

Guidance for Students regarding the conduct of remote Misconduct and Fitness to Practise Committees

The University is committed to the maintenance of academic integrity, standards of behaviour (including professional standards for students registered on fitness to practise programmes) and its support for students who are involved in conduct and fitness to practise procedures. As part of this commitment, the decision has been taken that where a hearing is necessary to determine the outcome of a case, where possible, this will be conducted via video-conferencing, such as Skype for Business or Zoom. However, if the University considers that holding a hearing would unacceptably compromise the integrity of its processes or lead to unfairness for either party, it may decide to postpone the hearing until other arrangements can be made.

The use of video-conferencing means that cases can go ahead without delay. However, the University will also be mindful of the needs of students.

All other procedures relating to hearings will remain unchanged, as set out in the Code of Practice on Misconduct and Fitness to Practise Committee as appropriate for each cohort.

Before the Committee

Prior to the hearing, you will be asked to confirm:

- that you will be in a private location on the day of the hearing (that means a place where nobody should be able to overhear you)
- the location from which you will be calling
- that you have a secure internet connection (that is you have a secure WiFi connection or are using a VPN)
- the name of any Friend who is accompanying you (if relevant)
- the names of any witnesses you will be calling and a brief outline of the evidence you expect them to give

If you have any concerns, then you should raise these when providing the information requested above.

Further information about secure internet connections can be found on the Information Commissioners' Website: <https://ico.org.uk/your-data-matters/online/wifi-security/>

Friend

Your Friend can be another registered student of the University of Birmingham, an academic member of staff or full-time (Sabbatical) Officer of the Guild.

If you wish to be accompanied by a Friend, it is your responsibility to arrange for them to attend, so you must inform them of the date and time, and if relevant, Meeting ID. You must also provide their contact details, such as their name, Student ID number, email address and Skype ID (if relevant), to Student Conduct, Complaints and Appeals (SCCA) (or relevant member of staff for College Misconduct and Fitness to Practise Committees) at least 5 working days before the hearing.

Your Friend may either be in the same room as you (subject to appropriate social distancing) or can also attend by video-conferencing, provided you have given us their contact details (such as their University email address). If the meeting is to be held by Zoom, we could provide the facility for you to have a virtual break-out room so you could speak your Friend privately during any adjournments in the Committee hearing.

Please be aware that your Friend cannot also be a witness. The role of the Friend is to support you during the hearing. They may make a statement for you but they cannot answer questions on your behalf.

The proceedings are conducted in English and if you wish to speak with your Friend during the hearing and whilst the Panel is present, this should be in English. A Friend cannot translate questions or answers during the meeting.

Further information about being a Friend can be found in the 'Guidance for Friends' document: <https://intranet.birmingham.ac.uk/as/registry/policy/conduct/documents/public/friends-guidance-pdf-20kb.pdf>

Witnesses

If you wish to call a witness (or witnesses), it is your responsibility to arrange for them to attend, so you must inform them of the date and time and if relevant, Meeting ID. You must also provide their contact details (such as their name, email address or Skype ID, if relevant) and a brief outline of the evidence you expect them to give to SCCA (or relevant member of staff for College Misconduct and Fitness to Practise Committees) at least 5 days before the hearing.

The witnesses are not allowed to hear parts of the hearing in which they are not taking part. The Secretary will invite any witnesses into the hearing at the appropriate time and will have to leave the meeting once they have given their evidence.

Technical Arrangements

If the hearing is by Skype for Business or Zoom, then a meeting invite can be sent to you and any Friend or witnesses in advance of the meeting. You should not forward the meeting invitation on to anyone else, except your Friend and any witnesses you are calling – anyone else will not be allowed to join the meeting as all participants will be verified before being permitted to join it. The Secretary will allow you (and any Friend) into the hearing at an appropriate time.

If the hearing is by Skype, you will need to provide your Skype ID (and those of any Friend or witness) to SCCA (or relevant member of staff for College Misconduct and Fitness to Practise Committee) so that the Secretary can contact everyone at the appropriate time during the hearing.

The hearing must not be recorded by you, your Friend, the Case Presenter, witnesses or Panel members. You and/or your Friend are welcome to take written notes during the Committee. The Secretary will document the Committee and a copy of the outcome report will be sent to you by email, normally within five working days of the hearing.

On the day of the hearing

You should:

- be in a location where you can be on your own (or with a Friend, subject to appropriate social distancing) and have privacy;
- check that the volume of your device is appropriate, so that you can hear and participate during the whole of the meeting, but not so loud that the meeting may be heard elsewhere;

- you have a copy of the paperwork with you (you will have been sent at least one email containing the papers the Committee will consider);
- you have some note paper and a pen with you so that you can write down any questions you may want to ask, or statements you want to make (or some other means of noting important points or questions you may wish to ask);
- you have anything else you may need, such as a glass of water, headphones or earphones, or some tissues.

Absence from the hearing

The date of the hearing will have been arranged some weeks in advance, based on the availability of the Committee members. If you find that you are unexpectedly unable to attend, you must email conduct@contacts.bham.ac.uk (or the relevant member of staff for College Misconduct and Fitness to Practise Committees) immediately to advise them of this. If no contact is received from you, the Committee may decide whether to proceed in your absence.

If on the day of the hearing you experience difficulties making contact, you will need to email conduct@contacts.bham.ac.uk (or the relevant member of staff for College Misconduct and Fitness to Practise Committees) immediately to advise them of this or any difficulties you are experiencing. If no contact is received from you, the Committee may decide whether to proceed in your absence.

If any witness does not attend/or cannot be contacted, the Committee will decide whether to proceed in their absence or adjourn the hearing.

During the hearing

The hearing will proceed in the order as outlined in the Guidance for Misconduct and Fitness to Practise Committee (which you should have been sent along with the date of the Committee and Committee papers).

If you need to refer to the Committee papers during the hearing, please use the page number, which will normally be printed at the bottom of each page of the whole bundle of papers so that everyone else (the Committee and the Case Presenter) can find the document you are referring to.

At the start of the hearing, the Chair will explain to everyone present how it will be conducted and how, for example, you can indicate if you are experiencing any issues. You should inform the Chair as soon as possible if:

- you have any questions about what is happening;
- if you are having any technical difficulties;
- you cannot hear something or need a question/statement to be repeated;
- you cannot understand something or need a statement or question to be rephrased or explained;
- you wish to have a break;
- you need to consult with your Friend.

If anyone experiences any technical difficulties, the meeting should immediately stop and efforts will be made to resume the hearing. The Secretary may try and message you using the functions in Skype for Business or Zoom, or they may email your University email address with regard to resolving the technical difficulties.

If the technical difficulties start to unreasonably impact the progress of the hearing, a decision will be made as to whether to:

- adjourn the hearing, with the aim of reconvening with the same (or a different) panel at a later date, or
- if the technical difficulties are only with the connection to you the Committee may proceed with the hearing as if you were absent.

After the end of the hearing

After the final statements, you (and your Friend) and the Case Presenter will leave the hearing. You will not be allowed back into the hearing.

After the Committee has made its decisions, the Secretary will write an outcome letter and report which details what the Committee has decided and what this means for you. You will normally be sent the outcome letter and report within five University working days of the Committee. If there will be a delay for any reason, you will be informed of this as soon as possible.

Further information

Information about the College Misconduct and Fitness to Practise Committee can be found on this webpage: <https://intranet.birmingham.ac.uk/as/registry/policy/conduct/CMC/College-Misconduct-and-Fitness-to-Practise-Committee.aspx>