

# HEARINGS BY PANEL PROCEDURE

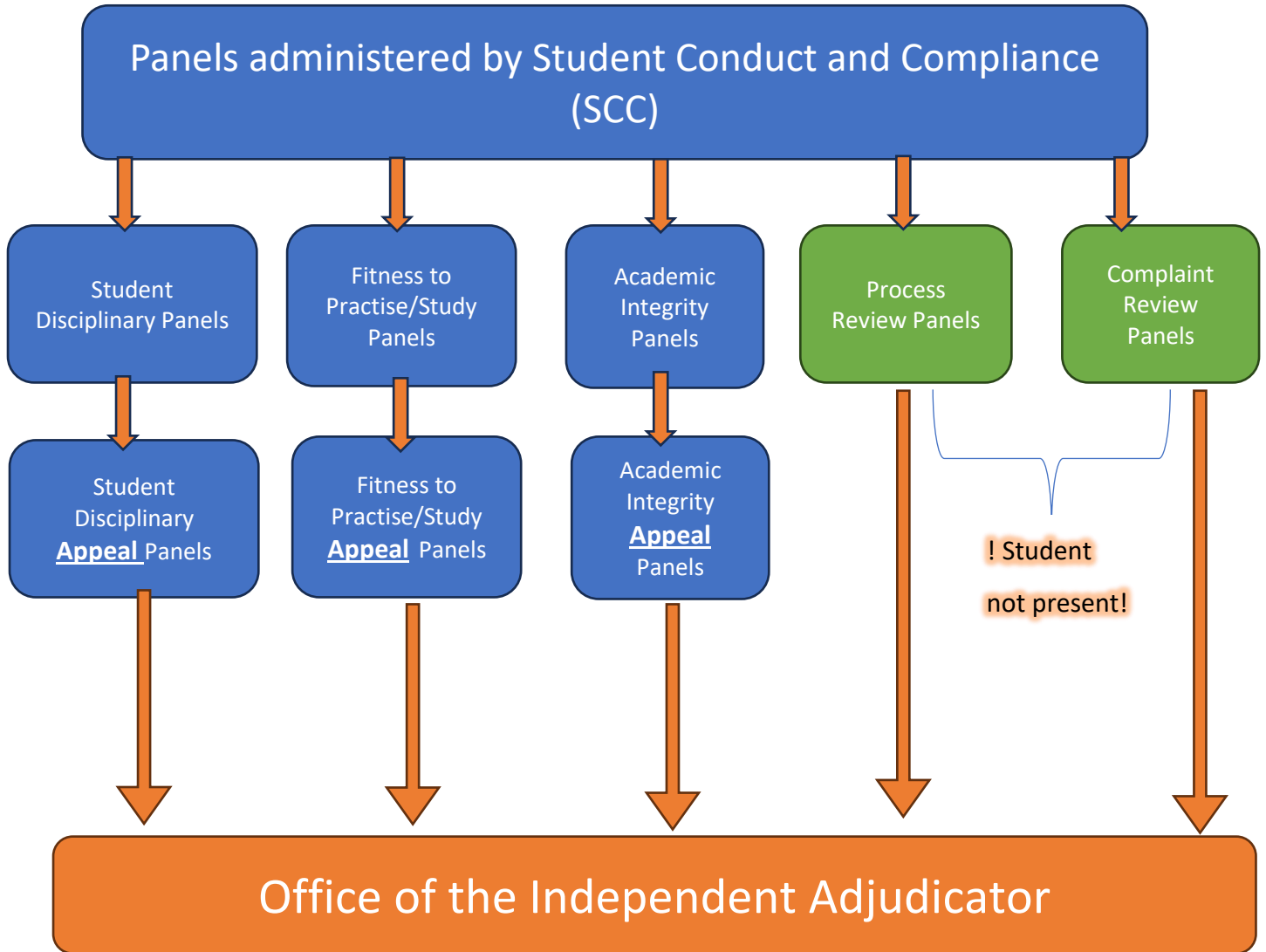
Approved by Senate in June 2024

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Figure 1. Hearings by Panel Procedure



