B8: Regulations for hearings by panels

Academic year 2016/17
Contents
Introduction and scope
Membership of panels
  Training for panel members
  Panel membership
  Administration and support for panel hearings
  Secretaries to panels
Panel procedures
  Correspondence and communications
  Support
  Postponement and adjournment of panel hearings
  Panel hearing in the absence of the student
  Joint hearings
  Submission of evidence to panels and information and evidence from witnesses
Panel decisions
  Record of the hearing and the panel's discussions
  Records of panel hearings
Introduction and scope

1. These Regulations provide a framework for the conduct of panel hearings linked to the following:
   - an academic appeal by a student (see Regulations for academic appeals)
   - a complaint by a student about an aspect of learning opportunities or delivery of a service by the University (see Procedures for complaints)
   - an application by a student for the recognition of extenuating circumstances (see Regulations for extenuating circumstances)
   - a hearing to make recommendations on possible academic misconduct on the part of an undergraduate or taught postgraduate student or students (see Regulations for academic integrity)
   - a disciplinary hearing or an appeal linked to such a matter (see Student disciplinary regulations)
   - a hearing where there are concerns for a student's fitness to study or an appeal linked to such a matter (see Regulations for fitness to study)
   - a fitness to practise hearing or an appeal linked to such a matter (see Regulations for fitness to practise)

Membership of panels

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 the Senate Progression and Conferment Executive (SPACE); the Head of the Office of Student Complaints, Appeals and Regulation (OSCAR); the Executive 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. The Directorate of Quality Enhancement and Standards (QES) maintains a register of staff and students trained to serve as panel members and those nominated for training as members of the pool. 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

4. QES 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.
Panel membership

5. 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
   • unless chaired by a non-Faculty member of staff, 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.

The constitution of the various panels employed by the University to hear matters is given in the table below on pages 3-4.

Administration and support for panel hearings

6. Several University procedures rely on panels to make recommendations or decisions (see Regulation 1 above). For each of the procedures the administrative arrangements for panel hearings are handled by the named body or office as shown in the table below on pages 3-4.

Secretaries to panels

7. Panel Secretaries are drawn from OSCAR and other areas of the Student Services and Administration Directorate and are utilised in a way that guards against conflicts of interest. Specific details are given in the relevant Regulations.

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 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.
<table>
<thead>
<tr>
<th>Procedure</th>
<th>Administered by</th>
<th>Panel membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Process Review Panel (for academic appeals)</td>
<td>OSCAR</td>
<td>A permanent Chair (who is a senior academic not aligned to any Faculty), an academic member of staff from the pool, a student officer nominated by the President of the Students’ Union, the Secretary (four in total). In the event of the permanent Chair being unable to Chair a panel, an Associate Dean (Learning and Teaching) may do so provided there are no conflicts of interest with the cases being considered. See Regulations for academic appeals.</td>
</tr>
<tr>
<td>Process Review Appeal Panel</td>
<td>OSCAR</td>
<td>Director of Student Services and Administration (Chair) or their nominee, an academic member of staff from the pool, a student officer nominated by the President of the Students’ Union, the Secretary (four in total). See Regulations for academic appeals. A Process Review Appeal Panel requires Panel members who have had no connection with the Panel that previously heard the matter.</td>
</tr>
<tr>
<td>Academic Misconduct Panel</td>
<td>Student Administration (Assessment and Awards)</td>
<td>Three members of academic staff from the pool, one of whom must be an Academic Integrity Officer from a Faculty that is not the student’s home Faculty, who Chairs the Panel, the Secretary (four in total). See Regulations for academic integrity.</td>
</tr>
<tr>
<td>Extenuating Circumstances Panel</td>
<td>Student Administration (Assessment and Awards)</td>
<td>Three members of staff from the pool, one of whom is a member of the Student Administration (Assessment and Awards) team who Chairs the Panel, and one of whom is an academic member of staff and one other (three in total). See Regulations for extenuating circumstances.</td>
</tr>
<tr>
<td>Complaint Review Panel</td>
<td>OSCAR</td>
<td>A permanent Chair, one member of staff from the pool, a student officer nominated by the President of the Student’s Union, the Secretary (four in total). For complaints related to delivery of programmes/modules and supervision and other aspects of learning opportunities the Chair will be the Head of Academic Appeals and Academic Quality or their nominee. For complaints</td>
</tr>
</tbody>
</table>

