



PROCEDURE FOR STAGE 2: COMMITTEE HEARINGS

1. We recognise that an allegation of misconduct may be stressful and upsetting. Advice and support are available from:

- The Students' Union - <https://www.uswsu.com/academic>
- Student Services - <https://advice.southwales.ac.uk/a2z/student-services/>
- The Chaplaincy - <http://chaplaincy.southwales.ac.uk/>

The procedure for a Disciplinary/Fitness to Practise Committee hearing is outlined in this document but, for any questions, please contact the Student Casework Unit (studentcasework@southwales.ac.uk). Student Casework will also provide students with additional guidance on how to prepare for the hearing and what they can expect on the day.

2. Information on the membership and function of the committees is available in the [Student Misconduct & Fitness to Practise Regulations](#). The Responding Student (and, where applicable, the Reporting Student) will be told the names of the Committee members before the documentation is circulated and given the opportunity to raise any concerns, for example if they think that a member may be biased¹.
3. The Committee hearing will normally be within 20 working days of referral of the case by the faculty. The Responding Student (and, where applicable, the Reporting Party) will be provided with the date for the hearing by Student Casework not less than 10 working days before the hearing. This timescale may be extended in exceptional circumstances by the University, including (but not limited to) if a student has requested legal representation. If the Responding Student, for good reason, requires a revised date the hearing will be rearranged **once only**. The Responding Student must inform Student Casework at least 48 hours in advance of the original hearing if they require a revised date.
4. If the Responding Student does not wish to, or is not able to attend the hearing, it will take place in their absence. Where this is the case, they are strongly advised to provide a written submission.
5. Students can apply for extenuating circumstances if they believe that the case has affected their academic studies. They will not need to disclose the details of the allegation(s) as Student Casework can provide a letter in support of the application.
6. Students are allowed to have a support person with them at the hearing; for example, an officer from the Students' Union, a member of staff from the Chaplaincy, or a friend/family member. The role of a support person is to be there for the student during the meeting as a supportive presence. Their role is not to represent the student, advocate on their behalf or speak for them, unless this has been agreed in advance as a reasonable adjustment.

¹ This means that the student has reason to believe the involvement of one or more of the Committee members may, intentionally or unintentionally, affect the fairness of the decision.

Mae'r ddogfen hon ar gael yn Gymraeg. This document is available in Welsh

7. At least 48 hours before the hearing, the student must advise the University of the name, status and, where the hearing is to be held online, contact details of the person accompanying them.
8. The Head of Student Casework (or nominee) reserves the right to refuse the attendance of a support person if it is determined that there is a conflict of interest relating to the nominated person, in which case, the student will be given the opportunity to nominate a different support person.
9. Students cannot send any other person to the hearing on their behalf.
10. The University of South Wales' Regulations, Policies and Procedures are not legal in nature and consequently, students should not need to have a legally qualified support person or representative at the hearing. However, students can seek advice, without prejudice, where a case is particularly complex, and the potential outcome is serious.
11. While students do not have an automatic right to a legally qualified support person or representative, if a student wishes to be supported/represented at a hearing, please see the University's [Procedure for Requests for Legal Representation](#) for further information.
12. Students can invite witnesses to support their case. Student Casework must be informed of any witnesses that will be attending at least 48 hours in advance of the hearing. **Students may only invite witnesses who they have called, or attempted to call, during the investigation, to ensure natural justice.** If a student wishes to call a witness to the hearing who was not called during the investigation, they should write to Student Casework to request this, explaining why they were unable to call the witness earlier and outlining the relevance of their evidence. The Head of Student Casework (or nominee), in consultation with the Chair of the hearing, will then decide whether it is proportionate and fair to exceptionally permit the witness to attend. The student is responsible for ensuring that any witnesses they wish to invite are notified of the date, time and venue for the hearing.
13. For the purpose of this Procedure, and where applicable, the person who made the initial allegation (the Reporting Party) is classed as a witness. The Reporting Party will be invited to attend the hearing. However, they are not required to attend and consequently are able to decline any such invitation.
14. The University may ask members of staff and any other persons relevant to the case to attend the hearing as witnesses. The Responding Student (and, where applicable, the Reporting Party) will be informed of the names of any witnesses prior to the hearing.
15. The hearing may take place in person or via electronic means. Any party requiring attendance at a hearing via electronic means must inform Student Casework in writing no later than five working days in advance of the hearing. Where this has been agreed Student Casework will inform members of the Committee in advance of the hearing and organise this with the individuals involved.

The decision as to whether the hearing will take place in person or via electronic means will be made by the Head of Student Casework (or nominee).

The following factors (non-exhaustive) will be taken into account, along with the specifics of the case:

- The preferences of the reporting party
- The preferences of the responding party
- Any safeguarding concerns
- The nature and seriousness of the allegations

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- Any reasonable adjustments required for any party involved in the hearing
16. The Secretary will send the Responding Student and members of the Committee a copy of all documentation received not less than 10 working days before the hearing. Where applicable, the Reporting Party will receive a copy of the relevant documentation to the allegation(s) they have raised.
 17. Unauthorised recording, copying or distribution of recordings or written materials will be considered a disciplinary offence.
 18. The Responding Student will be invited to set out their case in writing prior to the hearing; this statement should detail any mitigating factors they wish the Committee to take into account. It is the Responding Student's responsibility to provide any written material in support of their case. This should be sent to the Secretary of the Committee not less than five working days before the hearing. The Secretary will circulate to the Committee and to the Reporting Party the written material submitted by the Responding Student at least three working days before the hearing.
 19. Depending on the circumstances of the case and the nature of the allegation, and where it is deemed appropriate by the Chair of the Committee, the Reporting Party and any other person impacted by the allegation may be invited to submit an Impact Statement.
 - If the Responding Student admits responsibility, and the Reporting Party agrees that the Impact Statement can be shared with them, the Impact Statement may be provided to and discussed with the Responding Student before the outcome and sanction is agreed.
 - If the Responding Student denies responsibility, the Committee will review the Impact Statement only if the allegation is upheld, and before a sanction is determined, to assist them in deciding on an appropriate sanction.

If an Impact Statement is submitted and reviewed by the Committee in deciding a sanction, a copy may be provided to the Responding Student with the outcome letter.

20. The Committee will not receive written material that has not been made available to the Responding Student before making their decision.
21. Should the Committee require further information in order to reach a decision, the Responding Student will be informed of any delays.
22. The outcome of the Committee will normally be provided to the Responding Student in writing within five working days of the hearing by email; and/or, where it has been expressed that sending a hard copy of University correspondence is preferable, to their last known address. In certain circumstances, the Chair of the Committee may decide that they should be provided with the outcome in person. Student Casework will let the Responding Student know when this is the case.
23. Sanctions are set out in the [Student Misconduct & Fitness to Practise Regulations](#). Other than exclusion/termination of studies, will only be imposed after the request for review period has expired.
24. Please see the [Procedure for Stage 3: Requests for Review of Stage 2 Misconduct & Fitness to Practise](#) for information on how to appeal the decision of a Disciplinary/Fitness to Practise Committee.
25. If the Responding Student is an Apprentice/Operational Policing student, the Dean of Faculty (or nominee) will inform their employer.