

UNIVERSITY OF SUSSEX

STUDENT DISCIPLINE COMMITTEE

Procedure for the operation of Student Disciplinary Panels

- (1) There shall be served on a student against whom the Student Discipline Committee has decided to instigate disciplinary proceedings, in accordance with Regulation 2, a written summons from the Registrar & Secretary giving a brief specification of the charge(s) and calling upon him or her with at least fifteen working days' notice to appear before the Student Disciplinary Panel. The student shall, at the same time, receive a copy of any reports and documentation concerning the case which were considered by Student Discipline Committee.

- (2) Together with the written summons, the student will be notified that:

Not less than ten working days before the hearing:

- (a) additional information may be provided to the student by an individual (appointed by the Registrar & Secretary to present the case on behalf of the University (the Presenter));

Not less than five working days before the hearing:

- (b) they (the student) should inform the Registrar & Secretary whether or not they intend to admit the alleged breach of discipline and whether they intend to be present at the hearing;
- (c) they should provide at least a brief written response to the alleged breach of discipline. Supporting witness statements may also be provided. Statements provided after the deadline by either the student or Presenter may be admitted at the discretion of the Chair, who may also delay the start of the hearing to provide time for members and the student to read the statements;
- (d) they may call such witnesses in defence or in mitigation as they may think fit, and should inform the Registrar & Secretary of the name(s) of their witness(es). The responsibility for contacting the student's witnesses, to ask them to provide statements and/or to attend, shall remain with the student. Neither the University nor the student may compel or put a witness under unacceptable duress to provide a statement and/or to attend;
- (e) they may be accompanied by one other person. They should inform the Registrar & Secretary whether they intend to be accompanied and, if so, the name of the person concerned. A student who intends being accompanied by a legal representative must give at least five working days' notice of this to the Registrar & Secretary;
- (f) the University will not normally agree to defray costs which may be incurred by the student in seeking specialist advice, by their adviser or representative or by any witnesses in order to attend the hearing to speak on the student's behalf;

- (g) in any case where the student informs the Registrar & Secretary that they will be accompanied by a legal adviser, the Presenter shall have the right to be accompanied by a legal adviser;
- (h) if, within the five working days' deadline, the student admits the alleged breach of discipline the student should, in writing, so inform the Registrar & Secretary and whether they wish (a) the Panel to proceed directly to consider and impose a penalty in the student's absence (having submitted their case for mitigation in writing by a date to be determined by the Registrar & Secretary) or (b) to appear before the Panel in person to put their case for mitigation. If (b), the procedures in 3 (g)-(i) will apply.

(3) At the hearing:

- (a) the Student Disciplinary Panel may call any witnesses to appear at the hearing to assist with their enquiries and so shall inform the student. The Panel may also choose to take direct evidence from a witness or complainant, separately from the hearing itself, to assist with their enquiries, and shall inform the student;
- (b) the hearing will normally proceed at the date and time given by the Registrar & Secretary in the written summons. If the student does not appear, or if the person nominated as accompanying them does not appear and the Student Disciplinary Panel is satisfied as to proper service of the summons, the Student Disciplinary Panel may proceed to deal with the charge and may impose any penalty in the student's (or the person accompanying them) absence;
- (c) if the person nominated to accompany the student fails to attend the hearing, or if the student is unhappy with the way their case was presented, this shall not normally constitute grounds for appeal;
- (d) if the student admits the alleged breach of discipline at the meeting of the Student Disciplinary Panel, the Panel may proceed directly to consider the penalty. The student may admit the charge or part of it at any stage of the proceedings.
- (e) If the student denies the alleged breach of discipline:
 - i. the Chair will invite the Presenter to put the case for the University who shall draw to the Panel's attention the allegation(s) submitted to the Student Disciplinary Panel which will be followed by the opportunity for the Panel and the student to ask the presenter questions. If the Presenter has called any witnesses they would normally be called at this point;
 - ii. the Chair will then will invite the student to respond to the allegations and to call any witnesses which will be followed by the opportunity for the Panel and the Presenter to ask questions of the student and any witnesses called;
 - iii. both parties (i.e. the student and the Presenter) and all witnesses (other than those provided for in 3 (a) above) may be examined, cross-examined, and re-examined;

- iv. both parties and any witnesses shall withdraw while the Student Disciplinary Panel (accompanied only by its Secretary) considers the presented information;
 - v. both parties will be invited to return to make any closing statements and respond to any final questions from the Panel;
 - vi. both parties shall withdraw while the Student Disciplinary Panel (accompanied only by its Secretary) considers its decision on whether the charge is proven or not and will be invited to return to hear it delivered. The Panel reserves the right to defer judgment and to confirm their decision in writing to the student within a reasonable timeframe;
 - vii. if the Student Disciplinary Panel finds the charge proven, the student may be heard in mitigation before any penalty is determined. The Panel may invite the Presenter to respond. In determining the penalty, the Student Disciplinary Panel may take into account any record of previous misconduct;
 - viii. both parties shall withdraw while the Student Disciplinary Panel (accompanied only by its Secretary) considers its decision on the penalty and will normally be invited to return to hear it delivered;
 - ix. the Panel may at this point consider an appropriate method for discharging the sanction;
 - x. the findings and penalty (if any) of the Student Disciplinary Panel along with a report shall be communicated in writing to the student by the Registrar & Secretary.
- (f) The Student Disciplinary Panel may adopt such further procedures as are consistent with the procedures as it deems necessary for the discharge of its functions. In particular, the Student Disciplinary Panel, with the agreement of all members of the Panel, shall be entitled, prior or otherwise to the hearing, to vary the procedures mentioned in any way which it considers to be fair and shall so inform the student.
- (g) The Student Disciplinary Panel shall be entitled at its discretion to adjourn, postpone or halt a hearing. Should the Panel wish to halt the procedures in advance of the hearing this decision must be agreed between the members of the Panel and referred to the Chair of Student Discipline Committee who shall have the final decision.
- (h) In all cases the Registrar & Secretary shall keep a report of the proceedings.