

## **Guidance for Witnesses on remote Misconduct and Fitness to Practise Committees**

### **Pre-amble**

This is a short guidance note if you have been called to give evidence in Misconduct or Fitness to Practise Committee hearings. You have been asked to attend the hearing because:

- you may have completed an Examination Irregularity Report or Markers' Report Form
- you are an expert on the issue being considered
- you observed an incident or have concerns regarding a student's conduct, for which you have provided a statement

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.

This will ensure that cases are dealt with as promptly as possible, whilst being 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**

If you are asked to attend a Committee as a witness you will need to:

- provide your contact details (such as email address) at least 5 days before the hearing
- ensure that you have a confidential space in which to participate in the hearing, or be able to use devices (such as headphones or earphones) which would help maintain confidentiality.

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)
- that you have a secure internet connection (that is you have a secure WiFi connection or are using a VPN)

If you have any concerns, then you should raise these at the earliest opportunity, such as in your response to these queries.

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

### **Technical Arrangements**

If the hearing is by Skype for Business or Zoom, then a meeting invite can be sent to you in advance of the meeting. The Secretary will allow you into the meeting at an appropriate time.

You should not forward the meeting invitation on to anyone else – they will not be allowed to join the meeting as all participants will be verified before being permitted to join it.

If you fail to attend, the Committee will decide whether to proceed in your absence or adjourn the hearing.

### **On the day of the hearing**

You should ensure that you:

- will be in a room where you can be on your own 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;
- have a copy of your statement or other relevant documentation with you;
- read your statement and any appendices and refresh your memory on the key issues;
- write down any statements that you want to make to the Committee
- anticipate any questions the student, Case Presenter, or Committee may have, particularly if there are any discrepancies or issues of dispute and prepare accordingly;
- have anything else you may need, such as a glass of water, headphones or earphones, or some tissues.

### **The hearing**

The hearing will proceed in the order as outlined in the Guidance for Misconduct and Fitness to Practise Committee. When you are allowed into the hearing, the Chair will explain how you can indicate if you are experiencing any issues.

At the hearing:

- Remember that you are not giving evidence “for the prosecution” or “for the defence”; your role is to provide information to the Committee and answer questions asked by the Case Presenter, student or Committee;
- You should normally address your answers to the Chair of the Committee;
- You should always answer truthfully and accurately, regardless of whether that supports or contradicts the allegation;
- Keep your responses factual, unless you are specifically asked for your opinion;
- Keep calm;
- If you are asked a question which you consider to be inappropriate, rude or irrelevant, seek guidance from the Chair as to whether the question should be answered;
- If you are a School Expert witness in cases of plagiarism or examination irregularities, ensure that you can inform the Committee about the programme requirements, weightings, the and progression route into future years.

You are not allowed to hear parts of the hearing in which you are not taking part. The Secretary will invite you into the hearing at the appropriate time and will have to leave the meeting once you have given your evidence. Once you have left the hearing, it is possible that the Committee may decide to call you back for further questioning. Please ensure that you remain contactable in case this need arises.

You should not discuss the matter or your testimony with any other witnesses.

### **Documentation**

If you have been sent any documentation before the hearing, such as a previously provided witness statement, and you need to refer to this during the hearing, please use the page number, or relevant appendix number, which will normally be printed at the bottom of the page so that everyone else (the Student, the Case Presenter and Committee members) can find the document you are referring to.

### **Issues arising during the hearing**

You should inform the Chair as soon as possible if:

- if you are having any technical difficulties;
- you cannot hear something or need a question/statement to be repeated;
- you encounter issues with maintaining confidentiality.

If anyone experiences any difficulties, the meeting should immediately stop and efforts will be made to resume the hearing.

If technical difficulties start to unreasonably impact on the progress of the hearing, the Committee will need to decide whether to:

- adjourn the hearing briefly and attempt to re-connect to all parties and proceed as normal
- adjourn the hearing, with the aim of reconvening with the same panel at a later date, or
- the Committee may proceed with the hearing.

### **Confidentiality**

The meeting should not be recorded digitally or in any other way by you, the Committee members, Case Presenter, Student or their Friend.

You should not discuss the case with colleagues, the student, any other witnesses or Committee members.

### **After you have given your evidence**

After you have made your statement and been questioned by the Student, Case Presenter and Committee, you will leave the hearing. You will not be allowed back into the hearing. Please be aware that you cannot also act as a 'Friend' to the Student during the meeting.

### **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](mailto: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.