

UNIVERSITY OF EAST ANGLIA

1. PROCEDURE FOR DEALING WITH ALLEGATIONS OF PROFESSIONAL MISCONDUCT AND/OR PROFESSIONAL UNSUITABILITY

- 1.1 Allegations against a student of professional misconduct and/or professional unsuitability shall be made in writing to the Head of the School offering the professional course.
- 1.2 It must be borne in mind that an allegation of professional misconduct and/or professional unsuitability is a serious and potentially defamatory one. Consequently it is essential that the proceedings should be conducted on a basis of strict confidentiality.
- 1.3 On receipt of a written allegation, the Head of School, in consultation with the relevant Course Director, shall:
 - (a) take such immediate action as is deemed appropriate in the circumstances to safeguard all relevant parties, but without prejudice to the outcome of the enquiry;
 - (b) where possible, interview the student and inform the student in writing of the nature of the allegation made;
 - (c) inform the student in writing of the nature of the action taken under 1. 3 (a) above;
 - (d) provide written information on the procedures for dealing with the allegation;
 - (e) appoint, after consultation with the Director of University Services or his nominated representative, a senior member of academic staff, normally from the relevant subject discipline within the School, to act as investigating officer. The investigating officer shall assemble impartially the evidence relevant to the allegation and shall prepare a written report for the Head of School which shall not pass judgement for or against the accused nor recommend a particular course of action.
- 1.4 If the Head of School deems that no *prima facie* case has been made against the student the Head shall immediately inform the student in writing.
- 1.5 If the Head of School deems that a *prima facie* case has been made against the student the Head shall refer the case as expeditiously as possible to the Senate Student Discipline Committee. The Committee will sit in Mode C to deal with an allegation of Professional Misconduct and/or Unsuitability. Members of the Panel shall be confirmed by the Vice-Chancellor acting on behalf of the Senate and comprise: a Chair who shall be a member of faculty from another School of Studies, one non-student member of the Senate Student Discipline Committee, one member of faculty with appropriate status within the relevant discipline (who does not need to be a member of the

Senate Student Discipline Committee) and one external representative from the relevant profession. The Chair and members of the Committee shall have had no association with the teaching of the student appearing before the Panel. Wherever possible, the Panel shall be of mixed gender.

- 1.6 Neither the student's adviser/supervisor, nor the investigating officer, shall be members of the Panel.
- 1.7 The Secretary of the Senate Student Discipline Committee sitting in Mode C to deal with an allegation of Professional Misconduct and/or Unsuitability shall be the Director of University Services or his representative.
- 1.8 The Head of School shall submit to the Secretary of the Senate Student Discipline Committee (Mode C: Professional Misconduct/Unsuitability) such evidence, including the report of the investigating officer, as the Head of School shall deem fitting. The Secretary shall send copies of the evidence to the members of the Panel and at the same time to the student concerned and shall convene a meeting of the Panel as soon as possible. The Head of School may nominate witnesses to give evidence at the hearing. If witnesses are to be called, their names and contact addresses should be submitted to the Secretary along with the evidence referred to above. All witnesses must have some relevance to the case and for each witness proposed, a brief supporting statement must be provided by the Head of School. The decision of the Chair of the Panel shall be final regarding the witnesses to be called.
- 1.9 The Panel may also nominate witnesses, the decision of the Chair regarding the witnesses to be called being final.
- 1.10 The summons to the student shall be delivered to the student's University email address and contact address at least five working days (Saturdays, Sundays and University closure days excepted) before the meeting of the Panel. The summons should include details of the nature of the allegation, mode and membership of the Panel, the name of the Presenter of the case (normally the Head of School), the name(s) of any witness(es) called and the date, time and place of the hearing. The student may nominate witnesses in accordance with the terms indicated in paragraph 1.8 above (except that the brief supporting statement shall be provided by the student) and submitted to the Secretary at least two working days (Saturdays, Sundays and University closure days excepted) prior to the hearing. The decision of the Chair of the Panel regarding witnesses to be called shall be final.
- 1.11 Within this same timescale, the student may also provide the Secretary with a statement concerning the allegations against him or her and/or any additional written evidence as he or she considers relevant to the case. Such information submitted will be circulated to the Chair, Panel members and the Presenter in advance of the hearing by the Secretary.
- 1.12 The Committee shall proceed in quasi-judicial fashion and the case shall be presented by the Head of School. The Panel shall allow the student against whom allegations have been made to present his/her case in person and, if the student wishes, to bring to the hearing a friend, colleague or representative who can represent the student. Equally, the Head of School also has the right to bring a friend, colleague or representative to the hearing except that the Head of School as Presenter of the case shall not present his/her case via a representative. The names and contact addresses of such friends, colleagues or representatives should be notified to the Secretary at least two working days (Saturdays, Sundays and University closure days excepted) prior to the hearing.
- 1.13 The Panel shall consider the oral and/or written evidence of the Presenter

