

LTC09D081

**Title:** LTC Reviews – Professional Misconduct and/or Unsuitability procedures  
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### **PROGRESS ON THE REVIEW OF PROFESSIONAL MISCONDUCT AND/OR UNSUITABILITY**

This Review Group has met and considered the issues raised by the review of disciplinary procedures in general. It was asked to look at the first draft procedure for dealing with allegations of professional misconduct and/or unsuitability, and noted that:

- the draft procedure proposed two investigations: (i) an initial inquiry conducted by the Head of School to determine whether the allegation warrants further action and investigation and (ii) an investigation conducted under the auspices of the Senate Discipline Committee (SDC), to gather further information on the case if needed. Members expressed concern about the length of time that these investigations could take. No consensus could be reached, on the question of whether the SDC should appoint an investigator to gather more information on its behalf prior to the hearing;
- members agreed that the Head of School should continue to be able to suspend the student either before or after s/he has interviewed the student; as immediate suspension is warranted in some cases, to safeguard the interests of all parties. Nonetheless, the Head of School must still invite the student to a meeting as soon as possible;
- in relation to the question of whether an allegation should remain on a student's file if no prima facie case had been made, members felt that, if the Head of School considered that there were no concerns and no further investigations were required, then nothing should remain on the student's file and that student would merely feature as an anonymised statistic on reports monitoring disciplinary trends. If, however, the Head of School had concerns but these were not sufficient to amount to a prima facie case, the Head of School should write a letter to the student and set out those concerns. The letter would then be kept on the student's file whilst the student remained at the University;
- with regards to the handling of anonymous allegations, members concluded that the Head of School and the Chair of the SDC should know the identity of the person making the allegation. If the Head of School were to receive a phone-call from an anonymous source and found that, despite not knowing the identity of the person, the allegation(s) were so serious that further action must be taken, then the Head of School becomes the "alleger" for procedural purposes. Under these circumstances, the Head of School must find collaborative evidence to substantiate the allegation(s). Members were made aware that not all Professional bodies would accept anonymous allegations. Members were of the view that, in making an anonymous allegation and not volunteering to be named, the allegor may be acting unprofessionally;
- members agreed that students should be permitted to call witnesses to hearings but "character witnesses" should be explicitly prohibited. Witnesses' role was to provide clarification to the Committee, not to act on behalf of the student (or the School);

- the student must receive a written account of the allegation(s). In some cases, it was possible that the student was not fully aware of what s/he had been accused of, until the official pack of documentation was issued by the Secretary of the PMU Committee;

From January 2010, this Review Group shall join the review of disciplinary procedures. Further consideration will be given to the writing of procedures for handling allegations of professional misconduct and/or unsuitability.

Prof Geoff Moore  
February 2010