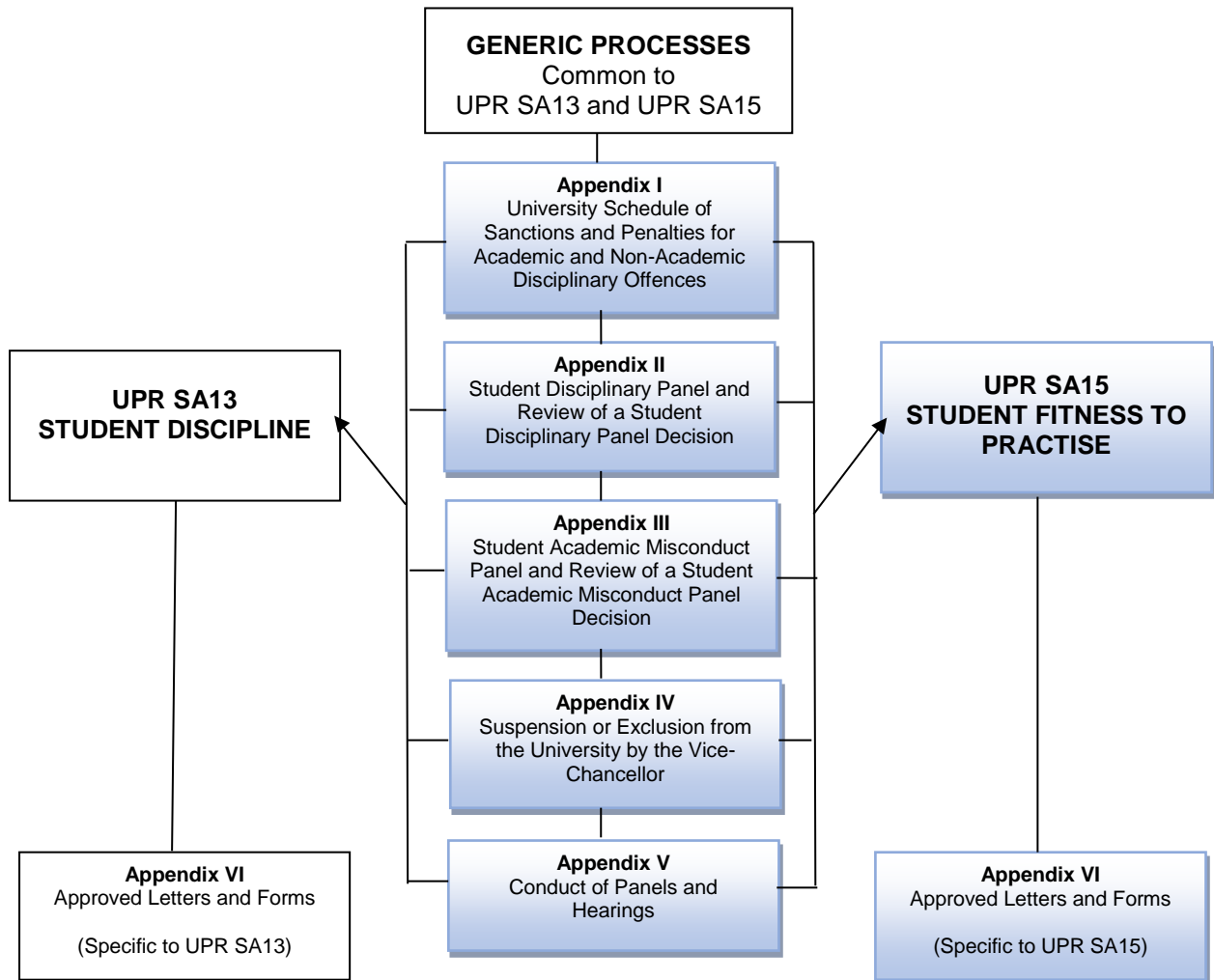


STUDENT FITNESS TO PRACTISE

SUMMARY OF PRINCIPAL CHANGES

General changes	
<i>Amendments to version 02.0 are restricted to Appendix I only</i>	
Section	

(Amendments to version 02.0, UPR SA15, are shown in italics.)



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1 INTRODUCTION

This document (UPR SA15) applies to fitness to practise issues that arise on or after 1 September 2016 and describes the policies, regulations and procedures that the University will apply in dealing with student fitness to practise issues arising in relation to students as defined in section 3.1.3. They are intended to provide a single process for dealing with allegations that, if proven, would call into question a student's fitness to practise.

(Note)

The matters dealt with under these procedures (UPR SA15) would include students' Fitness to Practise issues and alleged Academic Misconduct and Non-Academic Misconduct, as defined in UPR SA13¹, and alleged Assessment Offences, as defined in Appendix III, UPR AS14², which if proven would call into question the fitness to practise of student enrolled on Professional Programmes, as defined in section 3.1.7.)

2 ABBREVIATIONS

HEFCE	Higher Education Funding Council for England
NHS	National Health Service
OIA	Office of the Independent Adjudicator
PSRB	Professional Statutory Regulatory Body
SBU	Strategic Business Unit
UPRs	University Policies and Regulations

¹ UPR SA13 'Student Discipline'

² Appendix III, UPR AS14 'Assessment Offences'

3 DEFINITIONS

3.1 For the purposes of this document the following definitions will apply

3.1.1 **'Regulator':**

a body authorised by the Privy Council to permit practise (the term 'Regulator' is used generically in this document and should be construed as referring also to Professional Statutory Regulatory Bodies and to Professional Bodies, where appropriate/relevant);

(Note

Some professional bodies are not Regulators and are not, therefore, established on the basis of a legal mandate. Some of these professional bodies may issue Codes of Conduct.)

3.1.2 **'Registration':**

the process whereby a Regulator registers individuals thereby permitting them to practise their profession lawfully;

3.1.3 **'student':**

an individual enrolled on a programme, at any level, leading to a University of Hertfordshire award, successful completion of which would make the student eligible to apply for Registration and/or would entitle him or her to practise and/or would indicate the student's potential suitability to practise;

(Note

- For the avoidance of doubt, the term 'student' as defined in section 3.1.3, is intended to apply to all students enrolled on professional programmes regardless of their level of study, including students studying to gain employment in roles such as Assistant Practitioners or Associate Practitioners. It should be noted that such programmes may not fall within the remit of a Regulator.
- At the point at which an individual registers as a student of the University of Hertfordshire, he or she confirms his or her agreement to be bound by University regulations. It is assumed that contractual arrangements governing individuals receiving other educational services from the University will bind those individuals to comply with University regulations.
- Graduate students who are already Registered but who are enrolled on a programme leading to a University of Hertfordshire award should note section 7.11 which explains the reporting duties of the University and of University staff who are members of the profession.)