- (normally the Head of School), and of the student. It shall have the power to seek such other evidence as it deems necessary.
- 1.12 The hearing may proceed in the absence of the student if due notice of the meeting has been served to the student and no good reason of absence has been provided by the student. The hearing may proceed in the absence of witnesses if due notice of the meeting has been served to the witnesses and no good reason of absence has been provided.
- 1.13 The ruling of the Chair on any point of procedure shall be final.
- 1.14 The Panel may exonerate the student from the allegation(s) presented against him/her or determine that on balance of probabilities, the student committed wholly or in part the alleged offence(s). If the Committee finds the student guilty of professional misconduct and/or of professional unsuitability, the Panel shall have the power to exclude on a temporary basis or permanently expel him or her from further study in the University. The Panel may also impose such other penalty as it considers appropriate, provided that no such penalty requires or implies a concession or exemption under the Regulations governing the award of degrees. Penalties imposed which require or imply a concession or exemption under the University's regulations, are subject to approval by the Pro-Vice-Chancellor (Academic) and the Deputy Director of University Services.
- 1.15 When the Panel has reached its decision the Secretary shall inform the student in writing within five working days, giving reasons for the decision, and shall copy this communication to the Head and to the Senior Advisor of the student's School. The student shall be informed of the right to appeal against the decision in accordance with section 2.
- 1.16 If the student is found guilty of professional misconduct and/or professional unsuitability, the Head of School and the Director of University Services shall decide whether a report should be made to the relevant professional, regulatory and/or statutory body.

2. PROCEDURE FOR APPEALS AGAINST DECISIONS OF THE STUDENT SENATE DISCIPLINE COMMITTEE (MODE C: PROFESSIONAL MISCONDUCT/UNSUITABILITY)

- 2.1 Written notice of appeal by the student must be lodged with the Deputy Director of University Services within five working days (Saturdays, Sundays and University closure days excepted) of the student having been informed of the decision by Senate Student Discipline Committee (Mode C: Professional Misconduct/Unsuitability).
- 2.2 If a student makes an appeal, s/he must state whether the appeal is made against the finding of the Senate Student Discipline Committee (Mode C: Professional Misconduct/Unsuitability) or the penalty imposed or both the finding and the penalty.
- 2.3 For an appeal to be considered, there must be at least one of the following grounds:
- (a) that evidence put to the Senate Student Discipline Committee was not fully or properly considered;
 - (b) that there was procedural irregularity in the conduct of the Senate Student Discipline Committee hearing (Mode C: Professional Misconduct/Unsuitability);

- (c) that there was prejudice and/or bias and/or appearance of prejudice and/or bias in the conduct of the hearing by the Senate Student Discipline Committee (Mode C: Professional Misconduct/Unsuitability);
 - (d) that the penalty imposed was excessive;
 - (e) that there is new information to be put forward that was not known to the Senate Student Discipline Committee (Mode C: Professional Misconduct/Unsuitability) that for good reason was not presented to the original Senate Student Discipline Committee (Mode C: Professional Misconduct/Unsuitability);
- 2.4 In the event of an appeal the Deputy Director of University Services will review each appeal received, and will check whether it has been submitted within the specified time limit or whether there is good cause to account for submission outside the specified time limit and whether or not it meets at least one of the conditions set out in paragraph 2.3 above warranting further consideration by the Senate Student Discipline Appeals Committee. If s/he concludes that there are no grounds for further consideration of the appeal, the Deputy Director of University Services will refer the appeal to the Chair of the Senate Student Discipline Appeals Committee. The Chair will review the decision and the student will be informed by the Director of University Services of the outcome in writing within fifteen working days of receipt of the appeal form. If the rejection of the appeal is confirmed by the Chair, this decision is final and there is no further right of appeal in the University. Paragraph 2.16 below explains how a complaint can be pursued outside the University.
- 2.5 If the Director of University Services decides that the appeal does warrant further consideration and should be accepted the student will be informed in writing within 10 working days of the receipt of the appeal form.
- 2.6 If the appeal is accepted solely on the grounds that there is evidence that there was procedural irregularity in the conduct of the Senate Student Discipline Committee hearing (Mode C: Professional Misconduct and/or Unsuitability), the Director of University Services will refer the appeal to the Panel Chair of the Senate Student Discipline Committee (Mode C: Professional Misconduct and/or Unsuitability) to remedy the procedural irregularity. Provided that there are no further procedural irregularities in this part of the process, there shall be no further right of appeal in the University. Paragraph 2.16 below explains how a complaint can be pursued outside the University.
- 2.7 If the appeal is accepted on grounds other than stated under paragraph 2.6 above, the Chair of the Senate Student Discipline Appeals Committee shall review the appeal submission and shall assemble a Senate Student Discipline Appeals Panel sitting in Mode F which shall be confirmed by the Vice-Chancellor acting on behalf of the Senate. Members of the Senate Student Discipline Appeals Panel shall be drawn from the approved list of members as set out in the UEA Calendar. Where appropriate, additional members put forward by the Chair and confirmed by the Vice-Chancellor may also be included to hear the case. The Senate Student Discipline Appeals Committee shall normally comprise: a Chair who shall be from a different School from that in which the appellant is registered, one non-student member of the Senate Student Discipline Appeals Committee, one member of faculty with appropriate status within the relevant professional discipline (who does not need to be a member of the Senate Student Discipline Appeals Committee) and one external representative from the relevant profession. The Chair and

