Birmingham City University

Panel guidance – Effective from 2017/18

**Introduction**

During your studies we may ask you to attend a panel meeting as part of one of the University’s procedures. This information explains what panels are for and tells you what you can expect if you are invited to attend a panel meeting.

**Why are panels held?**

Panels are held where we need to reach a decision on a complicated matter related to you or your studies. They are an opportunity for us to hear directly from you and other relevant people, and to ask questions about a particular matter. Depending on the issues being considered, the panel may reach a number of different decisions in line with the relevant University procedure.

**What types of panel are there?**

We have three different types of panel that we might ask you to attend, depending on which stage of the relevant procedure you have reached or, in some cases, how severe the matter being considered is.

**Faculty panel –** We hold afaculty panel to consider a matter in detail. This is either a formal academic appeal or part of the formal stage of either a fitness to practise or disciplinary matter.

**University panel –** We hold a University panel only in relation to fitness to practise or disciplinary matters where you may be excluded from the University.

**Review panel –** We may hold areview panel if your request for a review shows that we should reconsider an earlier decision. As such, a review panel allows us to review a decision made at an earlier stage relevant to a particular University procedure or policy.

Where necessary, academic appeals panels consider academic appeals and are made up of three members of staff from the register of staff approved by the Student Complaints, Appeals and Discipline Committee (‘SCAD Register’) who have no previous knowledge of you or your case, and who are not from the same school or college as you. The panel will not normally need to meet you or representatives of your school or college, but may ask for a meeting if it feels this would be useful. The panel will decide whether the academic appeal is justified, and whether any action is necessary.

**Membership**

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 is known to one or more of the panellists. We will invite a member of the Students’ Union Executive to serve as a fourth panellist on all panels we hold. However, the panel will still go ahead if a member of the Students’ Union Executive is not available to attend.

**Faculty panels** have three members.

* An executive dean, an associate dean, or a head of school (or someone they nominate) will chair the meeting.
* Two senior 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.

**University panels** have three members.

* A member of the Vice-Chancellor’s Office (or someone they nominate) will chair the meeting. The Student Complaints, Appeals and Discipline Committee will approve and keep under review details of senior members of University staff who are nominated to chair University panels.
* Two senior members of University staff who have 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.

**Review Panels** have three members.

* A member of the Vice-Chancellor’s Office (or someone they nominate) will chair the meeting. The Student Complaints, Appeals and Discipline Committee will approve and keep under review details of senior members of University staff who are nominated to chair review panels.
* Two senior members of University staff who have 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.

We will invite a member of the Students’ Union Executive to serve as a fourth panellist on all panels we hold. However, the panel will still go ahead if a member of the Students’ Union Executive is not available to attend.

**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** – Faculty panels are 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. University and review panels are clerked by a member of staff from Appeals and Resolutions. The clerk is allowed to be present during all private meetings of the panel.

**Observers** – Up to two observers may attend any panel for training purposes. Observers are allowed to be present during all private meetings of the panel.

**Faculty and service department representatives** – Up to two representatives of the relevant faculty or service department may be present during the panel meetings. The chair of the panel may decide which members of University staff are required to attend − a written statement may be accepted if the representative is unable to attend. Faculty and service department representatives may take a companion to the panel meeting for support. Faculty and service department representatives do not have to wear the uniform of their relevant profession or training at the meeting.

**Witnesses** –witnesses may be present during the panel meetings. If there is a choice of witnesses that may attend, the chair of the panel will decide which witnesses are required to attend. Each witness may take a companion to the panel meeting for support. Witnesses do not have to wear the uniform of their relevant profession or training at the meeting.

**Companions –** Each of the following people at a panel meeting may take one companion to panel meetings for support.

* You
* Each faculty and service department representative
* Each witness

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. A companion may ask for a comfort break to be called, and may talk quietly with the person they are accompanying, as long as this does not interfere with the panel meeting. Apart from this, it is not expected that the companion will need to speak during the panel meeting as everyone at the meeting will be expected to speak for themselves.

**Personal representative –** In exceptional circumstances, and as long as you arrange this beforehand, if you are unable to attend a panel meeting you may be able to ask another person to represent you. 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**

Where possible, we will arrange panel meetings at a time when it is possible for you to attend and they may take place on any of the University’s campuses. Panels are authorised to go ahead without you if any of the following apply.

* You have failed to respond to our requests for details of your availability or other communications we have sent you about holding a panel meeting. In these circumstances, the clerk is responsible for demonstrating to the panel chair that we have made all reasonable efforts to contact you using the contact details we have for you, and that there has been no indication that you have not received the communications.
* The panel meeting is scheduled to take place during your normal term time, and you have not given us a valid reason for rescheduling the meeting. Valid reasons for rescheduling a panel meeting are limited to the following.
* You have a sudden and severe illness, and have independent medical evidence to confirm this.
* Your dependant has a sudden illness and you are the usual or main caregiver.
* Your dependant’s usual caring facilities are unexpectedly unavailable.
* Lectures, exams or assessments are taking place at the time of the panel meeting.
* You have employment or placement commitments that cannot be avoided.

Your companion not being available at the time of the meeting is not a valid reason for rescheduling a panel meeting. We will reschedule a panel meeting only once, and only if we accept a valid reason.

**Panel duties and possible outcomes**

Each panel’s duties depend on the level of the panel and also the matter being considered. Faculty and University panels will need to consider the matter in detail and full information is provided in each of the University’s procedures.

