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University of London

Ordinance 20 Student Disciplinary Action

These regulations are approved by Senate. They were most recently updated in September 2010.

- Effective date: September 2010

Institute of Education, University of London

Ordinance 20

Student Disciplinary Action

Version 2
Effective from September 2010

In accordance with the provisions of Statute 14(18) the purpose of this Ordinance is to prescribe procedures for the consideration and conduct of cases of disciplinary action in respect of a student on academic grounds or non academic grounds.

Introduction¹

- 1 This procedure governs the consideration and conduct of student disciplinary cases arising from both academic grounds and non-academic grounds, except where:
 - 1.1 this concerns assessment offences, for which a separate procedure is prescribed; and
 - 1.2 a case of alleged misconduct could also be considered under the Institute's Fitness to Practise Policy, when it may be considered under that policy.
- 2 In this procedure, any named officer may delegate his or her responsibilities to another appropriate member of the Institute and the procedure shall not be invalidated by an officer of the Institute acting in the place of another named in this Procedure.
- 3 Where this procedure provides for actions to be carried out within certain time periods, the Institute will use all reasonable efforts to comply with these time limits. Where the Institute is unable to comply with such time limits, it will provide the student with reasons for any delay, together with a deadline by which the action will be carried out.

Procedure for complaints of alleged misconduct- referral to the Deputy Director

- 4 A complaint regarding the alleged misconduct of a student, including a proposal that a student's membership of the Institute be terminated and/or that any other disciplinary action should be taken, shall be submitted to the Deputy Director (if appointed) or an Associate Director as soon as possible after the act complained of.
- 5 A report on academic grounds may be made only by the Dean of the relevant Faculty, and should be made in writing.
- 6 A report on non-academic grounds may be submitted by any person, and should be made in writing. The Deputy Director (if appointed) or an Associate Director will not normally consider anonymous reports, although in some circumstances the Deputy Director (if appointed) or Associate Director may, at his or her discretion in exceptional cases justifying such action (for

¹ Students subject to investigation or other action under this procedure may wish to obtain guidance from the Students' Union.

example, those concerning matters of potential health and safety of the reporter) withhold from the student affected the name of the complainant.

Interim suspension

- 7 In cases involving allegations of serious disciplinary offences, the Deputy Director (if appointed) or an Associate Director may, at his or her discretion in appropriate cases, suspend a student immediately pending consideration of the report under this procedure. Serious allegations which may lead to suspension include (but are not limited to) those concerning unprovoked acts of verbal or physical aggression.

Presumption of innocence

- 8 Any student whose conduct is considered under this Procedure, including a student who has been suspended, shall be presumed innocent until the allegations have been considered in accordance with the procedure prescribed below.

Initial investigation stage

- 9 On receipt of a report the Deputy Director (if appointed) or an Associate Director shall, as soon as possible:
 - 9.1 inform the student concerned in writing of the allegations made against him or her and that those allegations are being considered under this Procedure; and
 - 9.2 invite the student to respond, if he or she so wishes, within fourteen days of the date of the Deputy Director (if appointed) or Associate Director's notification.
- 10 When fourteen days has elapsed from the date of invitation to the student, the Deputy Director (if appointed) or Associate Director shall consider the complaint and any reply from the student, and may at that stage decide:
 - 10.1 to take no further action in relation to the report; or
 - 10.2 to refer the allegations for investigation by an Investigating Officer as prescribed below.
- 11 The Deputy Director (if appointed) or Associate Director shall inform the student of his or her decision under paragraph 10 above within seven days. If the decision is to refer the allegations to an Investigating Officer, the Deputy Director (if appointed) or Associate Director shall also inform the student of

the identity of the Investigating Officer.