3.1.4 **'fitness to practise':**

a student's suitability, in terms of his or her conduct and/or competence and/or health and/or disability, to continue his or her enrolment on a programme leading to a University of Hertfordshire award, successful completion of which would make the student eligible to apply for Registration or would entitle him or her to practise and/or would indicate his or her potential suitability to practise;

3.1.5 **'Principles of Professional Behaviour':**

the principles and standards established by the relevant Regulator against which conduct and/or behaviour is measured to determine students' Fitness to Practise (or equivalent) and professional suitability;

(Note for guidance

When they register as student of the University of Hertfordshire, students confirm their agreement to be bound by University regulations and it is implicit, therefore, that in addition to the relevant Principles of Professional Behaviour, a student's conduct will also be considered in the context of compliance with University regulations and any guidance issued by the relevant School concerning students' professional behaviour. It should be noted that some Regulators do not publish a Code of Conduct and that, where this is the case, professional programmes may need to ensure that the guidance provided to students makes clear any expected standards of behaviour.)

3.1.6 **'Case Officer':**

the individual responsible for presenting the case;

(Note for guidance

The role of Case Officer is assumed by different individuals at each Stage of this process. Consequently the individual who is to act as Case Officer is specified within this document on a Stage-by-Stage basis.)

3.1.7 **'Professional Programme'/'Programme':**

a programme of professional education, at any level, leading to a University of Hertfordshire award, successful completion of which would make the student eligible to apply for Registration and/or would entitle him or her to practise and/or would indicate the student's potential suitability to practise;

3.1.8 **'Practice Placement/Learning Provider':**

an organisation, such as a Hospital Trust, providing practise placement opportunities and/or employment for degree apprenticeship(s) (as applicable) to students;

3.1.9 **'Practice Representative':**

an individual from the same professional discipline as the student who is being considered under the provisions of UPR SA15. A Practice Representative will be currently on the relevant professional Register, and currently engaged actively in patient care, in the same profession as the student;

3.1.10 **'Associate Dean of School (Academic Quality Assurance)':**

the generic title 'Associate Dean of School (Academic Quality Assurance)' is used throughout this document (UPR SA15). Some Schools have adopted variations to this title. For the avoidance of doubt, the role and responsibilities assigned in this document to the Associate Dean of School (Academic Quality Assurance) are assigned to the Associate Dean of School with responsibility for academic quality assurance. The Dean of School remains responsible for the proper operation of these regulations and procedures within his or her School, but may delegate to the Associate Dean of School (Academic Quality Assurance) some or all of his or her responsibilities under these regulations (UPR SA15).

(Note for guidance)

Unless indicated otherwise in this document (UPR SA15), an Associate Dean of School (Academic Quality Assurance), as defined in this section 3.1.10, may choose to delegate some or all of his or her responsibilities under these regulations (UPR SA15) to other members of staff of appropriate standing.)

3.1.11 **'Academic Misconduct':**

section 3.3, UPR SA13¹, refers;

(Note for guidance)

Section 3.3, UPR SA13¹, sets out the institutional definition of 'Academic Misconduct' which is not repeated in this document.)

3.1.12 **'Non-Academic Misconduct':**

section 3.4, UPR SA13¹, refers;

(Note for guidance)

Section 3.4, UPR SA13¹, set out the institutional definition of 'Non-Academic Misconduct' which is not repeated in this document.)

3.1.13 **'Assessment Offence':**

Assessment Offences are defined in Appendix I, UPR AS12³, and Appendix I, UPR AS13⁴, and are dealt with in accordance with the provisions of Appendix III, UPR AS14².

3.1.14 **'Letter':**

(Section 19, also refers.)

the Letter prescribed by the Secretary and Registrar for use at a specific point in in this process.

(Note)

The Secretary and Registrar has approved standard letters which are to be used at different stages of the Student Fitness to Practise process in order to communicate with students and other individuals involved in matters being considered under these procedures.

Letters must be sent by Recorded Mail and to the email address the student has provided to the University for all correspondence Appendix VI SA15⁵, refer.)

³ UPR AS12, Appendix I 'Assessments and Examinations - Regulations for Candidates (Including Requests for the Review of Examination Decisions (Appeals Procedure) (University-delivered provision)'
⁴ UPR AS13, Appendix I 'Assessments and Examinations - Regulations for Candidates (Including Requests for the Review of Examination Decisions (Appeals Procedure)) (Partner Organisation-delivered provision)'
⁵ Appendix VI, UPR SA15 'Approved Letters and Forms'

4 SCOPE

- 4.1 The policies, regulations and procedures set out in this document will be applied to determine the fitness to practise of students, as defined in section 3.1.3. Study may have been undertaken on a programme delivered at the University or by or within a Partner Organisation (as defined in UPR GV08⁶).
- 4.2 In its delivery, management and administration of Professional Programmes, the University has a duty to adopt and apply any Principles of Professional Behaviour determined by the relevant Regulator, as defined in section 3.1.5.
- 4.3 The safety of service users or other third parties encountered by a student during his or her programme will always be a prime consideration for the University.

4.4 Jurisdiction of the University

- 4.4.1 The University of Hertfordshire is a community whose members work and study in close proximity with each other. The University owes a duty of care to, and has responsibilities towards, each member of that community. For such a community to continue to be successful, it is essential that its individual members adhere to certain standards of good behaviour. These are described in detail in the Student Code of Conduct (UPR SA01⁷, refers) and the supporting Statement of Responsibilities and Commitments (Appendix I, UPR SA01⁸, refers).
- 4.4.2 The University of Hertfordshire takes seriously its responsibilities to the local and wider community, recognises its broader social responsibilities as a Higher Education institution and is committed to upholding, through its aims, objectives and mission, certain standards and values. The University shall at all times be entitled to uphold and protect its good name and reputation and, therefore, reserves the right to take disciplinary action against students where there is reason to believe that they may have breached University regulations or brought the University into disrepute through their behaviour on University premises or elsewhere.

4.5 Students who have withdrawn

Where a student against whom an allegation has been made, withdraws from the University prior to the matter being resolved under the provisions of University regulations, the University reserves the right, at its absolute discretion, to proceed with a Hearing and/or any other processes permitted by University regulations, including, but not necessarily limited to, reporting the outcome to the relevant Regulator, as defined in section 3.1.1, UPR SA15.

4.6 Students registered on programmes delivered at Partner Organisations which lead to awards of the University

Section 5.3, UPR SA13¹, refers.