## 1. Introduction and scope

- 1.1 The scope of this procedure is limited to students enrolled on programmes of studies at St George's University of London (SGUL).
- 1.2 This procedure covers the way in which hearings by panel at SGUL are commissioned and conducted in relation to the following types of cases:
- a hearing about academic integrity matters or related appeal (see [Academic Integrity Procedure](#))
  - a disciplinary hearing or related appeal (see [Student Disciplinary Procedure](#))
  - a Process Review Panel- to review the outcome of an academic appeal at stage 1 (see [Procedure for Academic Appeals](#))
  - a fitness to study/practise hearing or related appeal (see Fitness to Study/Practise Procedure)
  - a complaint about an aspect of learning opportunities or delivery of a service by the University (see [Procedure for concerns and complaints](#))
- 1.3 Specific information on how each type of hearing is conducted is covered under each of the respective procedures mentioned above. The purpose of this procedure is to set out general principles on conducting student panel hearings.
- 1.4 The Student Conduct and Compliance Team (SCC) is responsible for providing guidance to students and staff on the operation of this procedure under the direction of the Director of Governance, Legal and Assurance Services.
- 1.5 In this procedure, any named officer may delegate their responsibilities to another member of SGUL staff; similarly, the procedure shall not be invalidated by an officer of SGUL acting in the place of another named in these regulations where circumstances make this expedient.
- 1.6 This procedure is prescribed by Senate in accordance with the [General Regulations for Students and Programmes of Study](#).

### Appointment and membership of Panel Hearings

- 1.7 Student panel hearings are appointed by the SCC Team under the authority of Senate and the Vice-Chancellor. The panel members allocated to a hearing will have appropriate training for the case at hand and must not have any previous involvement in the case.
- 1.8 A member of the SCC Team will attend the hearing to facilitate the proceedings.
- 1.9 The University maintains a pool of trained staff and students on whom it can call to serve as Panel members.
- 1.10 The constitution of the various Panels that operate under the scope of this procedure listed in paragraph 1.2 above is specified in the individual procedure. Where possible, consideration will be given to ensuring the cultural mix or diversity of the Panel.



## Training for Panel members

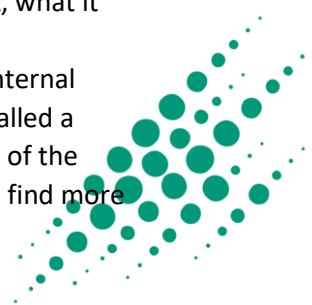
- 1.11 The SCC team organises essential training for new members of the pool from which Panel members are drawn. This training also provides an opportunity for continuing members of the pool to be briefed on any changes to the university's procedures and policies since the previous session, to exchange information about good practice, to meet fellow members of the pool, and to offer advice to the university on improvements to current practice.
- 1.12 Panel members are expected to undertake external and/or specialist training to be able to serve on certain types of cases, for example cases involving sexual misconduct or academic integrity.

## Facilitator's role

- 1.13 Panel facilitators are drawn from the SCC team or the wider GLAS team. Specific details are given in the relevant procedures.
- 1.14 Unless otherwise provided for in the individual procedures, their role in a panel is to:
- advise the Chair
  - ensure that the Panel is convened and conducts its business in accordance with the relevant regulations and procedures
  - keep a written record of the Panel's discussions and decisions (see below).
- 1.15 The Facilitator 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 procedures
  - 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 including the relevant correspondence, information the Panel's deliberations, findings and outcomes are held securely 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 the procedures
- 1.16 Unless otherwise provided for by the procedures, the facilitator does not have decision-making power.

## The Office of the Independent Adjudicator

- 1.17 The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. SGUL is a member of this scheme. Students who are unhappy with the outcome may be able to ask the OIA to review their case. Students can find more information about making a complaint to the OIA, what it can and cannot look at and what it can do to put things right here: <https://www.oiahe.org.uk/students>. Normally, students need to exhaust the internal university processes before they complain to the OIA. SGUL will send a letter called a "Completion of Procedures Letter" (COP) when students have reached the end of the processes and there are no further steps they can take internally. Students can find more



information about COP Letters and when they should expect to receive one here:  
<https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.

It is expected that students, their supporter and staff will act reasonably and fairly towards each other and will treat processes (including hearings) with respect. A failure to respect processes and procedures may result in a separate disciplinary/fitness to practise investigation.