Investigation

- 12 Alleged disciplinary offences referred under paragraph 11 above will be investigated in the first instance by an appropriate and impartial senior member of the Institute nominated by the Deputy Director (if appointed) or Associate Director as Investigating Officer.
- 13 The Investigating Officer shall obtain as much information as reasonably practicable about the allegation(s) and may interview the student and others, such as (but without limitation to) the complainant, other students or members of staff as appropriate. The Investigating Officer may, at their discretion, secure the attendance at such interviews of another member of the Institute's staff for the purpose of taking a record of the meeting. If the Investigating Officer decides that it is not possible or appropriate to invite the student for interview, they shall permit the student a reasonable opportunity to make written representations in response to the allegations.
- 14 The Investigating Officer shall prepare a detailed report for the Deputy Director (if appointed) or Associate Director containing:
 - 14.1 the facts established in the course of his or her investigations;
 - 14.2 a recommendation for further action, including whether the case should be considered by a disciplinary committee or that no action be taken.
- 15 When serious allegations are made which have resulted in the interim suspension of the student against whom the allegations have been made under the terms of paragraph 7 above, the investigation must normally be undertaken by the Investigating Officer within one week of the referral by the Deputy Director (if appointed) or Associate Director. All other allegations must normally be investigated within two weeks of the referral.
- 16 In some exceptional cases, for example but not exclusively, those:
 - 16.1 which are factually complex;
 - 16.2 for which investigations fall during the Institute's vacation periods; or
 - 16.3 where key individuals are for some reason not available for consultation by the investigating Officer,

it may not be possible for the investigating Officer to complete his or her investigations during the periods anticipated above. In such circumstances, the reasons for any delay in responding, together with a deadline by which a response will be provided, will be communicated to the student against whom

the allegation has been made.

Referral of allegation to Committee

- 17 The Deputy Director (if appointed) or Associate Director will review the investigating Officer's report within seven days of receipt of the report referred to at paragraph 14 above.
- 18 If the Deputy Director (if appointed) or Associate Director decides that the allegation should not be upheld, no further action will be taken and the student will be informed accordingly in writing by the Deputy Director (if appointed) or Associate Director.
- 19 If the Deputy Director (if appointed) or Associate Director decides that the allegation should be upheld and:
 - 19.1 the Investigating Officer considers the disciplinary breach to be such that the case should not proceed to the Committee stage as described below, the student will be given an oral warning regarding his or her future behaviour. Any failure by the student to adhere to that warning may be taken into account in the future when determining penalties under this procedure; or
 - 19.2 the Investigating Officer considers the disciplinary breach to be such that the case should proceed to the Committee stage, it will proceed in the manner described below.
- 20 The Deputy Director (if appointed) or Associate Director shall inform the student of his or her decision above within seven days.

The disciplinary committee

- 21 A disciplinary Committee shall be appointed by the Senate to consider allegations of academic and non-academic disciplinary misconduct issues under this Procedure ("the Committee").
- 22 The Committee may be a standing committee or a committee appointed for the specific purpose. Membership of that Committee shall be as follows:
 - 22.1 the Director or his or her nominee;
 - 22.2 a Dean of Faculty, other than the Faculty in which the student is registered;
 - 22.3 a member of the academic staff who is a member of the Senate;

- 22.4 a student member of Senate.
- 23 In either case, the Senate may appoint one of the Committee members to chair the Committee. In the absence of such appointment, the Committee shall appoint its own chair.
- 24 No member of the Committee shall have been previously involved with the investigation and/or otherwise involved in the allegations giving rise to consideration of the particular student's conduct under this Ordinance.
- 25 Any meeting of the Committee shall not be invalidated by the absence of any member, but the quorum for any meeting of the Committee shall be two, one at least of whom shall be the Chair who shall have an additional, or casting vote.
- 26 The Clerk of the Committee shall be the Academic Registrar or his or her nominee. The Clerk's role shall be to take a note of the Committee meeting and to advise on issues of procedure. The Clerk shall not participate in the deliberations of the Committee.

Notice of Committee meetings

- 27 Notice of the time, date and venue of the Committee meeting shall be sent in writing by the Clerk to the student against whom the allegation(s) being considered have been made at least fourteen days before the date of the meeting.
- 28 Such notice shall also state:
- 28.1 the allegation which the Committee shall consider; and
- 28.2 the names of any witnesses which, on the basis of the investigating Officer's report, the Committee proposes to call to give oral evidence at the meeting.
- 29 The notice shall be accompanied by copies of any documents, including those which have been obtained in the course of the investigating Officer's investigation, that are to be submitted to the Committee as evidence.
- 30 At least seven days before the meeting the student shall:
- 30.1 inform the Clerk:
- 30.1.1 whether he or she intends to attend the Committee meeting in person;
- 30.1.2 whether or not he or she wishes to be accompanied at the Committee meeting by a person of his or her own choice;

- 30.1.3 of the full name of any person accompanying the student (hereinafter called the "friend") and the capacity in which they will attend; and
- 30.2 forward to the Clerk any documents which the student wishes to submit to the Committee and the Institute as evidence.
- 31 The Clerk shall forward the information and documents referred to at paragraph 30 above to the members of the Committee and the party presenting the Institute's case. In the event that a student wishes to be accompanied by a representative in a legal capacity, the Institute may exercise a similar right to secure legal representation at the Committee meeting.

