

A Motion to Ensure the Fair Trial of Students by the University PASSED 29 October 2009

Proposer: Anna Thomlinson (Sports Officer) su.sports@uea.ac.uk

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Notes:

1. That at the end of the last academic year the LTC (Learning and Teaching Committee) of the University approved a set of proposals for a review of the disciplinary systems at UEA.
2. That these proposals included an explicit statement saying that the burden of proof should be the "balance of probabilities".
3. That until now the burden of proof has been undefined and left to the sitting committee to decide.
4. That this shift/redefining of the burden of proof was brought in due to student reps on the discipline committee refusing to "convict" on what they viewed as insufficient evidence.
5. That the discipline committee has the power to impose fines of up to £400 and to recommend the expulsion from the University of student members.
6. That the burden of proof in criminal conviction is "beyond reasonable doubt"

Believes:

1. That the closest comparison in national law to the normal disciplinary process is the criminal courts because of the power to impose sanction for any behaviour not just breach of contract or on the basis of a complaint.
2. That the burden of proof being "balance of probabilities" is unacceptable and goes against any sense of natural justice.
3. That while we believe a discipline system is appropriate to protect the innocent on campus it cannot have the faith of students in its new form.
4. That without the consent of those it covers no system of justice can be considered legitimate.
5. That this change is well meaning on behalf of the University but still wrong.
6. That the burden of proof in all discipline cases brought before the full discipline committee should be "beyond reasonable doubt".
7. That all the above undermines the presumption of innocence in discipline committee cases.

Resolves:

- 1. To instruct all Union representatives to express our displeasure with the new arrangements both in person and where appropriate in writing.**
- 2. For the Academic Officer to make this clear to both the Vice Chancellor, Pro V/C (Academic) and discipline committee chairman ASAP.**
- 3. To publicise this issue to the membership.**

January 28 2010 Council amended the resolution by removing resolves 3. The original resolves 4, thus became Resolves 3. The text of the deleted resolves had read: "Without prejudice to later Council decisions, to delegate the power to the executive committee to instruct our representatives not to attend the meetings of the discipline panel, effectively rendering it unable to sit on many cases. This power should be exercised unless a clear intention to redress this

issue, on the terms set out above, is expressed by the appropriate staff of the University by week 10 of first semester 09/10."