

**08.10**

**UNFAIR PRACTICE COMMITTEE OF  
ENQUIRY**

**NOTES OF GUIDANCE FOR CHAIRS  
AND MEMBERS**



## **UNFAIR PRACTICE, COMMITTEE OF ENQUIRY**

### **Notes of Guidance for Chairs and Members**

#### **1. Preparation for the Committee of Enquiry**

- 1.1 Notes relating to the case will be sent to the Chair and other panel members in advance. Therefore, the Chair should be thoroughly acquainted with the details of the case and the procedures relating to the Committee of Enquiry (CofE) before the initial meeting.
- 1.2 A brief, initial meeting is called between the Recorder (normally a member of Academic Registry staff) and the panel to discuss and clarify details and procedures.
- 1.3 During the brief, the Chair should ensure that the panel are happy with the case papers and any specific areas of concern and confirmed amongst the panel. If the case relates to collusion with more than one student present, the panel should decide before the case begins the order in which they would like to see the students (after the case has been presented to them all together).

#### **2. Roles and Responsibilities**

- 2.1 **Recorder:** The recorder is present as clerk in order to record the Committee meeting and its outcomes, and provide support and advice during the meeting and final deliberation. This person is impartial and does not participate in discussions but can be asked by the Chair to clarify matters of procedure. If additional information is required during the meeting, the panel can ask the recorder to obtain this information before the proceedings continue, or during the deliberation of the outcome.
- 2.2 **Presenter:** The Head of the Academic Registry or nominee presents the case for Cardiff Met and is, therefore, not impartial. The role is to present the case and to question the student and any witnesses. They do not control the Committee or take part in the decision making process and should not be asked to clarify matters of procedure. The presenter presents the facts of the case, following the information provided in the briefing document by Regulations and Research. Examples should be given which the panel and student can refer to during the meeting, and clarification from the student on their understanding can be asked. The presenter can ask initial questions to

determine the ownership of the work in question, and any further questions considered as relevant.

2.3 **Chair:** The Chair has the role of controlling the Committee, ensuring that all business is conducted fairly, reaching a final decision with the panel and verbally communicating this to the student. The chair must ensure that the proceedings continue in order, and that the student does not attempt to present their case at the first moment, but that the structure of the meeting is followed.

2.4 **Panel:** Panel members question the student and any witnesses. If the panel have any queries relating to the case papers, these should be discussed with the Recorder during the briefing session. Panel members can question the student at any point during that section of the meeting. With the Chair, they deliberate on the details of the case and reach a final decision.

### **3. Introductory Remarks**

#### 3.1 Introduction

The Chair should:

- welcome all present;
- note that this is a Committee of Enquiry to consider an instance of alleged unfair practice;
- they should remind everybody that this is a formal committee and all present must turn-off their mobile phones and all other electronic devices;
- they should remind everybody present that these procedures are very serious and that nobody can now enter or leave the room without the express permission of the Chair;
- it should be stated that all discussion that occurs during the meeting must only be conducted in English or Welsh;
- if anyone (except an observer) does leave the room the Chair must suspend the Committee (until that person returns)
- introduce members of the Committee;
- note that the Committee will:
  - (i) hear the case
  - (ii) make a decision based on the available evidence and balance of probabilities
  - (iii) if the allegations are upheld, decide upon an appropriate sanction and communicate these to the student verbally;
- introduce the Case Presenter who will present the case for Cardiff Met;
- introduce the Recorder who is clerk and will record the case.

#### 3.2 General overview of the proceedings

The Chair should indicate the structure of the proceedings to all present:

- the Head of the Academic Registry or nominee will be invited to present the case for Cardiff Met;
- in instances where more than one student is being questioned, they should be separated at this point, and swapped over once the witness and first student have been questioned;
- any witnesses (for either the programme team, or student) will be called and questioned by the Head of the Academic Registry or nominee first and then by the panel;
- where there is no witness present, the witness statement will be discussed at this point;
- the student (or the student's representative) will have the opportunity to question witnesses;
- the Head of the Academic Registry or nominee will be invited to question the student;
- the panel will question the student;
- the student (or the student's representative) will have the opportunity to refute the Cardiff Met case and to present their own.
- the student, the student's representative and the Head of the Academic Registry or nominee will then leave while the panel deliberates and reaches a decision;
- the student, student's representative and the Head of the Academic Registry or nominee will be invited to hear the final decision (if the allegations are upheld, this will include the sanctions to be applied);
- for collusion cases, each student should have their outcome given to them individually. In instances where both/all students have the same outcome, the Chair can elect to present the outcome to all students concerned, at the same time;
- there is no opportunity for the student, or the student's representative to question the decision at this point.