5 DEANS OF SCHOOL

- 5.1 may delegate responsibility to their Associate Deans of School (Academic Quality Assurance), as defined in section 3.1.10, but in all cases, will remain responsible for the proper application and administration of the policies, regulations and procedures set out in this document (UPR SA15) within their respective Schools;

⁶ UPR GV08 'Glossary of Approved Terminology'

⁷ UPR SA01 'Student Code of Conduct'

⁸ UPR SA01, Appendix I, 'Statement of Responsibilities and Commitments'

- 5.2 will ensure that where a module or programme is being delivered to students from more than one School, in determining the arrangements for such a collaboration, they also clarify which School is to 'lead' in the event that a Student Fitness to Practise issue arises and that these arrangements are communicated to relevant staff and as necessary, to students;
- 5.3 will ensure that Programme Handbooks, and all other School documentation, relating to Professional Programmes
- a set out the name of the relevant Regulator;
 - b where determined by the Regulator, set out the relevant Principles of Professional Behaviour and any other requirements of the Regulator;

(Note for guidance)

The term 'Regulator', which is used generically in this document, is defined in section 3.1.1.

The Principles of Professional Behaviour include but are not limited to the following: 'relationships with Service users and other relevant third parties'; maintaining confidentiality'; 'acting with professional integrity'; 'probity'; 'maintaining good practice'; 'working with colleagues', and 'maintaining overall health'.)

- c incorporate the responsibilities and obligations set out in sections 6 and 7 of this document;
- d set out the name(s) of the member(s) of staff within the School who will, for the purposes of this document (UPR SA15), discharge the responsibilities of the Associate Dean of School (Academic Quality Assurance), as defined in section 3.1.10.

(Note for guidance)

Deans of School responsible for Professional Programmes should note that inclusion in Programme Handbooks of the responsibilities and obligations set out in this section (5) should be regarded as a minimum. Deans of School will ensure that appropriate methods and media are used within their respective Schools to notify students of their professional obligations and duties under the terms of the relevant Principles of Professional Behaviour.)

6 STUDENTS' RESPONSIBILITIES AND OBLIGATIONS

- 6.1 Students have a personal responsibility and are obliged to familiarise themselves with and to comply with relevant Principles of Professional Behaviour (or equivalent), University regulations, and to familiarise themselves with the implications of impaired Fitness to Practise.
- 6.2 Students enrolled on Professional Programmes should note that Academic Misconduct and/or Non-Academic Misconduct (as defined in UPR SA13) and criminal offences, will normally also constitute a failure to comply with the Principles of Professional Behaviour (or equivalent) of their respective Regulators.
- 6.3 The Principles of Professional Behaviour (or equivalent) apply to a student from the point at which he or she is enrolled on the programme. At the point at which he or she registers as a student of the University of Hertfordshire, a student confirms his or her agreement to be bound by University regulations.

(Note for guidance)

Section 6.3 means that from the point at which he or she enrolls on his or her Professional Programme, a student's conduct and his or her actions during study on any University of Hertfordshire premises, including Study Centres (or equivalent), on placement, and for degree apprentices, during his or her employment, and in his or her personal life, must be

consistent with the Principles of Professional Behaviour (or equivalent) of the relevant Regulator and with University regulations.

It should be noted that some Regulators require that students Register with them within a certain period of time following enrolment on a Professional Programme.)

- 6.4 Students' conduct will be measured against University regulations and the Principles of Professional Behaviour (or equivalent) relevant to the programme on which they are enrolled. Where a student's conduct and/or behaviour is believed to have fallen below the required standard, the student will be referred for consideration under the terms of the policy, regulations and procedures set out in this document (UPR SA15).

(Note for guidance)

University staff and Practice Representatives (section 3.1.9, refers), may be obliged to report to the relevant Regulator a student's unprofessional behaviour or health or other issues that affect the student's Fitness to Practise. These issues may result in the Regulator refusing Registration and/or invoking their own processes (section 7.11, 'Duty to Report' also refers).

- 6.5 Students have a personal responsibility and may be obliged, in accordance with the requirements of their Regulator, to declare sanctions received pre-Registration (section 3.1.2, refers), either prior to or during their Professional Programme, at the point at which the sanction is received or at the point of application for Registration.
- 6.6 Students, as defined in section 3.1.3, have an obligation to ensure that they know what standards of professional behaviour and conduct are expected of them, and the implications of a breach of these standards.
- 6.7 Should Fitness to Practise proceedings occur during or before a period of assessment and there is concern that such proceedings may affect a student's performance in an assessment, students are expected to apply for an extension to the assessment deadline and/or submit Serious Adverse Circumstances to the relevant Module Board of Examiners (Section C.2.8, UPR AS14⁹, refers).

7 PRINCIPLES AND POLICY

- 7.1 Where applicable, representatives of relevant Practice Placement/Learning Providers will be consulted and involved at all appropriate stages of the process set out in this document (UPR SA15).
- 7.2 Each case will be considered on an individual basis. However, where the procedures in this document or those in UPR SA13¹ or in Appendix III, UPR AS14² are invoked against a student, then, at the point at which a case is proven, previous patterns of behaviour and/or any previous offences, will be taken into consideration in determining the sanctions and penalties to be imposed in relation to the offence.
- 7.3 The University may seek advice from the relevant Regulator and/or from Practice Placement/Learning Providers at any stage in the process.
- 7.4 Concerns, complaints and allegations about a student's fitness to practise must be supported by written or other evidence of the facts alleged. In order to protect the public from risk, anonymous allegations will not normally be accepted without evidence that would, if true, reasonably establish a prima facie case.

⁹ UPR AS14 'Structure and Assessment Regulations - Undergraduate and Taught Postgraduate Programmes'

- 7.5 A student may be referred for consideration under the terms of UPR SA15 through another route, for example, as a result of a health issue which is deemed to have the potential to affect a student's fitness to practise in their chosen profession.

(Note for guidance)

The 'other evidence' referred to in section 7.4 might, for example, include a screenshot from a publicly available social media page. The University has a duty to verify such evidence properly.)

- 7.6 The University will make reasonable efforts to handle cases efficiently and to comply with the time periods specified in this document (UPR SA15).

7.7 Interim suspension from practise

- 7.7.1 Where, at any stage of these proceedings, in the opinion of the relevant Associate Dean of School (Academic Quality Assurance), or Programme Leader or Head of Department or Dean of School, a concern, complaint or allegation is deemed to be of a sufficiently serious nature, the University reserves the right, at its absolute discretion, to suspend the student from practise and/or to impose other restrictions and/or conditions on his or her programme of study, on an interim basis. Responsibility for interim suspension from practise and/or study, and/or the imposition of restrictions and/or conditions on a student's practise rests with the Dean of School who will be provided with appropriate evidence upon which to base such decisions. The Dean of School (or nominee) will consult the Dean of Students before reaching a decision.

- 7.7.2 The appropriateness and length of time for which any interim suspension from practise or restrictions and/or conditions will be imposed on a student's programme of study will be reviewed by the Dean of School at intervals of no more than three (3) calendar weeks until the conclusion of proceedings. The Student will be updated in writing by way of a Letter following each such review. It should be noted that interim suspension/placing restrictions on a programme of study does not imply guilt.