Procedure for Committee hearings

- 32 The procedure for the consideration of allegations under this procedure shall be prescribed by the Committee, but may typically include the following stages:
- 32.1 a person appointed by the Senate to present the Institute's case (who may be the Investigating Officer, but who shall not be a person appointed to serve on the Committee under paragraph 22 above) shall state the case for disciplinary action and may call witnesses. Such witnesses may be questioned by the student or the friend and re-examined;
- 32.1 the student or his or her friend shall state his or her case and may call witnesses who may be questioned by the person appointed by Senate to present the Institute's case, and re-examined;
- 32.3 the person appointed by the Senate may (with the leave of the Committee) recall witnesses and at the close of the evidence shall address the Committee;
- 32.4 the student or the friend may then reply;
- 32.5 the person appointed by the Senate and the student (and the friend) shall then withdraw while the Committee considers the case in private;
- 32.6 where possible, the Committee shall on the day of the hearing recall the representative of the Senate and the student (and friend) to hear its recommendation but the Committee shall in any event communicate to the student in writing both by first class post to the last postal address held by the Registry for the student and by email to the student's Institute email address its decision and the broad reasons for that decision as soon as practicable after reaching that decision. The Committee may, but need not, make known any findings of fact

established before it.

- 32.7 The Committee will also provide to the Deputy Director (if appointed) or Associate Director and to the person appointed by Senate the same information as is provided to the student.
- 32.8 The Committee shall notify the Senate of its decision and shall if the allegations are upheld, inform the student that the decision will be notified to the next meeting of Council. Where there is a recommendation to terminate a student's membership of the Institute, the Director shall inform the Senate of this recommendation. Where a termination of membership is proposed on academic grounds, the student shall have an opportunity of making representations in writing to the Senate or to any committee appointed by the Senate for that purpose. Substantiated allegations of harassment on grounds of race, gender, sexual orientation, disability or age will also be reported to the Institute's Equal Opportunities Committee through the relevant sub-committee.
- 33 The Committee may at its discretion adjourn the Committee meeting to a date, time and place fixed during the original meeting, or to a date to be notified in accordance with the provisions of paragraph 27 above.
- 34 If either the student or the representative of the Institute does not attend any meeting and fails to submit to the Committee an advance explanation for their non-attendance which, in the opinion of the Committee, is reasonable, the Committee, may, at its discretion, proceed with its meeting provided it is first satisfied that due notice of the meeting was given.
- 35 The meeting of the Committee shall be held in private but the Committee may admit as observers such persons as it shall in its absolute discretion deem fit on such terms as it may consider appropriate.

Appeals

- 36 The student may request that a review of their case be undertaken by submitting a request in writing to the Director of Administration. Such a review will be conducted by a standing appeals committee ("Appeals Committee") of three persons appointed from time to time by the Council, comprised as follows:
- 36.1 the Chair of Council or his or her nominee;
- 36.2 a co-opted member of Council;
- 36.3 a student member of Council (other than any student who has appeared as the appellant's friend as described above or been otherwise involved in the matter previously).

- 37 No member of the Appeals Committee shall have been previously involved with the investigation and/or otherwise involved in the allegations giving rise to consideration of the particular student's conduct under this Procedure.
- 38 The Clerk of the Committee shall be the Institute Secretary or his or her nominee. The Clerk's role shall be to take a note of the Committee meeting and to advise on issues of procedure. The Clerk shall not participate in the deliberations of the Committee.
- 39 Appeals shall be submitted to the Appeals Committee through the Institute's Secretary within fourteen days of the date of the decision letter sent by the Committee.
- 40 Where such an appeal is submitted, it shall be in writing and shall state the reasons for the appeal.
- 41 Students may appeal a decision of the Committee only on one or more of the following grounds:
- 41.1 irregularity in process;
 - 41.2 the coming to light of fresh evidence which was not available and/or could not reasonably have been presented at the time of the original Committee hearing;
 - 41.3 that the sanction or penalty imposed was excessive or inappropriate.
- 42 The procedure for the consideration of appeals shall be prescribed by the Appeals Committee, but it will generally comprise a consideration of the investigating Officer's report and other evidence placed before the Committee, together with the Committee's decision as communicated to the student under paragraph 32.6 above.
- 43 The decision of the Appeals Committee shall be communicated to the Institute's Secretary and he or she or his or her nominee shall inform the student in writing of the outcome within ten working days of the decision being reached. The student will also, at that time, be provided with a Completion of Procedures letter.
- 44 The decision of the Appeals Committee shall be final and shall conclude the Institute's disciplinary procedure.
- 45 In the event that a former student, or a student who has interrupted his or her registration, wishes to re-register, or to re-enter their degree, and there is any unresolved conduct issue arising either from academic grounds, or from non-academic grounds, or both, then:
- 45.1 the Institute will consider that conduct issue under such procedure as it considers appropriate; and
 - 45.2 the Institute reserves the right for the Disciplinary Committee and/or

