Regulations for Hearings by Panels

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Regulations for Hearings by panels

Introduction and scope

These regulations set out how a panel charged by the University with making a recommendation or a decision on specific academic matters goes about its business. The regulations are based on the same principles that inform the University's Academic Regulations overall, that is

- fairness and reasonableness, so that students across the University and in its Associated and Accredited Institutions are treated even-handedly
- proportionality, which in the case of hearings by panels requires that, while the overall framework for hearings is prescribed, the regulations should not seek to cover every eventuality, but rely on the experience and judgement of panel members (advised by Academic Registry and others where necessary) to apply these and other Regulations in the context of the principles that inform them
- certainty which, again in the case of hearings by panels, requires that staff and students should be able to know
  - how a panel will conduct its proceedings and reach its recommendations or decisions
  - what information and evidence is likely to be accepted by the panel
  - who may participate in a panel hearing, speak and ask questions
  - how recommendations or decisions will be communicated and to whom, and
  - what opportunities there are to appeal against the recommendations or decisions of a panel and to whom.

1 These Regulations provide a framework for the conduct of panel hearings linked to the following

- an academic appeal by a student
- a complaint by a student about an aspect of the learning opportunities made available to them by the University
- an application by a student for the recognition of extenuating circumstances
- a hearing to make recommendations on possible academic misconduct on the part of a student or students
- a disciplinary hearing under University Ordinance 44 or an appeal linked to such a matter
- a hearing under Senate Ordinance 45, where there are serious health or welfare concerns for a student or an appeal linked to such a matter
- a fitness to practise hearing or an appeal linked to such a matter.

Membership of panels

University-wide pool of potential panel members

In order to make the operation of its panel hearings fair, transparent, and consistent, the University draws panel members from an institution-wide pool of experienced academic and administrative staff and student representatives who have been nominated and have agreed
to serve as panel members. In any session the size of this pool is likely to reflect the number of likely hearings and the need to ensure

- that panel hearings are conducted in a timely manner
- that individuals asked to serve as members of panels are not overburdened
- that persons serving as panel members are not currently academically linked with the students (and staff) relevant to the appeal
- that training and the sharing of good practice between panel members can be carried out regularly and efficiently by the University.

2 The University maintains a pool of trained staff and students on whom it can call to serve as panel members. Potential members of the pool are nominated by senior members of the University and its Associated and Accredited Institutions, including the Chair of SPACE; the Head of OSCAR; the Deans of Faculty (or their nominees); the Heads of Associated and Accredited Institutions, the President of the University of Surrey Students’ Union, and equivalent senior student representatives for the Associated and Accredited Institutions. The experienced administrative staff who serve as panel members and those who serve as secretaries to panels are likewise nominated by senior members of the University and its Associated and Accredited Institutions.

3 OSCAR and the University Secretariat (Appeals Section) maintain a register of staff and students trained to serve as panel members and those nominated for training as members of the pool on behalf of the Academic Registry, the Faculties, and the Associated and Accredited Institutions. Individuals who have been nominated to join the pool of potential panel members may not serve on panels (whether as members or secretaries) until they have received training to undertake their responsibilities.

### Training for panel members

Studies of academic panel procedures have pointed to the need for higher education institutions to ensure that potential panel members are familiar with the institution's regulations and procedures and how they should be applied before serving on a panel or board charged with making recommendations or decisions. So that it can operate its panel procedures fairly and effectively, and disseminate authoritative information about its various academic procedures, each year the University invites a larger number of staff and students to be trained to serve as panel members than it expects to have to call on.

4 Each year, through OSCAR, the University organises training for new members of the pool from which panel members are drawn. This training also provides an opportunity for continuing members of the pool to be briefed on any changes to the University's panel procedures and regulations since the previous session, to exchange information about good practice, to meet fellow members of the pool, and to offer advice to the University on improvements to current practice.

