the student, supporter and the Case Presenter to leave so that the Panel can deliberate on the finding in private.
2. The Panel can now have a private discussion about whether a breach of the Regulation has occurred. A summary of the main reasons should be made at the end of the discussion; these will be included in the outcome letter.
   1. **Note:** the decision can be by majority and the Chair has a casting vote.
   2. **Considerations for discussion:**
      1. If multiple allegations, take each in turn.
      2. Ask each Panel member for their comments.
      3. Are there any particular arguments to draw out and discuss from the statements?
      4. Is there anything that needs discussion from the written statement?
      5. Conclusions are based on balance of probabilities i.e. only need to reach a conclusion that something is over 50% likely to have occurred.
      6. Previous penalties and mitigation are unlikely to be relevant to discussions around a finding; they’re more relevant to a penalty and so Panel members should try and discount them from the discussion about a finding unless directly relevant. However, if an allegation is that the student has breached a previously imposed penalty then any previous cases will be relevant to the current hearing.
3. The student, supporter and Case Presenter re-enter the meeting. The outcome is announced with a summary of the reasons (detail to follow in writing).

**Section 4: Stage Two of the hearing**

**Note:** the Secretary may have additional documentation to share to complement the enquiries below and which may be relevant to the penalty decision. If anything needs to be shared, time should be allocated for reading if needed. The student is likely to have had, or be aware of, the additional information already.

1. Ask the Case Presenter and/or the Secretary if there are any relevant wellbeing issues that they’re aware of e.g. recent formal requests for mitigation submitted to their School. If so, what were the circumstances and was the request accepted.
2. Ask the student whether they have any recent mitigating circumstances that the Panel should be aware of.
   1. If the student outlines any, enquire whether they have made any formal disclosures to the University e.g. the Policy on Mitigating Circumstances.
   2. If the student says they have mitigating circumstances, but haven’t made any disclosures, it might be relevant to ask why. The reasons may help the Panel determine whether to accept the circumstances in the disciplinary process.
3. Invite the Panel to ask questions about mitigating circumstances.
4. Ask the Case Presenter and/or Secretary whether the student has previously breached the Regulation?
5. **Note 1:** if so, the Secretary should have copies of the previous outcome letter(s) that can be shared with the Panel.
6. Invite the Panel to ask any questions about any previous Regulation breach.
7. For academic malpractice cases, the Case Presenter should be able to outline the potential consequences of each penalty available to the Panel to help it in applying a proportionate penalty. For general misconduct penalties the effect is more self-explanatory and can be summarised by the Secretary.
8. **Note 1:** Schools are asked to complete a Penalty Consequences Form at the point of referral for academic malpractice, so a copy should be available for the Secretary to distribute.
9. **Note 2:** it may not always be possible to confirm the exact effect of a penalty e.g. where there are assessments remaining, if there are multiple offences being considered etc. However, the Panel should make the intended effect clear at the point of reaching a decision.
10. Invite the Panel to ask any final questions.
11. Invite the Case Presenter to make any final comments.
12. Invite the student to make any final comments
    1. If the student is attending with a Supporter, the Chair may invite the Supporter to make a brief statement at this stage.

Ask the Secretary if anything has been missed or needs to be checked.

1. The student, supporter and Case Presenter leave the meeting.
2. The Panel can now have a private discussion about what penalty(ies) should be applied. It is important that penalties are viewed by the Panel as being proportionate and that there are reasons for them having been applied.
3. **Note 1:** the decision can be by majority and the Chair has a casting vote.
4. **Note 2:** some penalties may need further discussion to establish the conditions of them. For example:
   * 1. If a student is asked to complete additional work, what is it for, how long should it be, who should it be submitted to etc.
     2. If a student receives expulsion from the University, what are the parameters of this e.g. takes effect immediately, means the student can’t access the University etc.
   1. **Considerations during discussion:**
      1. If multiple allegations, take each in turn. The Panel may apply separate penalties to each and/or penalties that apply to the misconduct cumulatively.
      2. Ask each Panel member for their comments.
      3. Are there any aggravating factors in this case e.g. previous offences, intent, time at University.
      4. Are there any mitigating factors in this case e.g. student’s personal circumstances, honesty, restorative actions already taken.
      5. Is there any precedent to consider or is this case distinguishable from others?
      6. Review penalties available and their effect. It may be easier to discount some swiftly because of the nature of the case e.g. this case doesn’t necessitate expulsion. The penalty should be proportionate so identifying reasons for the penalty is important. There isn’t a mathematical solution to a penalty – it may be reliant on different factors e.g. need for restorative action, the student learning from a case, deterrent, protection of others etc.

Give the Secretary a clear summary of any penalties and the rationale for them. This is for notetaking purposes and ensure Panel is in agreement before moving forward.

1. The student, supporter and Case Presenter return to the meeting.
2. Remind the student of the finding. Confirm the penalties to be imposed and advise that they take immediate effect from the date of the meeting.
3. Explain to the student that they will be informed of the outcome by way of letter from the Secretary. The letter will be copied to the student’s academic School. Usually the letter is sent within 10 working days from the date of the hearing. The letter will advise the student of any right of appeal open to them.
4. Ask the student if they have any immediate procedural questions. This is not an opportunity to challenge the outcome.
5. Ask the student if they need any support following the meeting which the Secretary might be able to assist with.

Ask the Secretary if anything has been missed or needs to be checked.

1. The student, supporter and Case Presenter can leave the meeting.
2. Ask the Panel whether there is anything that they want to debrief about the case. For example, does anyone have any feedback, need support, want to make any recommendations etc.
3. The Panel hearing can be closed.

**Section 5: Post-hearing**

1. The notes of the meeting will be drafted by the note taker and checked by the Secretary.
2. The outcome letter will be drafted by the Secretary. Unless the case is straight forward, a copy of the letter will be approved by the Chair before sending out.
3. The student and interested parties will be sent a copy of the outcome letter.
4. A case record will be filed within the Division of Campus Life.
5. The Secretary can help follow-up on any actions that have been identified e.g. penalty monitoring, arranging support for the student, taking forward any recommendations etc.

1. This is intended as a guide to a UDP meeting. The Chair may vary the process in line with the Procedure for the University Disciplinary Panel to take account of the individual circumstances of a case. [↑](#footnote-ref-1)