

## Royal Academy of Dance Faculty of Education

### Procedures for Hearings by Panel

#### 1. Introduction

- 1.1. As part of students' engagement with their programme of study, all students are required to observe the Royal Academy of Dance's (RAD) and Faculty of Education's Student Charter, codes of conduct, policies, and regulations outlined in the Learning and Teaching Handbook and available on the RAD website and the Virtual Learning Environment (VLE).
- 1.2. The Faculty of Education is committed to supporting all students throughout their entire student journey at the Royal Academy of Dance but on occasion may need to make a decision which may have a significant impact on a student's ability to continue with his/her studies. Such a decision is usually made by a panel of Faculty of Education staff at a hearing. In most cases, panel hearings are preceded by other processes, such as meetings with the student, investigations or informal or formal discussions.
- 1.3. The necessity to convene a panel hearing may arise from the following policies and procedures:
  - 1.3.1. Academic Misconduct and Disciplinary Offences Policy and Procedures
  - 1.3.2. Attendance Policy
  - 1.3.3. Fitness to Practise Policy and Procedures
  - 1.3.4. Fitness to Study Policy and Procedures
  - 1.3.5. Grounds for Concern Procedures
  - 1.3.6. Student Grievance and Complaints Policy and Procedure
- 1.4. The request to convene a panel will normally be made to the Director of Education or designate by the Programme Manager following these policies and procedures or the Lead Academic Integrity Officer for cases of suspected academic misconduct.

- 1.5. All hearings shall be conducted in accordance with the principles of justice, fairness and proportionality.
- 1.6. The term 'student' refers throughout to both students and trainee teachers.
- 1.7. The Faculty of Education shall provide training and support to those members of staff invited to serve as members of panels under this guidance.

## **2. Purpose**

- 2.1. The role of the Panel is to consider formally whether a student can continue on his/her programme of study and/or what sanctions or penalties, if any, should be imposed. It meets to review all evidence, establish the facts and to make a decision on the student's case.
- 2.2. It must take into account both the interests of the public, in particular the safeguarding of children and adults at risk, and those of the student, and act in a proportionate way. Where a student has been suspended pending the outcome of an initial investigation, the suspension from study is extended pending the outcome of the Panel hearing.

## **3. Membership**

- 3.1. The Director of Education nominates a member of Faculty of Education staff to act as Chair and appoints a Servicing Officer. The Chair of the panel is a senior academic staff member who was not part of the formal discussion and has no current academic connection with the student (or students).
- 3.2. Membership of the panel will depend on the nature of the case under discussion. Details of the membership are specified in the policy or procedure that lead to the convening of the panel. The student has the right to object to a panel member and the Chair should be notified of the objection before information about the case has been disclosed to panel members.

3.3. Panel members usually are:

- 3.3.1. Chair
- 3.3.2. Programme Manager or Lead Academic Integrity Officer
- 3.3.3. One other member of staff unrelated to the case

3.4. Other attendees at hearings include:

- 3.4.1. Student
- 3.4.2. Servicing Officer

and as appropriate:

- 3.4.3. Student Support and Welfare Officer
- 3.4.4. Module tutor or dissertation supervisor
- 3.4.5. Friend of student
- 3.4.6. Member of staff from the Placement Partnership where the concern about fitness and suitability to teach was initially raised
- 3.4.7. Witness(es)

3.5. The student will be invited to attend the panel hearing and at that point has the opportunity to object to a panel member. The student should contact the Chair immediately on receiving the invitation if he/she has objections against a panel member and give reasons for the objections.

3.6. The student is permitted to be accompanied at the Panel hearing by a friend or representative of their choosing. In a Panel hearing, the friend or representative accompanies the student in a supportive role. They may speak to the student during the hearing and may speak for the student (with their permission) but may not contribute to the hearing in any other way. Where the student intends to be accompanied in this way, they are required to inform the Chair, at least three working days before the panel hearing, of the friend's or representative's details, the nature of their relationship and whether the friend or representative is a legal professional.

3.7. The Panel procedure is not a legal process but an academic procedure. Where a student insists on legal representation in a hearing by a Panel the Faculty of Education also requires legal representation. In this circumstance, it may take longer to convene the Panel.

#### **4. Support for student**

- 4.1. The Programme Manager or Lead Academic Integrity Officer will ensure that appropriate support and pastoral care is offered to the student. Support from the Student Support and Welfare Officer is available to the student.
- 4.2. Reasonable adjustments to the procedure, including the extending of deadlines for student responses, will be made subject to the receipt of relevant evidence which demonstrates the need for those adjustments.