The training provided for new members of the pool may be tailored to their particular needs but will cover

- the general legal and higher education context for panel hearings (including, for academic appeals and complaints about learning opportunities, information published by the Office of the Independent Adjudicator)
- the range of the University's panel procedures
- technical matters relevant to panel proceedings such as
how a panel conducts its proceedings and reaches its recommendations or decisions
the burden of proof
the standard of proof required in particular procedures (such as academic misconduct)
how to handle evidence from witnesses
what evidence may or may not be considered in a particular panel hearing
how make use of precedents, including how to decide whether they are relevant
when to seek specialist advice before making a decision or recommendation.

Administration and support for panel hearings

Several University procedures rely on panels to make recommendations or decisions (see paragraph 1). For each of the following procedures the administrative arrangements for panel hearings are handled by the named body or office

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Administered by</th>
<th>Panel secretary from</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academic Appeal Panel</td>
<td>OSCAR</td>
<td>Faculty Offices/OSCAR/University Secretariat (Appeals Section)*</td>
</tr>
<tr>
<td>Academic Misconduct Panel</td>
<td>Faculty Offices</td>
<td>Faculty Offices/OSCAR/University Secretariat (Appeals Section)</td>
</tr>
<tr>
<td>Extenuating Circumstances Panel</td>
<td>Faculty Offices</td>
<td>Faculty Offices/OSCAR/University Secretariat (Appeals Section)*</td>
</tr>
<tr>
<td>Complaint Panel (about learning opportunities)</td>
<td>OSCAR/University Secretariat (Appeals Section)*</td>
<td>Faculty Offices/OSCAR/University Secretariat (Appeals Section)*</td>
</tr>
<tr>
<td>Student Welfare Panel</td>
<td>OSCAR/University Secretariat (Appeals Section)*</td>
<td>Faculty Offices/OSCAR/University Secretariat (Appeals Section)*</td>
</tr>
<tr>
<td>Procedure</td>
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<tr>
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</tr>
<tr>
<td>Student Welfare Appeal Panel</td>
<td>OSCAR/University Secretariat (Appeals Section)*</td>
<td>Faculty Offices/ OSCAR/ University Secretariat (Appeals Section)*</td>
</tr>
<tr>
<td>Disciplinary Panel</td>
<td>OSCAR/University Secretariat (Appeals Section)*</td>
<td>Faculty Offices/ OSCAR/ University Secretariat (Appeals Section)*</td>
</tr>
<tr>
<td>Disciplinary Appeal Panel</td>
<td>OSCAR/University Secretariat (Appeals Section)*</td>
<td>Faculty Offices/ OSCAR/ University Secretariat (Appeals Section)*</td>
</tr>
<tr>
<td>Fitness to Practise Panel</td>
<td>OSCAR/University Secretariat (Appeals Section)*</td>
<td>Faculty Offices/ OSCAR/ University Secretariat (Appeals Section)*</td>
</tr>
<tr>
<td>Fitness to Practise Appeal Panel</td>
<td>OSCAR/University Secretariat (Appeals Section)*</td>
<td>Faculty Offices/ OSCAR/ University Secretariat (Appeals Section)*</td>
</tr>
</tbody>
</table>

* Subject to protocols to guard against conflicts of interest.

Panel membership

6 Where a University procedure requires that a panel be convened to make a recommendation or a decision, other than where specified in these Regulations, the membership of the relevant panel

- must be drawn from the pool of individuals trained by the University to participate in and support its panel hearings
- must include individuals from more than one Faculty in the interests of supporting and enhancing the consistency with which matters put to panels are treated.

