

University of Leicester – Procedure for Legal Representation in Discipline Investigations

1. The University of Leicester's discipline procedures are **internal University Procedures and are not formal legal processes**. The procedures follow the principles of natural justice and include the right for students to be accompanied by a friend or representative at all stages of the disciplinary process. It is strongly recommended that students seek support and guidance from the Students' Union or Standing Together, as they are independent and familiar with the Regulations and Procedures of the University.
2. As the disciplinary procedures are not formal legal processes, students should not generally require a legal representative at disciplinary hearings/meetings.
3. The University's regulations do not permit students to be legally represented in misconduct interviews. Students are welcome to seek legal advice in advance of the interview at their discretion.
4. Students also do not have an automatic right to legal representation at a discipline hearing. If they wish to be represented at a hearing, they must apply for permission in writing to the Student Conduct team at least five working days before the scheduled date of the hearing, by email to studentconduct@le.ac.uk. Students must include in their request the name of the proposed representative and the rationale for their request.
5. It is at the discretion of the Chair whether or not to grant permission for legal representation, advised by appropriate colleagues including the Head of Student Conduct, Complaints and Resolution, the Academic Registrar or internal/external legal representatives. The Chair will take into account the reason for the request and assess it applying the following criteria:
 - The seriousness of the allegation
 - Whether any points of law are likely to arise
 - The capacity of the individual to understand the allegations against them
 - Procedural difficulties, such as the need to cross-examine witnesses
 - The need for fairness between the parties
 - The need to avoid delay
6. The Chair will reach a decision on the request for legal representation ("the decision") as soon as possible, to allow the student and their representative time to prepare. The hearing will be postponed to accommodate this, if necessary.
7. The decision of the Chair is final and there is no right of appeal under this Procedure against the decision.
8. Students are reminded that engagement of legal advice or representation may add additional time or complexity to their case, which may impact procedural timeframes.
9. The University will not usually be represented at the hearing by an individual who is legally qualified, but reserves the right to seek internal or external legal advice, or seek representation at the hearing if necessary. The student and/or their representatives will be notified in writing, at least three working days before the scheduled date of the hearing, if the University intends to have its own legally qualified person in attendance.

10. In the event of a reported student being legally represented, the University's legally qualified person may also provide guidance to the reporting student during a hearing, if they are not legally represented and should this be required. This will not extend to representing or advocating for the student.

11. The role of the University's legally qualified person will be to:

- Provide the Committee with any advice and guidance required for it to properly perform its function (whether or not advice is requested) including on any questions of law, evidence, procedure and its powers
- Assist the Committee to formulate its reasons and the recording of those reasons
- Ensure that the case is conducted fairly
- Assist with questioning witnesses and/or the parties in order to clarify any issues in the case
- Assist unrepresented parties to present their case (without acting as advocate)
- Raise any concerns about possible irregularities in the conduct of proceedings

The role will not extend to playing any part in the making of findings of fact.

12. Permission for legal representation may be accompanied by conditions (depending on the circumstances) to preserve the informal nature of the internal procedure. For example, the legal representative may be asked to:

- Attend in a supportive capacity only (i.e., not ask or answer questions for you)
- Pre-submit their questions
- Address any questions/advocacy through the Chair, rather than directly to the reporting student/witness
- Request the attendance of the reporting student/s or witness/es in advance, and give reasons for the request.

13. Legally qualified support persons/representatives will be clearly informed of the nature of the proceedings, that they are not a legal process and will not be conducted as such. The evidence will be taken as read and not fully rehearsed at the hearing, and any questions will be for the purposes of clarifying accounts.

14. Where the decision is not to grant permission for legal representation, we recognise that the student may require additional time to find alternative support. They must submit any request to delay any scheduled hearing/meeting to the Student Conduct team within three working days of the date of notification that permission for legal representation has not been granted.

15. The refusal of permission for legal representation at a panel hearing does not prohibit or limit a student's right to seek legal advice.

16. The University also reserves the right to seek legal advice on any internal student casework procedure, if deemed necessary to do so, which may include a case where a student has not been granted legal representation.

17. The student will be responsible for paying all costs for any legal advice they engage concerning their case including the costs associated with any permitted legal representation; the University will not reimburse these legal costs.

Jon Putnam
Head of Student Conduct, Complaints and Resolution

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Related Regulations and Procedures

[Senate Regulation 11 - Regulations governing student conduct and discipline](#)