(Note for guidance - Interim suspension from practise/restrictions on study)

- The purpose of interim suspension from practise and/or the placing of restrictions or conditions on a student's programme of study:
 - is to protect service users and/or pupils and/or the student or
 - is to protect colleagues, staff or fellow students who may be compromised by the student in performing their professional duties.
- Interim suspension from practise and/or the placing of restrictions or conditions on a student's programme of study:
 - may be imposed whilst a concern, complaint or allegation is being investigated under these procedures (UPR SA15) and would therefore mean that a student undertaking a period of practise would be prevented from continuing on his or her placement until the matter has been resolved;
 - are imposed on the authority of the relevant Dean of School and should not be confused with Suspension or Exclusion from the University which may only be approved by the Vice-Chancellor (Appendix IV, UPR SA15¹⁰, refers);

¹⁰ Appendix IV , UPR SA15 'Suspension or Exclusion from the University by the Vice-Chancellor'

- will be imposed by the Dean of School following consultation with the relevant Head of Department, Associate Dean of School (Academic Quality Assurance), Dean of Students, Programme Leader and where appropriate with the relevant Practise Placement/Learning Provider. In Schools where there is no departmental structure, the Dean of School will consult the Associate Dean of School (Academic Quality Assurance), the Programme Leader and where appropriate, the relevant Practise Placement/Learning Provider. The Dean will send the student a Letter to advise the student of the terms of the interim suspension.
- In notifying a student of any restrictions and or conditions to be imposed, the Dean of School will provide advice concerning the assistance available to support the student in continuing his or her studies on a theoretical, rather than a practical, basis.)

7.7.3 A Practise Placement/Learning Provider has the right to suspend or withdraw a student from a practice placement and may invoke its internal procedures to do so. The Associate Dean of School (Academic Quality Assurance) will agree with the Practice Placement/Learning Provider whether the investigation will be conducted concurrently with the University's process and will decide what, if any, actions should be taken before the outcome is known and the processes completed.

7.8 Professional behaviour

7.8.1 Students

- i are encouraged to aim for and to maintain high standards in their professional and personal lives;
- ii in order to demonstrate that they are fit to practise, must comply with the Principles of Professional Behaviour (or equivalent) determined from time-to-time by the relevant Regulator and/or programme;
- iii must familiarise themselves with, and comply with University regulations, any relevant Code of Professional Conduct and Ethics (or equivalent), and/or Student Code of Conduct (or equivalent) issued from time-to-time by their Programme and/or Regulator;
- iv must be aware that their behaviour and conduct outside the University and/or in the Practise Placement/Learning Environment, including conduct in their personal lives, may have an impact on their fitness to practise;
- v must ensure that their behaviour and conduct at all times justifies the trust that service users and the general public place in their profession and in the University.

(Note for guidance

Information concerning the relevant Principles of Professional Behaviour (or equivalent) and/or where to access the Principles of Professional Behaviour (or equivalent), will be provided in the Programme Handbook. These Principles are broadly grouped into 'relationships with Service users and other relevant third parties'; 'probity'; 'maintaining good practice'; 'working with colleagues', and 'health'.

Regulators set standards for professional behaviour within their respective Codes of Professional Conduct and Ethics (or equivalent).

In addition to a Code of Professional Conduct and Ethics (or equivalent), some Regulators have a Student Code of Conduct. Each Regulator will have its own regulations regarding the point at which pre-Registration students are required to comply with these Codes but for the avoidance of doubt, the University expects every student to comply with the Codes issued by the relevant Regulators from the point at which they enrol on a Professional Programme.)

- 7.8.2 Conduct deemed inappropriate at any stage of a student's enrolment on his or her Professional Programme will constitute Misconduct (as defined in UPR SA13¹/UPR SA15 and/or by the Regulator) and/or will be deemed to have impaired the student's fitness to practise.

(Note for guidance)

It is implicit that in determining the course of action to be followed, a conduct issue will be considered in the context of the University's wider regulatory framework which includes UPR EQ10¹¹.)

7.9 **Health and Disability**

(Note for guidance)

University regulation provides for circumstances where

- an applicant declares a disability at the time he or she applies for admission to a programme;
- an applicant becomes disabled whilst he or she is a student of the University;
- a student seeks to alter all or part of his or her chosen programme following admission (UPR SA03¹², UPR SA02¹³ and Appendix II, UPR AS12¹⁴/Appendix II, UPR SA13¹⁵, refer.)

- 7.9.1 Students must be fit in all relevant aspects to practise their profession.

- 7.9.2 The University expects students to declare, during the application/admission process, any health issue or disability that might reasonably be expected to affect their fitness to practise, or where a disability occurs or a health issue arises post-admission, at the earliest opportunity. Where it is found that the student was aware, at the time of application or admission, of a health issue that might compromise his or her fitness to practise and the student did not declare this, the University reserves the right to withdraw the student from the programme.

(Note for guidance)

Declaration of a disability will enable the University to draw-up a Study Needs Agreement and to make reasonable adjustments as may be appropriate and as a consequence of that process.)

¹¹ UPR EQ10 'Bullying and Harassment'

¹² UPR SA03 'Admissions – Undergraduate and Taught Postgraduate Students'

¹³ UPR SA02 'Admissions – Research Students'

¹⁴ Appendix II UPR AS12 'Assessments and Examinations - Candidates with Disabilities or other Additional Needs (University-Delivered Provision)'

¹⁵ Appendix II UPR AS13 'Assessments and Examinations - Candidates with Disabilities or other Additional Needs (Partner Organisation-Delivered Provision)'

- 7.9.3 Where a student develops a health issue or becomes disabled, the University will consider requests for serious adverse circumstances to be taken into account, [UPR AS14, section C2.8](#), to enable the student to receive appropriate treatment and to work towards resolving the issues which impact on his or her fitness to practise.
- 7.9.4 Where a declaration is made, support and regular reviews by relevant personnel will be offered to the student by the Dean of Students Office.
- 7.9.5 The University will make all reasonable adjustments for students with known health or disability-related issues in respect of all fitness to practise proceedings, for example in preparation for and attendance at all meetings associated with proceedings, and in respect of management of action plans and sanctions.

(Note for guidance)

- Whilst it is recognised that most students who have a health issue or disability *may* register successfully with their Regulator, for a minority, even where reasonable adjustments have been made, a disability-related issue or a health condition (which may or may not be long-term) may make it impossible for them to meet the educational and/or professional outcomes required by their programme and/or Regulator.
 - Guidance should be sought by staff and students from the relevant Disability Adviser and/or Mental Wellbeing Adviser, from the Equality Office, and as appropriate, from the Occupational Health Service.)
- 7.9.6 The University will make all reasonable adjustments for students with known health or disability related issues in order to assist them in achieving the outcomes of their respective programmes.