7 The constitution of the various panels employed by the University to hear matters is as follows

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Panel membership (note: in each case the secretary is a non-voting member of the panel).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academic Appeal Filter Group</td>
<td>Two members of staff from the pool (one normally an Associate Dean (Learning and Teaching); a Student Officer nominated by the President of USSU</td>
</tr>
<tr>
<td>Procedure</td>
<td>Panel membership (note: in each case the secretary is a non-voting member of the panel).</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
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</tr>
<tr>
<td>Academic Appeal Panel</td>
<td>An academic member of staff from the pool; another member of staff; a student member (normally the USSU VP (Education), otherwise the nominee of the President of USSU); the Secretary (four in total)</td>
</tr>
<tr>
<td>Academic Misconduct Panel</td>
<td>Three members of academic staff from the pool, one of whom must be an Academic Integrity Officer from another Faculty, who Chairs the Panel, the Secretary - see <a href="#">Regulations for Academic Integrity</a> for details (four in total)</td>
</tr>
<tr>
<td>Extenuating Circumstances Panel</td>
<td>Three members of staff from the pool: two from the relevant Faculty (one of whom is normally the Faculty Registrar, one a member of academic staff), together with a member of staff from another Faculty – See <a href="#">Regulations for Extenuating Circumstances</a> for details</td>
</tr>
<tr>
<td>Complaint Panel (about learning opportunities)</td>
<td>An academic member of staff from the pool; another member of staff from the pool; a student member from the pool; the secretary (four in total)</td>
</tr>
<tr>
<td>Student Welfare Panel</td>
<td>One of: an Associate Dean (Learning and Teaching) to act as Chair; a member of academic staff from the pool; a student member from the pool; the secretary (four in total)</td>
</tr>
<tr>
<td>Student Welfare Appeal Panel</td>
<td>One of the Vice-President, Academic Affairs or the Vice-President Administration and Registrar or their nominees; a member of academic staff from the pool; a student member from the pool; the secretary (four in total)</td>
</tr>
<tr>
<td></td>
<td>[A Student Welfare Appeal Panel requires a Chair and panel members who have had no connection with the Student Welfare Panel that previously heard the matter.]</td>
</tr>
<tr>
<td>Disciplinary Panel</td>
<td>One of the Vice-President, Academic Affairs or their nominee; Vice-President Administration and Registrar or their nominee; a member of academic staff from the pool; a student member from the pool; the secretary (four in total)</td>
</tr>
</tbody>
</table>

[A Student Welfare Appeal Panel requires a Chair and panel members who have had no connection with the Student Welfare Panel that previously heard the matter.]
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<thead>
<tr>
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<th>Panel membership (note: in each case the secretary is a non-voting member of the panel).</th>
</tr>
</thead>
</table>
| Disciplinary Appeal Panel              | One of the Vice-President, Academic Affairs or the Vice-President Administration and Registrar or their nominees; a member of academic staff from the pool; a student member from the pool; the secretary (four in total)  
   [A Disciplinary Appeal Panel requires a Chair and panel members who have had no connection with the Disciplinary Panel that previously heard the matter.] |
| Fitness to Practise Panel              | One of the Vice-President, Academic Affairs or the Vice-President Administration and Registrar or their nominees; a member of academic staff from the pool; a student member from the pool; an independent external member qualified in the relevant practice area; the secretary (five in total) |
| Fitness to Practise Appeal Panel       | One of the Vice-President, Academic Affairs or the Vice-President Administration and Registrar or their nominees; a member of academic staff from the pool; a student member from the pool; an independent external member qualified in the relevant practice area; the secretary (five in total)  
   [A Fitness to Practise Appeal Panel requires a Chair and panel members who have had no connection with the Fitness to Practise Panel that previously heard the matter.] |

**Secretaries to panels**

8 Unless otherwise provided for in University Regulations, the role of the secretary of a panel is to

- advise the Chair
- ensure that the panel is convened and conducts its business in accordance with the relevant University Regulations
- keep a written record of the panel's discussions and decisions (see below).

9 The secretary to a panel also checks that

- the papers required to support the panel meeting have been distributed to all relevant participants in advance of the meeting, as required by the relevant University Regulations
- any individuals called to attend the panel to provide evidence or advice are notified of the date, time and place of the panel meeting
- the written records of the panel hearing and the panel's deliberations are archived in accordance with the relevant University guidance and/or regulations
• the formal decisions of the panel are sent to those to whom they are directed as soon as possible after the panel meeting or as otherwise required by University Regulations

10 Unless otherwise provided for by University Regulations the secretary to a panel does not vote when decisions are made by the panel.