## Support Services

1.18 Support for students who are invited to attend hearings or have a case being reviewed by a panel is available from a variety of services on campus. These include:

- Academic Success Centre: <https://www.sgul.ac.uk/for-students/your-academic-life/student-development-and-success>
- [Students' Union](#): the Student's Union President for Education, ([presidenteducation@su.sgul.ac.uk](mailto:presidenteducation@su.sgul.ac.uk)) or President for Welfare ([presidentwelfare@su.sgul.ac.uk](mailto:presidentwelfare@su.sgul.ac.uk)) and the Education and Welfare Officer can support students going through student procedures
- Personal tutor(s)
- Disability Service: <https://www.sgul.ac.uk/for-students/student-support/disability-service>
- University's Counselling Service, who can provide comprehensive and confidential support to anyone experiencing difficult circumstances ([counselling@sgul.ac.uk](mailto:counselling@sgul.ac.uk)): <https://www.sgul.ac.uk/for-students/student-support/health-and-wellbeing/mental-health/counselling-service>
- [Occupational Health](#)

## Third Party requests

1.19 Students are advised to respond to all communication from the University (verbal and written) directly and not normally through a third party except in exceptional circumstances where diagnosed disability reasonably prevents them from being able to do so.

## Reasonable adjustments

1.20 Reasonable adjustments to the processes within these procedures, including the extending of deadlines for student responses, may be made upon the production by the student of relevant third-party evidence which demonstrates the need for those adjustments. Students who believe they may require reasonable adjustments due to



disability/long-term condition/accessibility should also contact the [Disability Service](#) for additional support.

## Procedural exemptions

- 1.21 In exceptional circumstances it may be appropriate to amend this procedure, for example, where strict application of this would result in substantial unfairness to the student, or the student is in some way at risk because of health or disability. Such cases will be rare, and each will be treated on their own merits.

## 2 Confidentiality and General Data Protection Regulations

- 2.1 SGUL deals with hearings by Panels in confidence, to the extent that this is compatible with making enquiries and holding meetings. SGUL collects and processes a variety of personal data in order to fulfil relevant student regulations and policies (see the [Regulations](#) web page for a list of all student regulations). This personal data may be provided by the student or collected from other departments within SGUL or taken from publicly available sources such as social media. SGUL processes personal data for this purpose in its legitimate interests. Some regulations will require the sharing of sensitive personal data (defined as “special category” data by data protection legislation). SGUL processes and shares special category data in the substantial public interest and only where it is necessary to enable SGUL to fulfil its duties of care to the student, other students, or to safeguard third parties. More detail on the types of data collected and how it is used to meet this need can be found in the [Student Privacy Notice](#).
- 2.2 For students who are undertaking Regulated Activity<sup>1</sup> within the health and social care sector (including with charitable organisations), either because they are employed to do so, or because they are undertaking a placement, SGUL will share essential personal and sensitive data with the employing organisation or placement provider when required.

## 3 Burden of proof

- 3.1 The burden of proof is determined by which party brings the case to the university.
- 3.2 The burden of proof is on the University for the following:
- Fitness to practise hearings
  - Academic integrity hearings
  - Student disciplinary hearings

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<sup>1</sup> In the context of work with children and vulnerable adults, Regulated Activity is 'work that a barred person must not do'. See “[Regulated Activity in relation to Children: scope. Factual note by HM Government Safeguarding](#)”



3.3 The burden of proof is on the student for the following:

- Academic appeals (stage 1) & Process Review Panels (stage 2)
- Complaints (stage 1) & Complaint Review Panels (stage 2)
- At the appeal stage of all processes listed above

## 4 Standard of proof

4.1 The standard of proof applied is that of the balance of probability; that on the evidence put forward it is more likely than not that something was or was not the case.

4.2 The standard of proof remains constant; it does not operate on a sliding scale.

4.3 The standard of proof does not change based on the seriousness of the allegation/s, potential consequences, or mitigating/aggravating circumstances.

## 5 Support to students during hearings.

5.1 A student attending a Panel hearing may be accompanied by a **Supporter**. This individual could be (but is not restricted to): a friend, family member, or a representative from the Students' Union. A student may request to be accompanied by more than one Supporter in exceptional circumstances. This will be reviewed on a case by case basis.

5.2 Where the student intends to be accompanied by a Supporter, they are required to inform (at least 3 university working days before the hearing) the person arranging the hearing of the supporter's:

- full name.
- contact details.
- relationship to the student.