(Note for guidance)

- Although assessment outcomes cannot be adjusted to take account of a health issue or a disability, reasonable adjustments can normally be made to the method of learning and to the method by which a student's skills are assessed provided the methods remain relevant to any professional body requirements.
 - Guidance should be sought from the relevant Disability Adviser and/or Mental Wellbeing Adviser, from the Equality Office, and as appropriate, from the Occupational Health Service and/or the relevant Regulator.
 - All students are encouraged to register with a local General Practitioner (GP) who will be able to offer support and continuity of care.)
- 7.9.7 In circumstances where a student's ability to satisfy the conditions of his or her programme is called into question, because of a health related issue or disability, the University's Occupational Health Service will make an assessment and advise on the impact of that issue on the student's fitness to practise and, if appropriate, in liaison with the relevant Disability Adviser/Mental Wellbeing Adviser, will advise on reasonable adjustments, or if a student's compliance with a treatment programme is necessary to ensure that service users', and/or staff, safety is not compromised, the Occupational Health Service will normally act as the point of liaison with the health or disability specialists treating the student.
- 7.9.8 In normal circumstances, a student's confidential medical information may be exchanged with relevant parties only with the explicit written consent of the student. Where consent is not given, but there is an identifiable risk to service users, other relevant parties, or to the student, written consent to disclosure may be given by the relevant Dean of School (or nominee designated for this purpose) who will consult the Director of Legal Services and University Solicitor before doing so.

7.9.9 Where, because of a health issue or a disability, a student cannot demonstrate the necessary level of competence and/or cannot satisfy the conditions of his or her programme and where all reasonable avenues open to the student, the University and any Practice Placement/Learning Provider have been explored and exhausted, and a way forward cannot be agreed mutually, the position of the student may be considered through fitness to practise proceedings.

7.10 **Criminal offences by students**

Section 8.5, UPR SA13¹, refers.

(Note for guidance

The University's policy and the principles it applies in relation to criminal proceedings involving students will also apply for the purposes of this process (UPR SA15). Whilst the procedures in this document are intended to provide a single process for dealing with allegations (including alleged criminal offences) that, if proven, would call into question a student's fitness to practise, the University's policy in relation to criminal offences is set out in section 8.5, UPR SA13¹ and is not repeated in this document. Certain cases may be referred for consideration under the provision of local Disclosure and Barring Service procedures.)

7.11 **Students who have withdrawn**

Where a student against whom an issue or complaint has been raised or against whom an allegation has been made, withdraws from the University prior to the matter being resolved under the provisions of University regulations, the University reserves the right, at its absolute discretion, to proceed with a Fitness to Practise Hearing and/or any other processes permitted by University regulation, including, but not necessarily limited to, reporting the outcome to the relevant Regulator.

7.12 **Duty to report**

Regulators place responsibilities on individuals whom they have registered and on the University to inform them and/or existing and/or potential employers and/or other relevant external organisations, where a student is being considered under the provisions of UPR SA15 and of the outcome of any investigation and/or proceedings under the provisions of UPR SA15. In certain circumstances the requirement to report is a legal duty.

7.13 **Schedule of Sanctions and Penalties for Academic and Non-Academic Misconduct Offences**

7.13.1 The University reserves the right, at its absolute discretion to impose sanctions and penalties, as set out in Appendix I, UPR SA15¹⁵ in circumstances where an offence has been proven. These sanctions and penalties are not absolute and the University reserves the right to vary them where it deems this to be appropriate.

7.13.2 In determining the sanction or penalty to be imposed, the relevant Panel will have regard for mitigating circumstances presented for consideration at any Hearing.

8 **ROLE OF THE VICE-CHANCELLOR**

8.1 The Vice-Chancellor may, from time-to-time, at his or her sole discretion, identify nominees and deputise individuals to act on his or her behalf in respect of all aspects of the procedures set out in this document (UPR SA15), save and except that where it is proposed that a student should be suspended or excluded from the University, the decision will be made only by the Vice-Chancellor or, in the Vice-Chancellor's absence, by the Deputy Vice-Chancellor, or in the absence of both the Vice-Chancellor and Deputy Vice-Chancellor, the senior University official who has been designated by the Vice-Chancellor to undertake the

acting position on behalf of the Vice-Chancellor. The Student Procedures Co-ordinator will maintain a written record of the delegations made by the Vice-Chancellor under the provisions of section 8.1.

- 8.2 The Vice-Chancellor may make an anonymised report to the President of the Students' Union concerning any suspension or exclusion under the provisions of UPR SA15.

9 ROLE OF THE SECRETARY AND REGISTRAR

- 9.1 The Secretary and Registrar is responsible to the Vice-Chancellor and the Board of Governors for the proper administration of the policies, regulations and procedures set out in this document.

- 9.2 The Secretary and Registrar has discretion to refer a concern, complaint or allegation to the appropriate stage of these procedures.

10 ROLE OF THE ASSOCIATE DEAN OF SCHOOL (ACADEMIC QUALITY ASSURANCE)

- 10.1 The Associate Dean of School (Academic Quality Assurance) is the nominee of the Dean of School who in all cases will remain responsible for the proper application and administration of the policies, regulations and procedures set out in this document (UPR SA15) within his or her School.

- 10.2 Unless indicated otherwise in this document (UPR SA15), an Associate Dean of School (Academic Quality Assurance), as defined in section 3.1.10, may, for the purposes of UPR SA15, choose to delegate some or all of his or her responsibilities under these regulations (UPR SA15) to other members of staff of appropriate standing, including Programme Leaders, and where appropriate, to School Fitness to Practise Officers. In respect of an alleged offence relating to the conduct of a study involving human participants, the Chairman of the relevant Ethics Committee with Delegated Authority (ECDA) would act as the nominee of the Associate Dean (Academic Quality Assurance), as for School Academic Misconduct Panels.

(Note for guidance

In considering the further action to be taken in relation to the matters referred to them, Associate Deans of School and their nominees will take into consideration whether it is appropriate for a matter to be referred for consideration under the provisions of another process (UPR EQ10¹¹, refers).)

- 10.3 Associate Deans of School (Academic Quality Assurance) will prepare and maintain
- i a Scheme of Delegation setting out any responsibilities so delegated and the names of those to whom delegations have been made;
 - ii a record of sanctions and penalties that have been applied within the School in relation to issues and complaints dealt with up to the conclusion of Stage 1 of these procedures (section 12, refers) shall be maintained within the School.
- 10.4 In all circumstances, the Associate Dean of School (Academic Quality Assurance), remains responsible to the Dean of School for the proper operation of these regulations and procedures within his or her School. Therefore, Associate Deans of School (Academic Quality Assurance) will ensure that they establish appropriate procedures and practices within their respective Schools to enable them to monitor the proper operation and administration of these procedures and to maintain an overview of the activities of members of staff acting as their nominees.

11 PROCEDURE

11.1 Purpose and scope

(Note for guidance – professional judgement)

The proper operation of these procedures (UPR SA15) relies on the professional judgement of the Dean of School, Associate Dean of School (Academic Quality Assurance) and his or her nominees and recognises that there will be some variation between Regulators, as defined in section 3.1.1, in terms of their Principles of Professional Behaviour and their expectations of students.)

