

Birmingham City University

University Panel Guidance

Introduction

This guidance sets out the arrangements for holding a University Disciplinary Panel ('Disciplinary Panel') and should be read alongside the University's [Academic Misconduct Procedure](#) and [Student Disciplinary Procedure \(Non-Academic\)](#).

A Disciplinary Panel will be held in relation to:

- Category A academic misconduct offences; and
- Any non-academic misconduct offence where exclusion from the University is a possible outcome.

The purpose of the Panel is to consider the case against you and, where appropriate, apply a proportionate penalty that takes into account all the facts and the circumstances. Panels are an opportunity for us to hear directly from you and other relevant people, and to ask questions about a particular matter.

Membership

The Disciplinary Panel will be made up of:

- An executive dean, an associate dean, or a head of school (or someone they nominate), who will chair the Panel;
- Two members of University staff with experience of dealing with the type of matter being reviewed.

Where appropriate, the chair may agree that a practising professional (practitioner) from a related area or profession can replace one member of staff on the panel.

You have the right to request that a member of the Students' Union Executive sit as an additional member of the Panel. However, the Panel will still go ahead if a member of the Students' Union Executive is not available to attend.

All panel members will be impartial. Although it is normal practice for panellists to have no previous knowledge of either you or the matter being considered, it may be necessary to hold a panel if you or the matter being considered are known to one or more of the panellists. In circumstances where a Panel member declares a conflict of interest, we will arrange for a suitable substitute to take that Panel member's place.

Who will attend the panel meetings?

The following people may attend the panel meeting for different reasons. These people do not form part of the panel for the purpose of reaching a decision, but the panel may ask them for information during the meeting.

Clerk	The Panel will be clerked by a member of Student Governance. The clerk arranges the panel meeting, attends the meeting to take notes of the main discussion points, gives procedural advice to the panel and writes up the panel's decision. The clerk is allowed to be present during all private meetings of the panel.
Witnesses	If there is a choice of witnesses that may attend, the chair of the panel will decide which witnesses are required to attend. Witnesses may provide written statements in place of attending the Panel, where agreed by the chair.
Observers	Observers can attend the Panel with prior approval of the Chair. Up to two observers may attend for training purposes.
Companion	You are entitled to bring a companion with you to the Panel. Anyone can act as a companion, but companions must not be acting in a legal capacity during the panel meeting. The role of the companion is to offer support.
Personal Representative	In exceptional circumstances, and only with prior approval from the Chair, you can ask another person to represent you at the Panel. The representative must not be acting in a legal capacity, but may speak on your behalf. In these cases we will assume that your representative is familiar with your case and is authorised to give the panel information about you and make decisions on your behalf. You are responsible for your representative's behaviour during the panel meeting.

Scheduling meetings

Panels may take place on either of the University's campuses.

We will convene the Panel as quickly as possible. We aim to give at least one week's notice of the Panel date, but this may be less if there is good reason (e.g. we need to reach a decision on academic misconduct prior to an examination board). You will be given details of the Panel and will be invited to attend; if you are unable to attend, the Panel will usually proceed unless the Chair considers there is good reason to postpone.

Panel duties and possible outcomes

It is the responsibility of the Panel to consider the case against you and, where appropriate, apply a proportionate penalty that takes into account all the facts and the circumstances. The range of outcomes available to the Panel is set out in the [Academic Misconduct Procedure](#) and [Student Disciplinary Procedure \(Non-Academic\)](#).

Proceedings

As proceedings may vary depending on the nature of the matter being considered, the Panel will give you, and everyone else who will be attending, specific information on the likely proceedings at the start of the Panel meeting. In all cases, panels meet privately both before and after meeting with you. When you are present, you will have the opportunity to make any representations you wish to make and will be able to respond to any questions the Panel members wish to ask.

If you have evidence that you would like the Panel to take into account then you should provide this to the Clerk, and in advance of the Panel meeting wherever possible. If you present evidence at the meeting itself, there may be a break in proceedings while the Panel considers the evidence.

We may reasonably adjust the process for the Panel to take account of any disability you have disclosed to us. For example, this could involve an extra person being present during meetings to provide sign language interpretation, or more breaks during the meeting.

Panel decision

Not everyone on the Panel has to agree on the panel decision – the Panel can issue a majority decision. You will receive the Panel’s decision within 10 working days of the panel meeting and the decision will include:

- the names of everyone who attended;
- the matters considered (and, if relevant, any matters the Panel decided not to consider);
- the outcome reached by the Panel;
- the process if you wish to appeal the Panel’s decision.

Version number	1
Date applicable from	21 September 2020
Owner	Assistant Director Student Governance, Mental Health & Wellbeing
Date of review	1 August 2021