

PROCEDURE FOR DISCIPLINARY/FITNESS TO PRACTISE COMMITTEE HEARINGS

1. We recognise that having an allegation of misconduct made against you 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/>
 - Immigration and International Student Advice - <https://intadvice.southwales.ac.uk/>

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

2. Information on the membership and function of the committees is available in the Non-academic Misconduct Regulations. You 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 you 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. You 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 you have requested legal representation. If you, for good reason, require a revised date the hearing will be rearranged once only. You must inform Student Casework at least 48 hours in advance of the original hearing if you require a revised date.
4. If you do not wish to, or are not able to attend the hearing, it will take place in your absence; where this is the case, you are strongly advised to provide a written submission.
5. You are able to submit an application for extenuating circumstances if you believe that the case has affected your academic studies. You will not need to disclose the details of the allegation against you as Student Casework can provide a letter in support of your application.
6. You are allowed to have a support person with you at the hearing; for example, an officer from the Students' Union, a member of staff from the Chaplaincy, or a friend. The role of the support person is to provide support during your hearing. Their role is

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

normally not to represent you, or to advocate on your behalf or to speak for you, unless this has been agreed as a reasonable adjustment due to a disability.

7. At least 48 hours before the hearing, you must advise the University of the name and status of the person accompanying you. It is strongly recommended that you seek support from the Students' Union or Chaplaincy as they are independent and familiar with the Regulations and Procedures of the University.
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, you will be given the opportunity to nominate a different support person.
9. You cannot send any other person to the hearing on your behalf.
10. The University of South Wales' Regulations, Policies and Procedures are not legal in nature and consequently, you should not need to have a legally qualified support person or representative at the hearing. However, you are able to seek advice, without prejudice, where a case is particularly complex, and the potential outcome is serious.
11. While you do not have an automatic right to a legally qualified support person or representative, if you wish to be supported/represented at a hearing, you must apply for permission in writing to the Student Casework Unit at least five working days before the scheduled date of the hearing (studentcasework@southwales.ac.uk). You must include the name of the proposed representative and the rationale for your request. Please see the University's Procedure for Consideration of Requests for Legal Representation for further information.
13. You are able to call witnesses to support your case. Student Casework must be informed of any witnesses that will be attending at least 48 hours in advance of the hearing. You are responsible for ensuring that any witnesses you wish to call are notified of the date, time and venue for the hearing.
14. 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.
15. The University may ask members of staff and any other persons relevant to the case to attend the hearing as witnesses. You will be informed of the names of any witnesses prior to the hearing.
16. 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.
17. The Secretary will send you and members of the Committee a copy of all documentation received not less than 10 working days before the hearing.
18. Unauthorised recording, copying or distribution of recordings or written materials will be considered a disciplinary offence.

19. You will be invited to set out your case in writing prior to the hearing; this statement should detail any mitigating factors you wish the Committee to take into account. It is your responsibility to provide any written material in support of your 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 you at least three working days before the hearing.
20. 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 you admit responsibility, the Impact Statement may be provided to, and discussed with you before the outcome and penalty is agreed.
 - If you deny 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 you with the outcome letter.

21. The Committee will not receive written material that has not been made available to you before making their decision.
22. Should the Committee require further information in order to reach a decision you will be informed of any delays.
23. The outcome of the Committee will normally be provided to you in writing within five working days of the hearing by email and/or first-class post. Such dispatch will be deemed sufficient and complete discharge of our duty to inform you. In certain circumstances, the Chair of the Committee may decide that you should be provided with the outcome in person. Student Casework will let you know when this is the case.
24. If you are an Apprentice/Operational Policing student, the Dean of Faculty (or nominee) will inform your employer.

Related Regulations and Procedures

Non-academic Misconduct Regulations

Procedure for Disciplinary Investigations

Procedure for Requests for Review

Procedure for Requests for Legal Representation

Risk Assessment Procedure

Guidelines for Application of sanctions

Extenuating Circumstances Regulations and Procedure

Support to Study Regulations and Procedure