11.1.1 This procedure will be applied in the following circumstances

- i where an issue is raised or a complaint or an allegation is made concerning the fitness to practise of a student as defined in section 3.1.3 and the Associate Dean of School (Academic Quality Assurance) (or nominee), considers it to be a fitness to practise matter;
- ii where an allegation of Academic Misconduct or Non-Academic Misconduct is made against a student, as defined in section 3.1.3, and the Associate Dean of School (Academic Quality Assurance) (or nominee), considers it to be a fitness to practise matter;
- iii where an Associate Dean of School (Academic Quality Assurance) (or nominee) has been informed of an alleged Academic Misconduct/Assessment Offence and, having established that there is a prima facie case under the provisions of section 5, Appendix III, UPR AS14², the Associate Dean of School (Academic Quality Assurance) (or nominee), considers it to be a fitness to practise matter.

(Note for guidance - Assessment Offences)

11.1.2 Where, in response to an allegation concerning an assessment offence, the Associate Dean of School (Academic Quality Assurance) (or nominee) has established a prima facie case under the provisions of section 5, Appendix III, UPR AS14², in referring the matter for consideration under the provisions of UPR SA15, he or she will have issued a **Letter** to the student in the format prescribed by the Secretary and Registrar (section 5.3.2, Appendix III, UPR AS14², refers.)

11.2 Student Fitness to Practise – notification of concerns, complaints and allegations

11.2.1 Raising concerns, complaints or allegations

- i Concerns, complaints and allegations relating to circumstances where a student's fitness to practise might be called into question in any of the circumstances referred to above in 11.1.1 i through to iii, must be notified in writing to the relevant Programme Leader in his or her capacity as a nominee of the Associate Dean of School (Academic Quality Assurance).

(Note for guidance - Assessment Offences)

Where this procedure (UPR SA15) is applied to an alleged Assessment Offence referred to it by the Associate Dean of School (Academic Quality Assurance) (or nominee), the Programme Leader will ensure that the **Letter** required under the provisions of section 5.3.2, Appendix III, UPR AS14², has been issued to the student.)

- ii Where a concern or allegation is received by another member of staff, he or she must, within one (1) working day of the receipt of that information, complaint or allegation, or as soon as possible thereafter, report that information, complaint or allegation to the relevant Programme Leader or nominee.
- iii Where a concern, complaint or allegation is notified direct to a Programme Leader, he or she will obtain written confirmation from the individual who has raised the matter.

(Note for guidance)

The written confirmation required under the provisions of section 11.2.1, iii, may be provided via e-mail.)

12 STUDENT FITNESS TO PRACTISE – STAGE 1 - PRELIMINARY PROCESS

(Note for guidance)

Stage 1 of this procedure consists of:

- o an initial consideration of the concern, complaint or allegation and
- o where warranted, referral of the matter for investigation and further consideration.

Initial consideration of a concern, complaint or allegation raised informally will normally be by a nominee of the Associate Dean of School (Academic Quality Assurance) who will normally (but not necessarily) be the relevant Programme Leader.)

12.1 Initial consideration of the matter by Programme Leader or other nominee of the Associate Dean of School (Academic Quality Assurance)

(Note for guidance)

To ensure consistency across the School, in considering cases, the Programme Leader or other nominee of the Associate Dean of School (Academic Quality Assurance) will consult the School Fitness to Practise Officer (where appointed) or the Associate Dean of School (Academic Quality Assurance).)

- i The Programme Leader or other nominee of the Associate Dean of School (Academic Quality Assurance):
 - a will consult the Practice Placement/Learning Provider (if applicable) and (where appointed) the School Fitness to Practise Officer and ensure that regular communication is maintained;
 - b will consider the allegation in the context of the definition of Best Practise applied by the relevant Regulator and/or for the relevant programme and
 - c should meet with the student (but is not bound to do so) and
 - d will exercise his or her professional judgment;
 - e may, depending upon the circumstances, adopt one of the following courses of action.

Initial consideration of the matter suggests	Course of action
THERE IS NO CASE TO ANSWER	Where the Programme Leader or other nominee of the Associate Dean of School (Academic Quality Assurance) considers that there is no case to answer and/or no further action is required, within five (5) working days of notification of the information, complaint or allegation or as soon as possible thereafter, he or she will issue a Letter to the student and place a copy of that Letter on the student's file.
THE ISSUE, COMPLAINT OR ALLEGATION IS A FITNESS TO 'PRACTISE ISSUE BUT IS DEEMED TO BE MINOR AND HAS NOT BEEN RAISED PREVIOUSLY AND/OR NO OTHER FITNESS TO PRACTISE ISSUE HAS BEEN RAISED PREVIOUSLY	<p>Where the Programme Leader or other nominee of the Associate Dean of School (Academic Quality Assurance) considers that the issue, complaint or allegation is minor and/or no further action is required, within five (5) working days of notification of the information, complaint or allegation or as soon as possible thereafter, he or she will issue a Letter to the student and place a copy of that Letter on the student's file.</p> <p>or</p> <p>Where the Programme Leader or other nominee of the Associate Dean of School (Academic Quality Assurance) considers that the issue, complaint or allegation is minor, he or she may decide to issue a First Warning and/or manage the matter informally with the Programme Team and/or the Practice Placement/Learning Provider, in which case the Programme Leader or other nominee of the Associate Dean of School (Academic Quality Assurance) will, as appropriate:</p> <p>a within five (5) working days of notification of the information, complaint or allegation, or as soon as possible thereafter, issue a First Warning and a Letter to the student and place a copy of that Letter on the student's file;</p> <p>(Note</p> <p>Where the procedures in this document (UPR SA15) or those in UPR SA13¹ or Appendix III, UPR AS14² are invoked against a student enrolled on a Professional Programme, then, at the point at which a case is proven, previous patterns of behaviour and/or any previous offences, will be taken into consideration in determining the sanctions and penalties to be imposed in relation to the offence. This means that an informal warning may be taken into consideration when a second or subsequent offence is proven under the provisions of University regulations (section 7.2, refers).)</p> <p>and/or</p> <p>b ensure that the necessary action is taken by the Programme Team/Practice Placement/Learning Provider.</p>
<p>The student has the right to request the Associate Dean of School (Academic Quality Assurance) to review the decision taken. Such requests must be made in writing within 10 working days of the date of the Letter. Where the Associate Dean of School (Academic Quality Assurance) has not used a nominee for this part of the process, the review will be conducted by the Dean of School. A review of the decision will be conducted within 5 working days, or as soon as possible thereafter, following receipt of the request for review. A Letter will be sent by the reviewer to advise the Student on the decision taken following the review.</p>	