#### **5. Confidentiality**

- 5.1. The Faculty of Education deals with cases presented to a panel in confidence, to the extent that this is compatible with making enquiries and holding hearings to consider the matter. Personal data may be provided by the student, collected from tutors and other persons relating to a case, and/or taken from publicly available sources such as social media. Any personal data obtained will be stored in line with data protection legislation and in accordance with the Faculty of Education's *Records Retention Schedule*.

#### **6. Standard of Proof**

- 6.1. The standard of proof applied by a Panel is that of the balance of probability; that on the evidence put forward it is more likely than not that something was or was not the case.

#### **7. Procedure**

- 7.1. The Chair, nominated by the Director of Education, will convene a panel with members as detailed in the policy or procedure that the case follows. The Chair will arrange a time and date for the panel hearing as well as a meeting space or video conferencing software.
- 7.2. Not less than five working days before a proposed panel hearing, the Chair writes to the student to:

- 7.2.1. confirm the date, time and place/video conferencing software for the Panel hearing
  - 7.2.2. provide a copy of any material that will be considered, if relevant, and a copy of the procedures to be followed by the Panel
  - 7.2.3. invite the student to prepare and present their case (and submit it in writing if they wish to do so) and/or submit any special circumstances in mitigation
  - 7.2.4. remind the student that they can seek support from the Student Support and Welfare Officer and that they may be accompanied at the Panel by either the Student Support and Welfare Officer or a friend
  - 7.2.5. remind the student of the possible outcomes of a panel hearing, as appropriate
- 7.3. Where the student is not able to attend the panel, the student may make a written representation. In exceptional circumstances, where a student is not able to represent themselves in person or in writing, they may be represented by a third party at the discretion of the Chair.
- 7.4. A student can attend the panel in person or via video conferencing. Where a student is unable to attend the panel on the specified date and time they can request an alternative, provided there are valid reasons supported by appropriate evidence. If a student fails to respond to communications regarding a panel hearing or is absent without explanation, the panel will proceed in the student's absence.
- 7.5. While panel procedures are intended to be concluded as speedily as possible, the Panel has the power to postpone a hearing pending any investigation by the police or prosecution in the courts or where medical reports are awaited.
- 7.6. The Chair of the Panel shall have the right to adjourn the hearing as he/she deems appropriate.
- 7.7. The Panel shall order its proceedings at its discretion. The Panel may call witnesses and instigate enquiries to assist in its deliberations. The student shall also have the right to call witnesses. The panel has the ability to consider evidence at the hearing and may also request further evidence in relation to the case.

- 7.8. If appropriate, the Panel members and student are provided with copies of all evidence relating to the case three working days prior to the Panel hearing, such as Formal Discussion Reports, any evidence provided by the student, submitted written statements and letters relating to extenuating circumstances.
- 7.9. When the Chair is satisfied that the Panel has completed its hearing and given the student a full opportunity to present his/her case, the student and all non-Panel members (other than the Servicing Officer) shall withdraw and the Panel will discuss the findings in a timely manner.
- 7.10. The Chair will confirm the decision, together with the reasons underlying it, and any timeframe, conditions or penalties applying, in writing to the student within five working days of the panel hearing. A copy of the confirmation letter will be kept on the student's file.
- 7.11. A record will be kept of all evidence received by the Panel as well as a full set of the notes of the hearing taken by the Servicing Officer to the Panel.

## **8. Outcome**

- 8.1. The potential outcomes of a panel hearing are detailed in the relevant policy or procedure to ensure they are appropriate for the case and can include continuation of studies, sanctions, warnings, penalties applied to marks and/or a suspension or termination of registration.
- 8.2. The Chair will inform the Director of Education, the Registrar and/or the validating university of the panel outcome if required by the relevant policy or procedure. The policy or procedure will also specify whether a professional or government body will need to be notified of the outcome, such as the Teaching Regulation Agency or the Department for Education.
- 8.3. The student may be advised to seek guidance from the Student Support and Welfare Officer/Registrar with regard to funding implications of a panel hearing outcome.
- 8.4. If the student feels that the processes detailed in this and associated policies and procedures have not been applied correctly or that the Faculty of Education has not reached a reasonable decision, the student

may lodge an academic appeal or request a review as specified in the relevant policy or procedure. The Chair of the Panel will also be able to advise on the appropriate process.