the Appeals Committee to consider any previous decision taken by a Disciplinary Committee or an Appeals Committee when considering the penalty to be imposed.

Institute of Education, University of London

**Annex to Ordinance 20
Fitness to Practise Policy and
Procedure**

Version 2
Effective from September 2010

Introduction²

- 46 This policy ("Policy") and procedure sets out the Institute's approach for the consideration of issues relating to a student's fitness to practise.
- 47 In this Policy, any named officer may delegate his or her responsibilities to another member of the Institute and the procedure shall not be invalidated by an officer of the Institute acting in the place of another named in this Policy.
- 48 Where this policy provides for actions to be carried out within certain time periods, the Institute will use all reasonable efforts to comply with these time limits. Where the Institute is unable to comply with such time limits, it will provide the student with reasons for any delay, together with a deadline by which the action will be carried out.

The Institute's duty to uphold professional standards

- 49 Students on professional career paths, such as programmes of initial teacher education or programmes accredited or endorsed by the British Psychological Society (BPS), are required to demonstrate certain professional characteristics and adhere to the requirements of the relevant regulatory body. These characteristics and requirements are in addition to the Institute's general requirement of satisfactory conduct and academic progression.
- 50 In addition to conferring the appropriate qualification, the Institute must be satisfied that such students would be safe and suitable entrants to the profession and would be fit to practise.
- 51 In the context of initial teacher education, the Institute is required to have due regard to the professional requirements of the General Teaching Council for England (the "GTCE"), the Training and Development Agency for Schools (the TDA), Lifelong Learning UK (LLUK) and legislation affecting fitness to teach, such as the Education (Health Standards) (England) Regulations 2003. In the context of educational psychology, the Institute is required to have due regard to the professional requirements of the British Psychological Society and of the Association of Educational Psychologists (AEP).
- 52 Fitness to practise concerns may arise from aspects of the student's health or personal conduct (including without limitation unsatisfactory professional progression, behavioural issues and other issues external to their academic progression and performance).
- 53 In considering issues of fitness to practise under this Policy, the Institute shall pay due regard to relevant guidance issued by relevant regulatory bodies such as the GTCE, BPS and AEP. Additionally, in cases relating to a student's health, the Institute shall act in accordance with its duties under the

² Students subject to investigation or other action under this procedure may wish to obtain guidance from the Students' Union.

Equality Act 2010.

Interface with the Institute's disciplinary procedure

- 54 Students on professional programmes are subject to the usual Institute procedures regarding academic progress and discipline, in addition to this Policy.
- 55 During consideration of a student's alleged disciplinary offence under the Institute's disciplinary procedure, information or evidence may emerge which raises questions about a student's fitness to practise, even if it would not support a finding of misconduct. In such cases, the fitness to practise issues may be referred for consideration under this Policy.

Procedure for referrals of issues of fitness to practise

- 56 A report of issues of fitness to practise shall be submitted to the Dean of the Faculty in which the student is registered as soon as possible after the act, incident or behaviour complained of or, in the case of repeated acts, incidents or behaviours, as soon as possible after the most recent instance.
- 57 A report may be submitted by any person, and should be submitted in writing. The Dean will not normally consider anonymous reports, although in some circumstances the Dean may, at his or her discretion in exceptional cases justifying such action (for example, those concerning matters of potential health and safety of the reporter) withhold from the student affected the name of the reporter.

Interim suspension

- 58 In cases involving allegations of serious fitness to practise, the Deputy Director (if appointed) or an Associate Director, on the advice of the Dean, may, at his or her discretion in appropriate cases, suspend a student immediately pending consideration of the report under this Policy.