Panel procedures

Correspondence and communications

11 The office or person that is responsible for communicating with those invited to attend a panel hearing is stated in paragraph 5. In all cases the University requires that a student who is asked to attend a panel hearing or meeting is given not less than five working days' notice.

12 The University's preferred method for contacting students on any matter is via email. When contacting a student to invite them to attend a panel meeting and when sending them the details and papers for the panel hearing the University uses the current contact details for the student in SITS. These are initially provided when the student registers and are updated each session and when the student notifies their department, school or Faculty of any change of their contact details. In addition to email contacts the University may also use telephone and text messages to check that a student has received the necessary information. At all times it is the responsibility of each student to ensure the University has their correct contact details.

When convening a panel the University has to balance the interests of the student in having the matter at hand dealt with promptly, to minimise any disruption to their studies, and the overriding need to ensure that each case is dealt with fairly and reasonably through a hearing by a suitably experienced and unbiased panel. Making the arrangements for such a panel to meet at a time convenient to its members, the student and any necessary advisers is a challenging task and may be time-consuming.

13 The information provided for a student asked to attend a panel hearing will include
• the date, time, and place of the panel hearing
• a copy of the relevant University Regulations, including these Regulations
• any written evidence to be considered by the panel, including statements made by staff and other students
• the names of the panel members
• details of how to contact the person or persons administering the panel hearing

14 The information provided five days in advance of a panel hearing for a member of staff or a student asked to attend to provide information or oral evidence to the panel includes
• the date, time, and place of the panel hearing
• a copy of the relevant University Regulations, including these Regulations
• a brief summary or list of the written evidence to be considered by the panel, including statements made by staff and other students
• the names of the panel members
• details of how to contact the person or persons administering the panel hearing.
Once notified that they are requested to attend a hearing to advise the panel or provide evidence, individuals should not confer about the matter with other participants. To do so may prejudice the fairness of the hearing and its findings.

Support

A student attending a panel hearing may be supported by a ‘friend’, normally another student or an official of the University of Surrey Students’ Union. Where the student intends to be accompanied in this way they are required to inform the person or office administering the panel hearing of the contact details of the friend at least three working days before the panel, so that the University can confirm the date, time, and place of the panel and provide any necessary papers. The friend may speak to the student during the panel meeting and ask questions of the panel, or those attending to provide information, with the permission of the Chair.

The University's procedures (including panel hearings) are academic not legal procedures. Where a student insists on legal representation in a panel hearing the University will similarly require that it is legally represented.

Where a student attends a panel hearing and is accompanied by a third party, having not previously notified the University that they wish to be accompanied, the Chair will ask the person to identify themself. If the person is a solicitor or barrister the Chair will adjourn the hearing until the University can also be legally represented.

Postponement and adjournment of panel hearings

Where a student requests the postponement or adjournment of a panel hearing the decision whether to agree to the student's request is a matter for the Chair, advised by the secretary. In making their decision the Chair takes into consideration the criteria and requirements for evidence set out in the University's Regulations for Extenuating Circumstances.

When deciding whether to agree to a student's request to adjourn or postpone a panel hearing the Chair will also take into consideration the following

- the grounds advanced by the student for requesting the adjournment or postponement
- any unfairness to the student if the hearing is or is not postponed or adjourned
- the consequences for the University of rearranging the hearing, possibly with another panel.

Panel hearing in the absence of the student

Exceptionally, where a student can show good reasons why they are unable to attend a scheduled panel meeting, they may request the University, through the body administering the relevant panel procedure, to be represented by a friend so that the hearing can be held in a timely manner. In this context, ‘good reasons’ for a student being unable to attend a panel hearing include the extenuating circumstances set out in the University's Academic Regulations together with the required supporting evidence.