<p>THE ISSUE, COMPLAINT OR ALLEGATION IS SERIOUS AND/OR IS OTHERWISE DEEMED TO WARRANT FURTHER INVESTIGATION AND/OR HAS BEEN RAISED PREVIOUSLY AND/OR ANOTHER FITNESS TO PRACTISE STUDENT DISCIPLINE OR ACCADEMIC MISCONDUCT ISSUE HAS BEEN RAISED PREVIOUSLY</p>	<p>In these circumstances, the Programme Leader or other nominee of the Associate Dean of School (Academic Quality Assurance) will, within five (5) working days of the receipt of the information, complaint or allegation or as soon as possible thereafter</p> <ul style="list-style-type: none"> a inform any Practice Placement/Learning Provider, if applicable and appropriate; b inform the relevant Dean of School (or nominee designated for this purpose), and where he or she is not dealing with the matter personally, the Associate Dean of School (Academic Quality Assurance) and c issue a Letter to the student; d refer the matter to the Associate Dean of School (Academic Quality Assurance) (or nominee) for further consideration (section 12.2, refers).
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12.2 Consideration of the matter by the Associate Dean of School (Academic Quality Assurance)

(Note for guidance)

Within some Schools, the extent of delegation by the Associate Dean of School (Academic Quality Assurance) to a School Fitness to Practise Officer or to another member of staff with appropriate standing, may be significant. In small Schools, the Associate Dean of School (Academic Quality Assurance) may retain some or all of the functions listed in 12.2.1.

Where an Associate Dean of School (Academic Quality Assurance) wishes to operate this part of the procedure through a nominee, that nominee will not be the same individual who undertook the initial consideration under section 12.1.)

12.2.1 The Associate Dean of School (Academic Quality Assurance) (or nominee)

- a will consider the matter and, at his or her discretion, conduct an initial investigation to assess the appropriate next steps (ie investigation or no case to answer), and
- b should meet with the student but is not bound to do so, and
- c will, as necessary, seek advice from representatives of the Practice Placement/Learning Provider, and
- d as appropriate, may seek advice from other appropriate members of staff.

12.2.2 Within five (5) working days of the date on which the matter was referred to him or her, or as soon as possible thereafter, the Associate Dean of School (Academic Quality Assurance) (or nominee), will either

- a determine that there is no case to answer and that no further action is required and issue a **Letter** to the student;
- or
- b determine that the matter warrants investigation and
 - 1 will appoint a senior member of the academic staff who has a professional background and who has had no previous involvement with the student or the matter to carry out an independent and objective investigation having taken advice, as necessary, from the relevant professional body; representatives of the Practice Placement/Work Related Learning Provider and from other appropriate members of staff and to provide a report of the investigation to the Associate Dean of School (Academic Quality Assurance) (or nominee), and

- 2 by means of a **Letter**, advise the student in writing of the concern, complaint or allegation and any underlying facts provided to support it.

The investigation made under the provisions of section 12.2.2 of these regulations (UPR SA15) will contribute to the investigation Stage required by any other University procedures.

The investigation finding	Course of action
THERE IS NO CASE TO ANSWER	Within five (5) working days of referral of the information, complaint or allegation to the Associate Dean (Academic Quality Assurance) (or nominee) or as soon as possible thereafter, he or she will issue a Letter to the student.
Where the independent investigation reveals evidence that the issue, complaint or allegation may be valid, having given due consideration to the complexity and seriousness of the allegation the Associate Dean of School (Academic Quality Assurance) (or nominee), has discretion to take the following courses of action:	
The evidence indicates	Course of action
ACADEMIC MISCONDUCT AND/OR NON-ACADEMIC MISCONDUCT ONLY (NO FITNESS TO PRACTISE ISSUE)	Where the independent investigation reveals evidence that the issue, complaint or allegation may be valid but that it is not a Fitness to Practise issue and <ul style="list-style-type: none"> a having taken advice, as necessary, from the relevant professional body; representatives of the Practice Placement/Learning Provider (if applicable) and from other appropriate members of staff and b having exercised his or her professional judgement, the Associate Dean of School (Academic Quality Assurance) (or nominee) may determine that whilst there is no Fitness to Practise issue, the matter warrants further consideration either as Academic Misconduct or as Non-Academic Misconduct, as defined in UPR SA13¹; UPR AS14
THERE IS A FITNESS TO PRACTISE ISSUE AND THE ISSUE, COMPLAINT OR ALLEGATION IS MINOR AND HAS NOT BEEN RAISED PREVIOUSLY AND/OR NO OTHER FITNESS TO PRACTISE ISSUE HAS BEEN RAISED PREVIOUSLY	Where the student admits the offence, the Associate Dean of School (Academic Quality Assurance) (or nominee) may manage the matter informally with the Programme Team and/or the Practice Placement/Learning Provider and will, within five (5) working days of the receipt of the investigation report, or as soon as possible thereafter, issue a Letter to the student and place a copy of that Letter on the student's file. <p>(Note)</p> Where the procedures in this document (UPR SA15) or those in UPR SA13 ¹ or Appendix III, UPR AS14 ² are invoked against a student enrolled on a Professional Programme, then, at the point at which a case is proven, previous patterns of behaviour and/or any previous offences, will be taken into consideration in determining the sanctions and penalties to be imposed in relation to the offence. This means that an informal warning may be taken into consideration when a second or subsequent offence is proven under the provisions of University regulations (section 7.2, refers).)

	Where the student disagrees with the decision taken by the Associate Dean of School (Academic Quality enhancement) (or nominee) he or she has the right to request, within 10 working days of the date of the Letter that the case be referred for consideration by a Student Fitness to Practise Panel.
THE ISSUE, COMPLAINT OR ALLEGATION IS SERIOUS AND/OR IS DEEMED TO WARRANT FURTHER INVESTIGATION AND/OR HAS BEEN RAISED PREVIOUSLY AND/OR ANOTHER FITNESS TO PRACTISE ISSUE HAS BEEN RAISED PREVIOUSLY	The Associate Dean of School (Academic Quality Assurance) (or nominee) will refer the matter for consideration under the provisions of section 13 (Stage 2 – formal process) of these procedures (UPR SA15).

13 **STUDENT FITNESS TO PRACTISE – STAGE 2 – FORMAL PROCESS**

13.1 The Associate Dean of School (Academic Quality Assurance) (or nominee) will

- a within ten (**10**) working days of the decision taken at Stage 1- preliminary process or as soon as possible thereafter, refer the matter for consideration under Stage 2 – formal process (section 13) and convene a Student Fitness to Practise Panel to consider the matter and issue a Letter to the student.

13.2 **Student Fitness to Practise Panel**

- a The Student Fitness to Practise Panel is an ad hoc panel convened on the authority of the Vice-Chancellor.
- b No person directly involved with the case shall be a member of the Student Fitness to Practise Panel.
- c The Chairman of the Panel acts as the nominee of the Vice-Chancellor save and except for the purposes of Suspension or Exclusion from the University (Appendix IV, UPR SA15¹⁰, refers).
- d A narrative (non-verbatim) record will be made of the Hearing by a Clerk appointed by the School Administration Manager.
- e A Student Fitness to Practise Panel shall be composed as follows:

Composition

(Note for guidance

In constituting the Panel, the Chairman will have regard for diversity within its membership.)