All decisions will be reached based on the balance of probabilities – a panel will decide whether it is more likely than not, based on the evidence considered, that the case is or is not justified.

The panel clerk will have access to any previous cases you have been involved in. They will only reveal information about these if a case against you is found to be justified and if the penalty the panel intends to set could be affected by knowledge of the previous case.

The panel will have no knowledge of or right to consider any other matter that may be ongoing with the University, and may limit reference to other such matters as necessary. On rare occasions, information is revealed during the course of a panel that is outside that panel’s area of responsibility but which is likely to affect the panel’s decision. In these circumstances the meeting should be immediately adjourned while we decide how to proceed. The chair of the panel may take advice from the clerk if necessary. However, if it is possible for the panel to disregard the information, it may choose to continue at that time. If we need to investigate the information before the panel can continue, the meeting will be closed until we have dealt with the matter.

**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 before the panel meeting. In all cases, panels meet privately both before and after meeting with you and the other people who are invited to attend. However, the panel will offer you and the faculty or service department representative enough opportunities to give comment and respond to queries related to the panel’s duties. Unless the chair tells you otherwise, if you have any questions you want to ask anyone else at the panel meeting, you should raise these with the chair.

We may reasonably adjust the process for panel proceedings 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.

The following is a guide to both fitness to practise and disciplinary panel proceedings.

* The panel meets privately.
* You, your companion and the faculty and service department representatives are invited to join the meeting.
* The chair will welcome everyone to the meeting, and will:
* introduce all those present;
* explain the purpose of the meeting including the panel’s duties;
* explain the procedural matters the panel will consider, including the order these will be considered in, and how to request a comfort break; and
* tell you when you can expect the panel’s decision.
* The chair will invite the faculty and service department representatives to set out a brief summary of the investigation they have carried out and the evidence being considered by the panel.
* The panel may ask you or the faculty and service department representatives questions to clarify the information they have presented.
* The chair will invite any witnesses to join the meeting and to set out a brief summary of what they are witness to.
* The panel may ask you, the witnesses or the faculty and service department representatives questions to clarify the information you or they have presented.
* The chair will invite you to respond to the evidence against you and any justification of your actions as presented to the case officer during the investigation.
* The panel may ask you or the faculty and service department representatives more questions until it has enough information to reach a decision.
* The faculty and service representatives will have the opportunity to make any final comments.
* You will have the opportunity to make any final comments.
* You, your companion and the faculty and service representatives will be asked to leave the meeting.
* The panel meets privately to reach a decision.

The following is a guide to review panel proceedings.

* The panel meets privately.
* You, your companion, and faculty and service department representatives are invited to join the meeting.
* The chair will welcome everyone to the meeting, and will:
* introduce all those present;
* explain the purpose of the meeting including the panel’s duties;
* explain the procedural matters the panel will consider, including the order these will be considered in, and how to request a comfort break; and
* tell you when you can expect the panel’s decision.
* The chair will invite you to explain why you are not satisfied with the outcome of the earlier stage that has been completed.
* The panel may ask you or the faculty and service representatives questions to clarify the information you or they have presented.
* The chair will invite the faculty and service representatives to respond to your explanation of why you are not satisfied with the outcome of the earlier stage.
* The panel may ask the faculty and service representatives or you more questions until it has enough information to reach a decision.
* The faculty and service department representatives will have the opportunity to make any final comments.
* You will have the opportunity to make any final comments.
* You, your companion, and the faculty and service department representatives will be asked to leave the meeting.
* The panel meets privately to reach a decision.

**Panel documents**

You will receive an identical copy of the documents the panel is considering at least five working days before the meeting. As you are responsible for providing all evidence you feel is relevant to your case at the most appropriate time, we expect you to have supplied the evidence either during the investigation or at an earlier stage. Or, if you request a review on the grounds of new evidence, we expect you to have provided the evidence with your request for a review.

Unless the panel chair agrees, you or the faculty or service department cannot provide any further evidence once the clerk has distributed the panel documents. If the panel chair agrees, certain information may be removed from the evidence if including it would otherwise break the confidentiality of someone who is not at the panel meeting or which could affect the panel’s ability to carry out its duties. The panel may ask for more information or documents after the meeting if this would help it reach a decision either on the case, or any remedy being offered. In these circumstances, the clerk will record in the panel outcome what information the panel asked for and how this affected the decision reached or remedy offered.

**Panel decision**

Not everyone on the panel has to agree on the panel decision – the panel can issue a majority decision. If there are four panellists and the decision is tied, the chair has authority to make a binding decision on behalf of the panel. You will receive the panel’s decision in a letter within 10 working days of the panel meeting. The letter is the official record of the meeting and is not intended to be a word-for-word report of the meeting, but will set out the relevant details about the meeting, including:

* the names of everyone who attended;
* the matters considered (and, if relevant, the matters the panel decided not to consider);
* relevant facts on which a decision has been based;
* the finding for each matter or allegation considered (justified or not justified); and
* if relevant, specific information about any offer being made, any penalty being set or any conditions that will apply to any ongoing or future studies with the University.

A Fitness to Practise or disciplinary panel decision giving only the outcome will be sent within 5 working days of the hearing date; a full report of the hearing, including reasons for the outcome, will be sent within 10 working days of the hearing date.

A review panel decision completes the University’s procedure for a matter and will contain information about the Office of the Independent Adjudicator for Higher Education (OIA).