5.3 The Supporter may confer with the student during the Panel hearing and/or ask questions of the Panel, witness(es), and/or the facilitator, with the permission of the Chair. It is the normal expectation that the student will answer for themselves any questions from the Panel but may confer with the Supporter before answering. The Supporter may read a pre-prepared statement on behalf of the student, with the student's consent, and the permission of the Chair. The student may adjourn the Panel hearing to confer with the Supporter in private, with the permission of the Chair.

5.4 The Chair reserves the right to remove a Supporter from the hearing, should they repeatedly attempt to directly answer any question(s) that have been addressed to the student, or else exhibit any other form of behaviour that is unreasonable and/or disruptive to the proceedings.

5.5 SGUL procedures, including Panel hearings, are **not legal procedures**. Where a student insists on legal representation in a hearing the University reserves the right to bring its own legal representation. In these circumstances it may take longer to convene the Panel.

5.6 All Supporters must abide with the terms under paragraphs 5.2 and 5.3 above. 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 reserves the right to refuse to accept their presence and/or adjourn the hearing.

## 6 Postponement and adjournment of Panel hearings

6.1 Requests for postponement or adjournment of a Panel hearing are decided by the Chair, advised by the Facilitator, who will consider the following:

- reasons provided by the student including any evidence presented to support the reasons
- any unfairness to the student and other parties involved if the hearing is or is not postponed/adjourned
- the consequences of rearranging the hearing, possibly with another Panel

## 7 Panel hearings in the absence of the student

7.1 Where a student notifies SCC in advance of the Panel hearing that they will not be able to attend the hearing, and that there are valid reasons, plus supporting evidence, to explain their non-attendance, SCC will endeavour to reschedule the Panel hearing.

7.2 If there are no valid reasons for the student's non-attendance the Panel hearing will proceed in the student's absence.

7.3 Where a student has not notified SCC that they will not attend the Panel hearing and does not attend the Panel hearing, it may proceed in the student's absence.

## 8 Joint hearings

8.1 In some circumstances two or more students may be invited to attend the same Panel hearing. For example, where a possible instance of academic misconduct involves more than one student (like collusion) the university may request a joint hearing. In this case, before agreeing to any request for a joint hearing the Chair, advised by the Facilitator, seeks to establish whether holding such a joint hearing might be unfair to any of the individuals concerned. During a joint hearing, all students in attendance may be given opportunities to speak to the Panel individually.

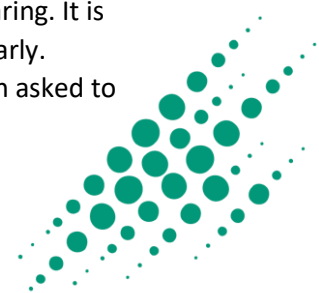
8.2 Requests by student to have individual hearings will be considered on a case by case basis.

## 9 Correspondence and communications

9.1 SGUL's preferred method for contacting students on any matter is via their university email address. Students will be given at least five working days' notice to a hearing. It is the responsibility of each student to check their university email address regularly.

9.2 The information provided for a student and the Panel members who have been asked to attend a Panel hearing will include:

- the **date, time, and place** of the Panel hearing



- a copy of the **relevant university regulations, procedures, policies, and guidance** documents, including this procedure
  - any **written evidence** to be considered by the Panel, including statements made by staff and other students (more details in section 10).
  - the **names of the Panel members**
  - the **names of any witnesses** attending the hearing
- 9.3 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 others**. To do so may prejudice the fairness of the hearing and its findings.
- 9.4 SGUL is committed to providing a fair, consistent, and accessible process. Students have the right to be heard, understood, and respected. SGUL staff have the same rights, and the university must provide a safe working environment for its staff. We expect students and their supporters to engage with staff members, treat the process with **respect**, and adhere to the [Student Behavioural Code of Conduct](#).

## 10 Submission of evidence to Panels and information and evidence from witnesses

- 10.1 If at any stage the evidence provided can be shown to have been dishonestly acquired or is itself dishonest and/or can be shown to be vexatious (can be shown to be malicious, or represent a way of harassing the University by consuming the time and resources of its staff or a way of harassing members of staff or other students), the case may be dismissed and the evidence submitted to either the [Student Disciplinary Procedure](#) or the [Procedure for Consideration of Fitness to Study or Practise](#).