Presumption of innocence

- 59 Any student whose conduct is considered under this Policy, including a student who has been suspended, shall be presumed innocent until the allegations have been considered in accordance with the procedure prescribed below.

Initial investigation stage

- 60 On receipt of a report the Dean shall, as soon as possible:
- 60.1 inform the student concerned in writing of the allegations made against him or her and that those allegations are being considered under this Policy; and
 - 60.2 invite the student to respond, if he or she so wishes, within fourteen days of the date of the Dean's notification.
- 61 After fourteen days, the Dean shall consider the report and any reply from the student, and may at that stage decide:
- 61.1 to take no further action in relation to the report; or
 - 61.2 to request that the Deputy Director (if appointed) or an Associate Director refer the allegations for investigation by an Investigating Officer as prescribed below.
- 62 The Dean shall inform the student of his or her decision under paragraph 61 above within seven days of receipt of the student's response. If the decision is to request that the Deputy Director (if appointed) or Associate Director refers the allegations to an Investigating Officer, the Deputy Director (if appointed) or Associate Director shall also inform the student of the identity of the Investigating Officer.

Investigation

- 63 Alleged offences referred under paragraph 62 above will be investigated in the first instance by an appropriate and impartial senior member of the Institute nominated by the Deputy Director (if appointed) or Associate Director as the Investigating Officer.
- 64 The Investigating Officer shall obtain as much information as reasonably practicable about the allegation(s) and may interview the student and others, such as (but without limitation to) the reporter, other students or members of staff as appropriate. The Investigating Officer may, at their discretion, secure the attendance at such interviews of another member of the Institute's staff for the purpose of taking a record of the meeting. If the Investigating Officer decides that it is not possible or appropriate to invite the student for interview, they shall permit the student a reasonable opportunity to make written representations in response to the allegations.
- 65 The Investigating Officer shall prepare a detailed report for the Deputy Director (if appointed) or Associate Director containing:
- 65.1 the facts established in the course of his or her investigations;

65.2 a recommendation for further action, including whether the case should be considered by a fitness to practise committee or that no action be taken.

66 When serious allegations are made which have resulted in the interim suspension of the student against whom the allegations have been made under the terms of paragraph 58 above, the investigation must normally be undertaken within one week of the referral by the Deputy Director (if appointed) or Associate Director. All other allegations must be normally investigated within two weeks of the referral.

67 In some exceptional cases (for example, but not exclusively) those:

67.1 which are factually complex;

67.2 for which investigations fall during the Institute's vacation periods; or

67.3 where key individuals are for some reason not available for consultation by the Investigating Officer,

it may not be possible for the Investigating Officer to complete his or her investigations during the periods anticipated above. In such circumstances, the reasons for any delay in responding, together with a deadline by which a response will be provided, will be communicated to the student against whom the allegation has been made.

Referral of allegation to a fitness to practise Committee

68 The Deputy Director (if appointed) or Associate Director will review the Investigating Officer's report within seven days of receipt of the report referred to at paragraph 58 above.

69 If the Deputy Director (if appointed) or Associate Director decides that the allegation should not be upheld, no further action will be taken and the student will be informed accordingly in writing by the Deputy Director (if appointed) or Associate Director.

70 If the Deputy Director (if appointed) or Associate Director decides that the allegation should be upheld and:

70.1 the Investigating Officer considers the fitness to practise issue to be such that the case will not proceed to the Committee stage as described below, the student will be given an oral warning regarding his or her future behaviour. The Institute reserves the right to take into account any failure by the student to adhere to that warning in the future under this Policy and/or the Institute's disciplinary procedure both when considering the allegation and determining any penalty;

- 70.2 the Investigating Officer considers the alleged fitness to practise issue to be such that the case should proceed to the Committee stage, it will proceed in the manner described below.
- 71 The Deputy Director (if appointed) or Associate Director shall inform the student of his or her decision above within seven days.
- 72 Where there are grounds for concern about a student's fitness to practise on the basis of health, the Deputy Director (if appointed) or Associate Director may require the student to consult an appropriate and impartial healthcare practitioner who would be asked to prepare an independent assessment for consideration by the Committee.

