Procedure for convening a hearing of the Senate Discipline Committee (SDC) to consider an allegation of a “major” offence

Jurisdiction
1) A hearing of SDC will be convened to hear any allegations of “major” offences referred to it by the Chair or Deputy Chair.

Membership
2) A quorum of five members of the SDC will attend a discipline hearing and will be comprised of:
   • The Chair or a Deputy Chair.
   • Two members of staff, drawn from the panel of fifteen members of staff, who may also be a Deputy Chair.
   • Two student representatives drawn from those nominated by Durham Students' Union.
   • At least one member shall be a man and one a woman.

3) No member attending a disciplinary hearing should have been involved in the matter at an earlier stage. If necessary, the Vice-Chancellor and Warden shall appoint another Deputy Chair to serve for a particular case.

Prior to the hearing
4) A hearing of the SDC shall normally be held within six weeks of the Chair or Deputy Chair referring an allegation of a “major” offence.

5) Upon referral of a “major” offence allegation to SDC the student accused will be contacted in writing within 5 days and informed and notified of:
   • General Regulation IV – Discipline and any other University regulations, procedures or codes of practice relevant to the allegation;
   • the report of the AUO referring the “major” offence to SDC and any evidence or supporting information relating to the “major” offence;
   • two weeks' notice of the date to appear before SDC;
   • the right to call witnesses (if willing, in all cases) in defence at the student’s discretion and to advise the Secretary to SDC, one week in advance of the hearing, of the names of any witnesses who have agreed to appear;
   • the right to contact their college student support office or Students' Union for assistance with responding to the “major” offence allegation;
   • to right to be accompanied at the hearing, by a member of the University community or by a member of the Students' Union (if willing, in all cases);
   • the right to submit relevant supporting information for SDC to consider at the hearing. Any such documents must be submitted one week in advance of the hearing in order that may be distributed with the agenda and papers for the hearing.
   • The right to submit a final written statement three working days before the hearing. The student’s statement may set out any relevant additional information to bring to SDC’s attention (e.g. an account of mitigating circumstances where the student wishes to admit the offence or evidence to support a rebuttal of the offence).
6) Relevant information about the student’s conduct at the University from or on behalf of the Head of the student’s College and the Head of the student’s Department will be sought in advance of the hearing for circulation as part of the agenda and papers. Where the Head of College or Head of Department is acting as AUO, another member of staff from the College or Department shall be asked to provide the statement.

7) The agenda and papers for the hearing will be sent out one week in advance to the student accused, members of SDC attending the hearing, and the AUO. Except for the student’s final written statement, following circulation of the agenda the Chair or Deputy Chair attending the hearing will have discretion whether to allow additional witnesses or accompaniers to attend or to accept additional papers submitted by the student.

8) Where necessary in the circumstances and with prior agreement, a participant may attend a hearing in a virtual capacity (e.g. telephone or video conference). Details of the procedure to be followed will be specified in advance.

9) If the student does not appear on the date of the hearing and SDC is satisfied that reasonable attempts were made to communicate the date of the hearing to the student, the hearing may proceed and the appropriate sanction imposed in the student’s absence.

10) The “major” offence allegation against the student will be introduced by the AUO who referred the matter to SDC or by another officer authorised to act by the AUO.

11) The SDC Chair for the hearing may call and seek evidence from any member of the University before the hearing and postpone the hearing as a result. In all cases the student will be informed of the reason for any delay in the normal operation of the procedure and provided with any changes to the agenda and papers of the hearing.

12) Prior to the start of a hearing, SDC will conduct a private meeting to review the agenda and papers, any additional papers submitted following circulation and to consider any questions to be asked of the participants.

At the hearing:

13) The AUO, student accused, any persons accompanying them will enter the hearing. The Chair will confirm receipt of the agenda and papers and, if necessary, will note any substantial changes to the circulated agenda and papers and the order of the hearing.

14) SDC shall have power to adjourn, continue or postpone a hearing once it has begun or require the removal of any participant at the hearing where they cause disruption to the effective operation or conduct of the hearing.

15) At the hearing, normally the AUO will speak first and the student second. The order of appearance and any statements by witnesses or accompaniers will follow as specified by the Chair.

16) At the hearing, both the student and the AUO may question and be questioned by each other and by members of SDC. If present, the Head of Department and/or the Head of College or those members of staff representing the Head of Department or Head of College and all witnesses may be questioned by each party and by members of SDC. The Chair may request at any time that questions be directed through the Chair.
17) A member of staff attending may be accompanied at the hearing by a member of staff of his or her choice (if willing, in all cases). Anyone accompanying one of the participants may speak to the Committee only with the Chair’s permission.

18) At the end of the hearing, the AUO will be invited to make a final statement followed by any final statement from the student. The student's final statement may set out an account of mitigating circumstances where the student wishes to admit the offence or evidence to support a rebuttal of the offence. The student may ask to make the statement with only SDC members or may ask that the student's accompanier make the statement for them.

19) All participants at the hearing will withdraw

**Following a disciplinary hearing**

20) SDC will hold a private meeting to consider its decision.

21) Within 7 days of the hearing, the SDC Secretary will inform the student of the outcome of the hearing.

22) Normally within 14 days of the hearing, the student will be provided with notes of the hearing which will set out the reasoned decision of SDC and summarise the facts found and considerations which led it to reach its decision. The Secretary of SDC will also inform the student of any further actions to be taken as a result of the decision and the right of request a review when any further actions are complete. The student will be kept reasonably informed of progress in the case.