The above order of proceedings may be varied at the discretion of the Chair.

### 3.3 Follow-Up Procedures

The Chair should outline the procedures that take place following the Committee of Enquiry:

- the student will receive written confirmation of the decision and the report **normally within 5 working days**;
- if the student has **appropriate grounds**, they will have an opportunity to appeal against the decision. They cannot appeal simply because they are unhappy with the decision;
- details of the appeals procedure will accompany the written confirmation of the Committee of Enquiry decision.

### 3.4 Should the student or representative have any questions relating to the outcome, these should be answered by the Recorder, who can also clarify procedures if necessary. These questions can be completed outside of the meeting room once the outcome has been presented.

#### **4. The Committee of Enquiry**

4.1 The Committee of Enquiry should then commence and be conducted according to the processes outlined at 3.2 above.

4.2 General principles of Chairing the Committee should include:

- taking firm control of the order of events;
- ensuring that questioning and presentation of evidence remains directly relevant to the case under investigation;
- ensuring that the student always has the opportunity to speak last in order to refute the Cardiff Met case if desired;
- being aware that situations have the potential to become confrontational or emotional and taking necessary action to deal with such situations (e.g. providing 'time out', ensuring that comments go through the Chair etc.).

#### **NB**

At the end of the proceedings and before the Chair asks the Case Presenter and Student to leave them to their deliberations, it is worth reminding the student that after they have made their decision they will invite the Student, their representative and the Case Presenter back in to hear the decision. However, they cannot question the decision here today but if they have **appropriate grounds** (as outlined in the appeal procedure) they may be entitled to appeal the decision. A copy of the appeal procedure will be sent to them in writing along with their formal outcome letter and the report *normally* within five working days.

It is worth reiterating these points when they return to the room to hear the decision.

#### **5. Committee of Enquiry by Correspondence**

5.1 If confirmation has been received that a student will be withdrawing from the programme, a Committee of Enquiry will be held via correspondence. Cases can also be held via correspondence if the student has stated either that they are out of the country, or that they do not wish to attend the meeting, and are happy for it to be conducted in their absence. In all instances the student will be invited to submit a statement that will be representative of their defence for their case, and will be included in the case papers.

5.2 Panel members will be contacted by the Academic Registry and the documentation will be produced and circulated in the same way as though for a Committee of Enquiry meeting. Regulations (as above) relating to consideration of evidence by both the School and the student would still apply.

- 5.3 The members will communicate with each other and make the decision on whether the allegation should be upheld or not, and whether the Unfair Practice can be substantiated or not. If upheld, the penalties will also be decided. This would also remain in line with the above regulations and guidelines on the imposition of penalties and the resolution of decisions. All correspondence and completion of the case should be kept within a 2 week (10 working day) time-scale. The discussions will all be completed via e-mail and will include in the distribution list, a member of Regulations and Research who will follow discussions, and provide advice where necessary.
- 5.4 The Chair will confirm the outcome in writing to Registry, who will contact the student. A record will also be kept on the student's file of the outcome of the decision, and outcomes forwarded to the Programme team.
- 5.6 In cases of a Committee of Enquiry by correspondence, the student would retain the right to appeal. (See Appeal section in Volume 1 of the Academic Handbook, section 7.)

For any queries relating to this procedure or Committees of Enquiry in general, please contact The Academic Registry on [regulationsunit@cardiffmet.ac.uk](mailto:regulationsunit@cardiffmet.ac.uk)

All information relating to Unfair Practice can be found under section 8 of the Academic Handbook.