The fitness to practise committee

- 73 A fitness to practise committee shall be appointed by the Senate to consider allegations giving rise to concern regarding a student's fitness to practise under this Policy (the "Committee").
- 74 The Committee may be a standing committee or a committee appointed for the specific purpose. Membership of that Committee shall be as follows:
- 74.1 the Director or his or her nominee;
 - 74.2 a Dean of Faculty, who may not be of the Faculty in which the student is registered;
 - 74.3 a senior member of the Faculty;
 - 74.4 another member of the academic staff who is a member of the Senate;
 - 74.5 an individual external to the Institute coming from the same profession as the programme on which the student is registered.
- 75 In instances involving concerns regarding a student's health, the Committee shall also be comprised of a member with suitable knowledge of matters relating to student health.
- 76 The Senate may appoint one of the Committee members to chair the Committee. In the absence of such appointment, the Committee shall appoint its own chair.
- 77 No member of the Committee shall have been previously involved with the investigation and/or otherwise involved in the allegations giving rise to consideration of the particular student's conduct under this Policy.

- 78 Any meeting of the Committee shall not be invalidated by the absence of any member (except for instances involving concerns regarding a student's health, in which the member with suitable knowledge of matters relating to student health must attend), but the quorum for any meeting of the Committee shall be two, one at least of whom shall be the Chair who shall have an additional, or casting vote.
- 79 The Clerk of the Committee shall be the Academic Registrar or his or her nominee. The Clerk's role shall be to take a note of the Committee meeting and to advise on issues of procedure. The Clerk shall not participate in the deliberations of the Committee.

Notice of Committee meetings

- 80 Notice of the time, date and venue of the Committee meeting shall be sent in writing by the Clerk to the student against whom the allegation(s) being considered have been made at least fourteen days before the date of the meeting.
- 81 Such notice shall also state:
- 81.1 the allegation which the Committee shall consider; and
 - 81.2 the names of any witnesses which, on the basis of the Investigating Officer's report, the Committee proposes to call to give oral evidence at the meeting.
- 82 The notice shall be accompanied by copies of any documents, including those which have been obtained in the course of the Investigating Officer's investigation, and that are to be submitted to the Committee as evidence.
- 83 At least seven days before the meeting the student shall:
- 83.1 inform the Clerk:
 - 83.1.1 whether he or she intends to attend the Committee meeting in person;
 - 83.1.2 whether or not he or she wishes to be accompanied at the Committee meeting by a person of his or her own choice;
 - 83.1.3 the full name of the person of any person accompanying the student (hereinafter called the "friend") and the capacity in which they will attend; and
 - 83.2 forward to the Clerk any documents which the student wishes to submit to the Committee and the Institute as evidence.

- 84 The Clerk shall forward the information and documents referred to at paragraph 83 above to the members of the Committee and the party presenting the Institute's case. In the event that a student wishes to be accompanied by a representative in a legal capacity, the Institute may exercise a similar right to secure legal representation at the Committee meeting.

Procedure for Committee hearings

- 85 The procedure for the consideration of allegations under this Policy shall be prescribed by the Committee, but may typically include the following stages:
- 85.1 a person appointed by the Senate to present the Institute's case (who may be the Investigating Officer but shall not be a person appointed to serve on the Committee under paragraph 74 above) shall state the case for consideration of the student's fitness to practise and may call witnesses. Such witnesses may be questioned by the student or the friend and re-examined;
 - 85.2 the student or his or her friend shall state his or her case and may call witnesses who may be questioned by the person appointed by Senate to present the Institute's case, and re-examined;
 - 85.3 the person appointed by the Senate may (with the leave of the Committee) recall witnesses and at the close of the evidence shall address the Committee;
 - 85.4 the student or the friend may then reply;
 - 85.5 the person appointed by the Senate and the student (and the friend) shall then withdraw while the Committee considers the case in private;
 - 85.6 where possible, the Committee shall on the day of the hearing recall the representative of the Senate and the student (and friend) to hear its recommendation but the Committee shall in any event communicate to the student in writing both by first class post to the last postal address held by the Registry for the student and by email to the student's Institute email address its decision and the broad reasons for that decision as soon as practicable after reaching that decision. The Committee may, but need not, make known any findings of fact established before it.
 - 85.7 The Committee shall notify the Senate of its decision and shall if the allegations are upheld, inform the student that the decision will be notified to the next meeting of Council. Substantiated allegations of harassment on grounds of race, disability and so forth will also be reported to the Institute's Equal Opportunities Committee through the relevant sub-committee.