- members of the Senate Student Discipline Appeals Panel shall have had no association with the teaching of the student appearing before the Senate Student Discipline Appeals Panel. Where possible, the Panel shall be of mixed gender. Members of the original Senate Student Discipline Panel (Mode C: Professional Misconduct/Unsuitability) dealing with the case shall not be eligible to sit on the Senate Student Discipline Appeals Panel considering any subsequent appeal.
- 2.8 The Secretary of the Committee shall be the Director of University Services or his representative.
 - 2.9 The Secretary of the Senate Student Discipline Appeals Committee (Mode F): shall send the appellant a written summons including details of the nature and grounds of the appeal, the mode and membership of the Panel, and as far as practicable, the names of any witnesses (normally including the Presenter of the case (normally the Head of the appellant's School) to the Senate Student Discipline Committee (Mode C– Professional Misconduct and/or Unsuitability) who are expected to attend the hearing and the date, time and place of the hearing. The summons of the hearing shall be delivered to the student's University e-mail address and contact address at least five working days (Saturdays, Sundays and University closure days excepted) before the meeting of the Panel.
 - 2.10 The student appearing in front of the Panel has the right to be accompanied by a friend, colleague or representative. Any witnesses may be accompanied by a friend, colleague or representative (except that the Head of School as original Presenter of the case shall not present his/her witness via a representative). The names and contact addresses of such friends, colleagues or representatives should be notified to the Secretary at least two working days (Saturdays, Sundays and University closure days excepted) prior to the hearing. The Panel may also permit the attendance of additional witnesses as it deems appropriate. The decision of the Chair of the Panel regarding witnesses to be called shall be final.
 - 2.11 The Panel shall have before it all documents relating to the original hearing, together with a written statement submitted by the appellant setting out the grounds for the appeal. The Panel shall not proceed by way of a re-hearing, but shall have power to require the presentation of such further evidence as it deems necessary. The ruling of the Chair on any point of procedure shall be final.
 - 2.12 The Panel shall have the same powers as the Senate Student Discipline Committee (Mode C: Professional Misconduct and/or Unsuitability) and may confirm the decision of the Senate Student Discipline Committee (Mode C: Professional Misconduct and/or Unsuitability) or may substitute a lower penalty or substitute such other decision as it considers appropriate. The Panel may also impose such other penalty as it considers appropriate, provided that no such penalty requires or implies a concession or exemption under the Regulations governing the award of degrees. Penalties imposed which require or imply a concession or exemption under the University's regulations, are subject to approval by the Pro-Vice-Chancellor (Academic) and the Director of University Services.
 - 2.13 When the Panel has reached its decision the Secretary shall inform the appellant within five working days (Saturdays, Sundays and University closure days excepted) of its decision and shall copy this communication to the Head and the Senior Advisor of the student's School.
 - 2.14 If any action had been taken under paragraph 1.16 above to inform the

relevant professional, regulatory and/or statutory body the Head of School and the Director of University Services shall decide whether any further report should be made to the professional, regulatory and/or statutory bodies concerned in the light of the decision of the Committee.

- 2.15 The decision of the Committee shall be final and shall not be subject to further appeal.
- 2.16 Students who are dissatisfied with the outcome of their appeal or whose appeal was rejected without a hearing may complain to the Office of the Independent Adjudicator for Higher Education (OIA). Details will be provided in the letter advising the student of the appeal's final outcome.

The Senate: June 1994

Updated (in respect of title of Committee): 1998 (in respect of title of Head of School): 2005

Updated: January 2011 (new Disciplinary Procedures introduced for academic year 2010/11)