Joint hearings

In some circumstances two or more students may be invited to attend the same panel hearing. For example, where a complaint about learning opportunities is made by group of students the Chair may view it as fair to invite more than one student to attend the panel hearing. Again, where a possible instance of academic misconduct involves more than one student (for example, in a matter of possible collusion) the University may wish more than one student to attend the panel hearing. In such a case, before
agreeing to any request for a joint hearing the Chair, advised by the secretary, seeks to establish whether holding such a joint hearing might be unfair to any of the individuals concerned.

Submission of evidence to panels and information and evidence from witnesses

Burden of proof

23 In panel hearings linked to academic appeals and requests for the consideration of extenuating circumstances it is for the student to show that their appeal or request meets the relevant criteria set by the University for an appeal to be allowed.

24 For panel hearings linked to academic misconduct it is for the University show that it is more likely than not that the relevant assessed work was the product of, or contained the products of, academic misconduct.

25 For panel hearings linked to complaints about learning opportunities it is for the student to show how the circumstances of which they have complained have affected them and their studies.

26 For panel hearings linked to extenuating circumstances it is for the student to show that the circumstances they have stated have affected them, and their studies and provide independent evidence to that effect.

Standard of proof

27 In all panel hearings the standard of proof applied by panels is that of the 'balance of probability': that it is more likely than not something was or was not the case. Where, the outcome of a panel hearing may have serious consequences for the student, and particularly where the student's registration is at risk, the evidence must be particularly cogent.

Written evidence

28 In the interests of fairness to all parties the University aims to have as much as possible of the business of a panel hearing set out in writing in advance of the hearing so that the student and others involved in the hearing are able to read and consider the information and points made. Written evidence, whether from the University, staff, students or medical practitioners should therefore be submitted to the person or persons administering the panel hearing not less than three working days before the hearing.

29 Where new written evidence is presented to the panel at the hearing it may be accepted at the discretion of the Chair, who may require a short adjournment to review the evidence before accepting it. Where the Chair agrees to accept new written evidence they may grant a brief adjournment to allow all the parties to review it.

Oral evidence

30 At a panel hearing the student and the University may each call witnesses to attend to give information to the panel. Where the student or those representing the University intend to call one or more witnesses the names of the latter must be provided to all parties to the panel hearing not less than three working days before the hearing.

31 For all panel hearings, before a witness speaks on the matter under consideration the Chair will remind all those present who has called the individual to attend and whether it is to give specialist advice about a subject within their sphere of expertise, to provide information about acts or omissions by the student or others, or both.
Questioning written and oral evidence

32 Where witnesses have been called to attend a panel hearing they do so to provide evidence for the panel. Where the student has called a witness they and/or their friend may introduce the witness and ask them questions to bring out the evidence they wish to put before the panel. Panel members will subsequently question the witness to ensure that they have properly understood their evidence, to check its consistency with the facts of the matter as they are known, and to extend the scope of those facts.

33 Where the University has called a witness to attend a panel hearing the student and their friend may similarly question the witness, to ensure that their evidence is properly understood, to check its consistency with the facts as they are known, and to extend the scope of those facts.

34 The panel, the student, and the student's friend may comment on specific items of the written evidence provided or invite a witness to clarify its relevance to the matter at hand and explain details. Where this is the case, panel members may question the student (or the friend) to ensure that they have properly understood their points (and vice-versa) and to check their consistency with the facts of the matter as they are known and to extend the scope of those facts.

