

SGUL Hearing Committee

SGUL PRESENTING OFFICERS

HEARING COMMITTEE ROLES & Representatives

Chairing Hearing Committees

Dr Robert Nagaj | SGUL Procedures

# **SGUL Presenting Officer**

**Role**

* Review all evidence in a fair, objective and balanced manner
* Prepare and write a coherent SGUL case
* Review and/or add new relevant information that has come to light in the period between the IO concluding their investigation and the Hearing
* Present SGUL case to the Committee
* Assist the Hearing Committee in navigating through evidence
* Question the student

**Written case: Before you begin**

1. You are dealing with a real situation - abandon academic attitude.
2. Facts > guidelines/law
   * 1. *'What has happened?’*
     2. '*Why is it a problem?’*
     3. *‘Is there more than one issue?’*
3. Process, guidelines, rules, law are just means to an end.
   1. use guidelines to FORM your case/advice on the facts, not the facts as an excuse to form an opinion on the guidelines/law
      1. NOT: *When does student conduct amount to dishonesty?*
      2. BETTER: *Does this student's act/statement amount to dishonesty?*
4. Provide clear advice to the Committee.
   * 1. *What will they need to make a decision?*
5. ASSIST the Committee to make sense of the facts - often no clear-cut answer

**The thinking process: Preparation**

1. What are you asked to do?
2. **Primary question:** what does the Committee need to decide on, e.g. FTP? Sanctions?
3. **Absorb and organise the facts** KEEP AN OPEN MIND!
   1. keep organising/marshalling facts with an open mind (note taking, schedules, time plans, diagrams, etc.)
   2. Identify MATERIAL FACTS clearly: Facts vs opinions; be clear when you are expressing opinions
   3. Discard irrelevant material
   4. Identify MATERIAL ISSUES and map all evidence (facts) against each issue
   5. List all issues in order of importance/severity, then how much evidence you have
4. Construct a **framework.**
   1. Guidelines, rules, law
      1. List ALL relevant ones
      2. Group them into themes
      3. Each them will constitute a separate issue
   2. Use rules/regulations to organize your case
   3. Identify questions that need to be answered
   4. Identify gaps in evidence : either request more info, or, if not practicable, be aware where the gaps are

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| **FRAMEWORK EXAMPLE: MISCONDUCT**   1. Relevant examples of behaviour - evidence 2. Persistent, clear pattern 3. Did SGUL provide opportunity to get to know the guidelines 4. Impact of behaviour on patients (current or future)/colleagues/profession 5. Third party or SGUL contribution, e.g. provocation 6. What has been done to correct student behaviour so far 7. Mitigation: personal circumstances, external pressures (unforeseeable and foreseeable) |

1. Consider **implicit questions**

* *Do I have a good case?*
* *How strong is the evidence?*
* *Is anybody else involved?*
* *Are there issues relating to student's welfare?*
* *Is the issue a representation of a larger problem involving more people?*

1. **Plan the outline** of the case
2. Make a **recommendation** to the Committee

Usually two-fold decision

* + - 1. *Has fitness to practice been impaired?* STANDARD: Balance of probabilities; If no —> no case to answer
      2. If yes, indicate *the severity of the impairment* then indicate *which outcome* is appropriate - you must comment on each outcome

1. Is my case **balanced**?

* *have I identified ALL material facts*
* *have I given appropriate weighting to evidence?*
* *have I acknowledged mitigating circumstances both unforeseeable and foreseeable*
* *does my knowledge and experience cloud my judgement? Remember that the Commitee may take a different view*

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| **OUTLINE EXAMPLE**   1. Write a skeleton plan 2. Unity which you understand and can find your way around it and assist the Commitee 3. Shape and structure 4. Who is the student - relevant details and background 5. Chronology of events: what happened 6. SGUL case: what is your case & what do you want the Commitee to decide 7. Relevant guidance extracts 8. Sanctions: discuss each in turn 9. Name and date 10. Identify the gaps |

**The writing process: putting your case on paper**

1. What your case is **NOT**:

* a legal argument
* an essay
* an instruction
* a submission
* a witch hunt
* an attempt to paint a unilateral dark picture of the student