3
<table>
<thead>
<tr>
<th>Panel</th>
<th>Chair</th>
<th>Panel Members</th>
<th>See</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fitness to Study Panel</td>
<td>OSCAR</td>
<td>The Head of Academic Appeals and Academic Quality or senior academic not aligned to any Faculty, who Chairs the Panel, a member of academic staff from the pool, a student member from the pool, the Secretary (four in total).</td>
<td>Regulations for fitness to study.</td>
</tr>
<tr>
<td>Fitness to Study Appeal Panel</td>
<td>OSCAR</td>
<td>The Vice-Provost (Education and Students) or their nominee, a member of academic staff from the pool, a student member from the pool, the Secretary (four in total).</td>
<td>Regulations for fitness to study.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A Fitness to Study Appeal Panel requires a Chair and panel members who have had no connection with the Fitness to Study Panel that previously heard the matter.</td>
<td></td>
</tr>
<tr>
<td>Disciplinary Panel</td>
<td>OSCAR</td>
<td>A senior member of academic staff from the pool who Chairs the Panel, a member of staff from the pool, a student member from the pool, the Secretary (four in total).</td>
<td>Student disciplinary regulations.</td>
</tr>
<tr>
<td>Disciplinary Appeal Panel</td>
<td>OSCAR</td>
<td>The Vice-Provost (Education and Students) or their nominee, a member of staff from the pool, a student member from the pool, the Secretary (four in total).</td>
<td>Student disciplinary regulations.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A Disciplinary Appeal Panel requires a Chair and panel members who have had no connection with the Disciplinary Panel that previously heard the matter.</td>
<td></td>
</tr>
<tr>
<td>Fitness to Practise Panel</td>
<td>OSCAR</td>
<td>The Vice-Provost (Education and Students) or their nominee, 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).</td>
<td>Regulations for fitness to practise.</td>
</tr>
</tbody>
</table>
Fitness to Practise Appeal Panel

The Vice-Provost (Education and Students) or their nominee, 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). See Regulations for fitness to practise.

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.

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 Regulation 6 above. 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 their University email address. 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 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.

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
   - the names of any witnesses attending the hearing
   - details of how to contact the person or persons administering the panel hearing

14. The information provided five working 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.

15. 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

16. 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. 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. It is the normal expectation that the student will answer for themselves any questions from the panel.

17. 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.

18. 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 themselves. 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

19. 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.

20. 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

21. Where a student notifies the office or person that is responsible for administering a panel hearing in advance of the panel hearing that they will not be able to attend the hearing, and that there are valid extenuating circumstances to explain their non-attendance (as described in the University’s Regulations for extenuating circumstances), the office or person responsible for administering the panel hearing will endeavour to reschedule the panel hearing. If there are no valid reasons for the student’s non-attendance the panel hearing will proceed in the student’s absence.

22. Where a student has not notified the office or person that is responsible for administering a panel hearing that they will not attend the panel hearing and does not attend the panel hearing, it may proceed in the student’s absence.
23. Exceptionally, where a student can show good reasons why they are unable to attend a scheduled panel hearing, 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 Regulations together with the required supporting evidence.

Joint hearings

24. In some circumstances two or more students may be invited to attend the same panel hearing. For example, where a complaint 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

25. For 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.

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

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

28. 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.

29. For panel hearings linked to disciplinary matters it is for the University to show that it is more likely than not that the student committed the offence. The burden of proof switches to the student at the appeal stage.

30. For panel hearings linked to fitness to study it is for the University to show that the student is not fit to study. The burden of proof switches to the student at the appeal stage.

31. For panel hearings linked to fitness to practice it is for the University to show that the student has breached the University's requirements for professional behaviour. The burden of proof switches to the student at the appeal stage.

Standard of proof

32. 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

33. 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.

34. Where new written evidence is presented to the panel less than three working days before the hearing or 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

35. 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. It is at the discretion of the Chair whether to accept witnesses identified after this period.

36. 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

37. 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.

38. 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.

39. 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

40. In the interests of fairness and consistency, panel hearings normally follow this order of business:

(i) 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;
(ii) 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;

(iii) 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;

(iv) an opportunity for the student to comment on the written evidence to the panel;

(v) an opportunity for the panel to clarify the student's comments on the written evidence;

(vi) an opportunity for witnesses to attend to provide specialist advice or accounts of the matter at hand for the panel's information and consideration;

(vii) an opportunity for the panel and the student to clarify their understanding of the information provided by any witnesses;

(viii) 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;

(ix) 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;

(x) a closing opportunity for the student to present a summary statement to the panel.

Panel decisions

41. At the end of a panel hearing the panel discusses the matter in private. 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. All panel decisions are required to be either unanimous or majority verdicts.

42. Where a hearing by one of the following:

- a Process Review Panel and Process Review Appeal Panel
- an Academic Misconduct Panel
- an Extenuating Circumstances Panel
- a Complaint Review Panel
- a Disciplinary Panel and Disciplinary Appeal Panel
- a Fitness to Practise Panel and Fitness to Practise Appeal Panel
- or raised via the Admission, Progression and Examination Sub-committee leads the panel to consider that it is necessary for a matter to be dealt with under the University's Regulations for fitness to study, the Chair of the panel or the Sub-committee, as an Authorised Person for this purpose, may refer the matter to the Director of Student Services and Administration and request that the matter is considered by a Fitness to Study Panel.
Record of the hearing and the panel's discussions

43. 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.

44. 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 will refer incidences of covert recordings for consideration under the Student disciplinary regulations.

45. 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

46. 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 and the panel's findings for the Chair's approval in the form of a letter. The letter is sent to the student and other parties to the hearing.

47. 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.

Records of panel hearings

48. 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, together with the letter sent to the student at the end of the hearing, constitute 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.