- 85.8 The Committee will also provide to the Deputy Director (if appointed) or Associate Director and to the person appointed by Senate the same information as provided to the student.
- 86 The Committee may at its discretion adjourn the Committee meeting to a date, time and place fixed during the original meeting, or to a date to be notified in accordance with the provisions of paragraph 80 above.
- 87 If either the student or the representative of the Institute does not attend any meeting and fails to submit to the Committee an advance explanation for their non-attendance which, in the opinion of the Committee, is reasonable, the Committee, may, at its discretion, proceed with its meeting provided it is first satisfied that due notice of the meeting was given.
- 88 The meeting of the Committee shall be held in private but the Committee may admit as observers such persons as it shall in its absolute discretion deem fit on such terms as it may consider appropriate.

Powers of the Committee

- 89 The Committee shall have power delegated by Senate to reach the following decisions:
- 89.1 The student is fit to practise and is:
- 89.1.1 permitted to continue with the programme; or
- 89.1.2 permitted to continue on the programme subject to conditions, a formal reprimand, and/or any other action which the Committee considers appropriate to enable the student to complete the programme;
- 89.2 The student is not fit to practise and:
- 89.2.1 the student is required to suspend their studies for a specified period of time, at the expiry of which the Committee shall review the situation and decide whether to re-admit the student to the programme; or
- 89.2.2 the student's membership of the Institute should be terminated. In such cases, the Director will inform the Senate of this outcome.
- 89.3 In cases involving the termination of a student's registration on a programme, the Institute shall advise the student of possible alternative programmes which they may transfer to or of any recognition they may be eligible to receive for studies already undertaken.

Appeals

- 90 The student may request that a review of their case be undertaken by submitting a request in writing to the Director of Administration. Such a review will be conducted by a standing fitness to practise appeals committee ("Appeals Committee") of persons appointed from time to time by the Council, comprised as follows:
- 90.1 the Chair of Council or his or her nominee;
 - 90.2 a co-opted member of Council;
 - 90.3 a student member of Council (other than any student who has appeared as the appellant's friend as described above or been otherwise involved in the matter previously);
 - 90.4 an individual external to the Institute coming from the same profession as the programme on which the student is registered;
 - 90.5 in instances involving concerns regarding a student's health, a member with suitable knowledge of matters relating to student health.
- 91 No member of the Appeals Committee shall have been previously involved with the investigation and/or otherwise involved in the allegations giving rise to consideration of the particular student's conduct under this Policy.
- 92 The Clerk of the Committee shall be the Institute Secretary or his or her nominee. The Clerk's role shall be to take a note of the Committee meeting and to advise on issues of procedure. The Clerk shall not participate in the deliberations of the Committee.
- 93 Appeals shall be submitted to the Appeals Committee through the Institute's Secretary within fourteen days of the date of the decision letter sent by the Committee.
- 94 Where such an appeal is submitted, it shall be in writing and shall state the reasons for the appeal.
- 95 Students may generally appeal a decision of the Committee only on one or more of the following grounds:
- 95.1 irregularity in process;
 - 95.2 the coming to light of fresh evidence which was not available and/or presented at the time of the original Committee hearing;
 - 95.3 that the sanction or penalty imposed was excessive or inappropriate.
- 96 The procedure for the consideration of appeals shall be prescribed by the Appeals Committee, but it will generally comprise of a consideration of the Investigating Officer's report and other evidence placed before the Committee

together with the Committee's decision as communicated to the student under paragraph 89 above.

- 97 The decision of the Appeals Committee shall be communicated to the Institute's Secretary and he or she or his or her nominee shall inform the student in writing of the outcome within ten working days of the decision being reached. The student will also, at that time, be provided with a Completion of Procedures letter.
- 98 The decision of the Appeals Committee shall be final and shall conclude the Institute's Fitness to Practise procedures.
- 99 In the event that a former student, or a student who has interrupted his or her registration, wishes to re-register, or re-enter their degree, and there is any unresolved issue arising on grounds of fitness to practise, then the Institute will consider that issue under such procedure as it considers appropriate.
- 100 The Institute reserves the right for the fitness to practise Committee and/or the Appeals Committee to consider any previous decision taken by the fitness to practise Committee and/or the Appeals Committee should the student be subject to this procedure in the future.
- 101 Once the appeals procedure has concluded, the Institute will act in accordance with the requirements of the GTCE, LLUK, the BPS or the AEP in determining whether the nature of the fitness to practise issue is such as to require that the student's name be passed on to the relevant professional body.