### Written evidence

- 10.2 In the interests of fairness to all parties the University aims to have as much as possible set out in writing in advance of the hearing so that the student and others involved in the hearing can read and consider the information and points made.
- 10.3 Written evidence must be submitted to SCC via [scc@sgul.ac.uk](mailto:scc@sgul.ac.uk) not less than three university working days before the hearing.
- 10.4 Where new written evidence is presented to the Panel less than three university working days before the hearing or at the hearing it may be accepted at the discretion of the Chair.

### Audio/visual evidence

- 10.5 Evidence can also be provided in audio/visual form such as photographs, meetings recorded via Teams, videos, or recordings from CCTV of University security cameras.



This should be provided in advance of the hearing at the same time as the written evidence.

### Oral evidence

- 10.6 At a Panel hearing the student and the university may each call witnesses to attend to give information to the Panel. The witness can be the reporting party (if the Reporting Party indicated that they are open to this).
- 10.7 If witnesses are called, all parties involved in the hearing must be informed of their names at least three university working days before the hearing. It is at the discretion of the Chair whether to accept witnesses identified after this period.
- 10.8 Before a witness joins the hearing, the Chair will remind all those present:
- Whose witness it is.
  - Their role (for example, to provide expert advice about a subject/information about the case)

### Questioning written, visual, and oral evidence

- 10.9 The party who called the witness to attend the hearing will normally introduce the witness and be the first to put questions to them. The other party will then be offered the opportunity to put questions to the witness.
- 10.10 The witness will be questioned to bring out pertinent evidence and to ensure that all parties have properly understood that evidence, to observe corroborations and contradictions with other known facts.
- 10.11 The Panel, the student, and the student's Supporter may comment on specific items of the written and visual 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 to ensure that they have properly understood their points (and vice-versa).
- 10.12 Once the witness provided all the information, they will be asked to leave the hearing.

## 11 The order of business in a Panel hearing

- 11.1 In the interests of fairness and consistency, Panel hearings normally follow this order of business:
- a. **introduction** by the Chair of all individuals present and their role in the hearing.
  - b. description of the **hearing procedure**, including its **purpose**.
  - c. how it will be conducted, including what opportunities there will be for the student and any accompanying Supporter to speak.
  - d. how it will be **recorded**.
  - e. the **possible outcomes** and the way in which it will be communicated to the student and all others involved.



- f. an **oral presentation** of the case by a member of staff or the student (as appropriate) introducing the written evidence and stating whether any witnesses are to be called.
- g. an opportunity for the student to **comment** on the evidence.
- h. an opportunity for the Panel to **clarify the student's comments** on the evidence.
- i. an opportunity for **witnesses** to attend to provide **verbal testimony**.
- j. an opportunity for the Panel and the student to **clarify their understanding** of the information provided by any witnesses.
- k. 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.
- l. an opportunity for the Chair of the Panel to summarise the evidence considered, identify the matters to be decided.
- m. a **closing** opportunity for the student to present a **summary statement** to the Panel.

## 12 Panel decisions

12.1 At the end of a Panel hearing the Panel discusses the matter in private. During the deliberations, the Chair, assisted by the Facilitator, ensures the Panel does not come to a finding before it has reviewed all 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.

12.2 For fitness to practise, academic integrity and disciplinary cases, panels must follow a 2-step decision making process.

**Step 1:** After carefully reviewing all the written and verbal evidence in front of them, go through the list of allegations to decide for each of them if they should be upheld/partially upheld or dismissed. If this results in all allegations being dismissed, **there is no further action taken against the responding student**. If one or more of the allegations are upheld or partially upheld, go to Step 2.

**Step 2:** Decide how to redress the misconduct that occurred. The panel should be guided by the relevant procedure which normally details the penalties/outcomes/remediations that are available to them. The sanctions/outcomes imposed should be:

- **Proportionate** to the severity of misconduct and cumulative conduct history (that has been addressed).
- **Stops misconduct, prevents reoccurrence, and remedies** the effect of the misconduct committed.
- **Consistent** with sanctions provided to similar cases.

12.3 For fitness to practice **appeal** panels, disciplinary **appeal** panels and academic integrity **appeal** panels, the decision must not be based on a full reconsideration of the case. The decision is limited to whether the grounds for appeal advanced by the student have been met. Each procedure details the grounds and outcomes available to an appeal panel