The order of business in a panel hearing

35 In the interests of fairness and consistency, panel hearings normally follow this order of business

- introduction by the Chair of all individuals who are present at the hearing and a description of their role in the proceedings, together with a reminder (where relevant) of the requirement for confidentiality
- a description of the outline procedure for the hearing including the purpose of the hearing; how its proceedings will be conducted, including what opportunities there will be for the student and any accompanying friend to speak; how proceedings will be recorded; the possible outcomes; and the means by which the outcomes will be communicated to the student and all others involved
- an oral presentation of the matter to be heard by a member of staff or the student (as appropriate) introducing the written evidence and stating whether any witnesses are to be called
- an opportunity for the student to comment on the written evidence to the panel
- an opportunity for the panel to clarify the student's comments on the written evidence
- an opportunity for witnesses to attend to provide specialist advice or accounts of the matter at hand for the panel's information and consideration
- an opportunity for the panel and the student to clarify their understanding of the information provided by any witnesses
- an opportunity for the student to remind the panel of relevant items from the written evidence and that provided by any witnesses and the student's own comments on the written and witness evidence
- an opportunity for the Chair of the panel to summarise the evidence considered, identify the matters to be decided, and set out any precedents that are relevant
- a closing opportunity for the student to to present a summary statement to the panel.
How panels make their decisions

36 At the end of a panel hearing the panel discusses the matter in private, either withdrawing to a separate room or asking others to withdraw. In the course of the discussions the Chair, assisted by the Secretary ensures the panel does not come to a finding before it has reviewed the evidence and arguments it has heard and what weight to place on each.

37 Where, as part of their presentation to the panel a student has argued that extenuating circumstances apply and has provided independent evidence to support their argument, the panel may bring these circumstances into their consideration through applying the criteria and requirement for supporting evidence set out in the Academic Regulations. Where the student has argued that extenuating circumstances apply but has provided no independent evidence to support their argument, the panel does not bring the matter into their consideration.

Record of the hearing and the panel's discussions

38 The written record made by the secretary to the panel covers the key points made throughout the hearing, the matters discussed by the panel in its private discussions at the end of the hearing, and the grounds stated by the panel for reaching its decisions, findings or recommendations.

39 The written record made by the secretary is the sole record of the hearing and the panel's discussions. At the end of the panel's private meeting the secretary collects any private notes panel members have made for secure shredding immediately after the meeting.

The University does not lightly convene panels to hear a matter and make recommendations or take decisions. In their private meetings panels will review the evidence and information put to them and take time to give careful consideration to their findings and any recommendations.

The University requires there to be a record of the panel's private discussion and findings, recommendations and decisions, as outlined in paragraph 36, in case there is a subsequent challenge to the panel's findings and so that it can show, if asked (by the student or an external reviewer such as the OIA) that they were reached after a fair, careful and reasonable consideration of the evidence put before the panel. The secretary's record is retained by the University in its archive in line with its policy on the retention of records.

40 At the end of the panel's hearing the secretary writes a brief note for the Chair to use when stating the panel's decisions, findings, or recommendations to the student and other parties after the hearing. As a minimum, this note will cover
- the matter(s) the panel was asked to determine
- the evidence it received
- the witnesses and advisers who attended the panel hearing and any who provided evidence or advice by audio or video links
- any new written evidence received by the panel during the hearing and how it was handled
- the panel's findings on the matter(s) referred to it and any supplementary observations it may offer on the matter or on evidence given to it.

41 When stating the panel's findings to the student the Chair is likely to focus on the panel's findings and any associated observations it has made. Immediately after the hearing the secretary uses their record of the hearing and the note provided for the
Chair to draft a concise formal written statement of the outcome of the hearing for the Chair's approval in the form of a letter. When the Chair is satisfied that the letter is an accurate statement of the outcomes of the hearing and the panel's findings they send the letter to the student and other parties to the hearing.

42 Where a panel hearing is the final stage in a University procedure the letter signed by the Chair of the panel may constitute a 'completion of procedures' letter; if so, this is explicitly stated in the letter which also provides information on how the student may contact the Office of the Independent Adjudicator.

**Archive and books of precedents**

43 The written evidence provided for the panel; any covering letters sent to panel members and others as part of the process; the secretary's record of the hearing; the note provided by the secretary for the chair from which to state the panel's findings (paragraph 40), together with the letter sent to the student at the end of the hearing, constitutes the official record of the hearing. At the end of the hearing process this body of material is checked by the secretary and the body administering the relevant panel procedure and archived in line with the University's formal policy on the retention of records. This material provides the basis for any anonymised account compiled for the relevant book of precedents.