2. What your case IS:

* balanced account of facts
* assistance for the Commitee
* summary of issues and relevant guidelines
* explanation of the SGUL position
* advice to the Committee on what outcome SGUL wants

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| **Good case has many of the following features:**   * clear * written in plain English * well-structured with clear headings * divided numbered paragraphs * one issue per paragraph - may include mitigation * chronological and logical * coherent * brings together relevant evidence from different sources * avoids irrelevance and trifling issues * signposted/referenced to evidence clearly * balanced - includes your take on the mitigating factors |

## Hearing Committee

**Composition**

* Student with or without a representative
* Presenting Officer
* Clerk
* The Committee

*The Hearing Committee shall consist of seven members who have not previously been concerned in the case (including being Investigating Officer), or have provided pastoral care for the student and ideally have not been teachers of the student in question. These shall be:*

1. *A senior member of SGUL academic staff – who will be the Chair*
2. *Lay member*
3. *Student from another Higher Education Institution*
4. *Clinician from another Higher Education Institution or Trust*
5. *Psychiatrist from SGUL*
6. *One clinician from SGUL from the same profession as a student is studying*
7. *Course Director (from a course other than the student’s)*

**Order of the proceedings**

*!Can be altered if advance notice, but resist pressures to change on the day - role of Chair*

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| **Order of the proceedings**   1. Introductions 2. Changes to the procedure 3. SGUL Presenting officer presents the SGUL case 4. Student's response 5. SGUL Presenting officer’s questions to student 6. Representative or accompanying person makes a statement (optional) 7. Questions from the Committee members 8. SGUL Presenting officer’s closing statement 9. Student’s closing statement 10. Committee considers the case in private (Clerk present) 11. Student and representative withdraw 12. Committee considers decision |

## SGUL Officer at the hearing

**Presents Oral SGUL case to the Commitee**

* Prepare a bundle
* Use your **skeleton plan**: only the most important points (the Committee have read the papers and your written case)
* **Make clea**r what the issues are, provide a balance view and offer to expand if the Commitee wish you to do so
* **Keep progressing the case**
* Invite the Committee to consider **all outcomes**, but be clear about **the SGUL recommendation**
* **Listen** to student's case carefully
* Write down any **questions**
* **Avoid** speculation and opinions

**Responds to student’s case**

* Prepare questions in advance
* Listen, listen, listen! during the hearing
* Do I need to ask?
* Closed or open?
* No need for cross-examination (XX), exceptionally may be useful if witnesses brought in

**Questions the student**

* Is it worth it? - If after student’s statement the case remains strong, do not prolong the agony!
* Remember, listening first.
* Look out for:
  + *“I don’t recall”*
  + *“I don’t know”*
  + *“I agree with most allegations”*
  + *“As a general rule”*
  + *“It really doesn’t matter”*
* Closed or open questions: for closed, you should already know the answer
* Dealing with factual contradictions
* Dealing with evasive answers

**Questioning tips:**

* Tip No. 1 Do not ask questions! LISTEN
* Other tips:
* ask simple, single, clear questions
* ask for facts
* sometimes for opinions (?) when e.g. showing issues with integrity - only if you have a clear reason

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## hearing committee chair

* knows the documentation inside-out
* manages process and contributions
* final say re procedure and conduct of the parties and Committee members
* ensures all parties can speak freely without intimidation
* questions through the Chair
* moderates Committee discussion
* respects dissenting views but avoids conflicts

## representatives

\*Representatives – includes supporters e.g. friends/family etc. Regardless of who the supporter or representative is, **students should speak for themselves**

* Can make a statement at the end
* They are also humans with multiple competing pressures
* Preparation variable
* Good ones: presenting the best possible case for the student - but that’s what we all want for max fairness and balance!

**Whatever the representative says, progress your case:**

* keep progressing your case
* keep calm
* respond using facts, very powerful when you can point out the exact place in the documentation
* ignore personal attack, the Committee will see through these
* take questions from the student and only through Chair and vice versa
* refocus them by asking to present the strongest case for the student
* keep asking for evidence and facts
* Chair should deal with inappropriate behaviour
* don't agree to anything that would make you uncomfortable
* address the Committee and take questions only from Chair