Category

- 1 An Associate Dean of School or a Head of Department or a Dean of School, who has had no previous direct involvement with the case, who shall be Chairman
- 2 A University of Hertfordshire Professional Lead normally from the same profession as the student
- 3 A Practice Representative from a relevant Practice Placement/Learning Provider, normally of the same profession as the student but from another Trust or Practice Placement/Learning Provider
- 4 In the case of breach of ethics protocol in respect of a study involving human participants, the Chairman or Vice-Chairman of the ECDA not directly involved in the preliminary investigation
- 5 Where specified by the relevant Regulator, a member of University staff who is not a member of the School and who is not of the same profession as the student
- 6 Dean of Students (or deputy designated for this purpose)

Officer in Attendance

Clerk appointed by the School Administration Manager

Specialist Adviser

The Chairman of the Panel has discretion to invite a member of the relevant Profession with appropriate standing to attend and to advise the Panel. The Specialist Adviser will normally be a member of University staff.

Quorum A member of Categories 1, 2, 3 and 5 must be present.

Case Officer the Associate Dean of School (Academic Quality Assurance) (or nominee).

13.3 Student Fitness to Practise Panel – Hearing

- a The University expects that a student will bring forward to the Student Fitness to Practise Panel all relevant evidence that is available at the time of the Hearing.
- b The detailed deliberations of the Panel are confidential.
- c The Hearing by the Panel will be conducted in accordance with the rules set out in Appendix V¹⁶, UPR SA15.
- d The Case Officer will normally be the member of staff who either undertook the investigation or received the investigatory report at **Stage 1** (section 12, refers).

(Note for guidance

Because it is intended that the procedures set out in this document (UPR SA15) should be applied in a range of circumstances, namely, alleged Academic Misconduct and Non-Academic Misconduct, as defined in UPR SA13¹, or alleged Assessment Offences, as defined in Appendix III, UPR AS14² that might, if proven call, into question to student's suitability to practise, as well as Fitness to Practise cases, the outcomes listed in this section (13.3) provide for all circumstances and may not be relevant in all cases.)

- e The Panel may take one or more of the following courses of action
 - 1 determine that the student has failed to meet the relevant Principles of Professional Behaviour, or has breached the relevant Regulator's Student Code of Conduct/Code of Conduct or is otherwise not fit to practise and that the matter should be reported, as necessary, to the relevant Regulator and/or Practice Placement/Learning Provider (section 10.5.4, c, refers) and/or
 - 2 where Academic Misconduct or Non-Academic Misconduct is proven, impose any other penalty specified in Appendix I, UPR SA15¹⁶ and/or issue a verbal and/or written warning to the student and/or
 - 3 resolve to dismiss the matter and, as appropriate, notify the Chairman of the relevant Short Course/Module Board of Examiners that the candidate has not committed an Academic Misconduct offence and that it is appropriate for the Short Course/Module Board of Examiner to consider the candidate and allocate marks to him or her on the basis of the candidate's academic merit, or
 - 4 where Academic Misconduct is proven, refer the case to the relevant Short Course/Module Board of Examiners (the Short Course/Module Board of Examiners will exercise its academic judgement and allocate marks to the student on the basis of his or her academic merit) and/or

¹⁶ Appendix V, UPR SA15 'Conduct of Panels and Hearings'

- 5** resolve to impose an alternative reasonable penalty, for example, a requirement on the student to apologise and/or to give an undertaking as to his or her future behaviour and/or fines or work by the offender to make good damage caused and may be linked to a recommendation to the Vice-Chancellor for suspension in default of the student complying with the penalty imposed and/or
- 6** resolve to add information concerning the matter to the student's personal file and/or
- 7** resolve to recommend that the Vice-Chancellor suspends or excludes the student from the University.

(Note for guidance)

In making its decision, the Panel will have regard for proportionality; the protection of service users or other relevant third parties; the declaration and upholding of proper standards of conduct; the maintenance of public confidence in students of the profession and the maintenance of confidence in the ability of the University to deal appropriately with fitness to practise issues relating to students on the Professional Programmes that it offers.

In applying the principle of proportionality, Panels will seek to ensure that cases are dealt with in ways which are proportionate to the complexity of the issues; that all parties have been given an opportunity to participate fully in the proceedings; and that they use the knowledge and experience of Panel members effectively).

13.4 Student Fitness to Practise Panel – decision

- a** Within five (**5**) working days of the Hearing or as soon as possible thereafter, the decision of the Panel, and the reasons for that decision, will be communicated to the student by means of a **Letter**.
- b** A copy of the **Letter** referred to in section 13.4, a, will be provided to the Dean of Students who will be responsible for instigating any consequent action, including, as appropriate, providing copies of the **Letter** to other relevant members of staff. The Dean of Students will not contact the Regulator (section 13.4, d, refers).

(Note for guidance)

Where relevant and appropriate, in setting out the reasons for the Panel's decision, the **Letter** will reference any failings in respect of the relevant Principles of Professional Behaviour, or breaches of any relevant Regulator Student Code of Conduct/Code of Conduct.)

- c** **RECOMMENDATION FOR SUSPENSION OR EXCLUSION FROM THE UNIVERSITY BY THE VICE-CHANCELLOR**
 - 1** Where the Panel has recommended that the student be suspended or excluded from the University, the **Letter** referred to in section 13.4, a, will make clear that the matter has been referred for final decision by the Vice-Chancellor.
 - 2** The Panel will make a written recommendation to the Vice-Chancellor.

- d REPORTING TO THE RELEVANT REGULATOR, PRACTICE PLACEMENT/LEARNING PROVIDERS, AND TO EXISTING AND POTENTIAL EMPLOYERS AND/OR OTHER RELEVANT EXTERNAL ORGANISATIONS
- 1 Where this is required by the Regulator and where a decision of the Student Fitness to Practise Panel is that a report should be made to the relevant Regulator, the Chairman of the Student Fitness to Practise Panel will
- A consult with the relevant Dean of School to confirm that this is necessary and whether the University is also obliged to report the matter to
- any relevant Practice Placement/Learning Provider and
 - to existing and potential employers and/or
 - to other relevant external organisations and
- B after the time-limit for appeal under the provisions of section 14.2 or 15 as applicable, to notify the relevant external parties of the Panel's finding.

14 REVIEW OF A STUDENT FITNESS TO PRACTISE PANEL DECISION

(Note for guidance)

The procedure in this section does not apply to decisions taken by the Vice-Chancellor in relation to suspension or exclusion from the University (section 13.4, c, Appendix IV, UPR SA15¹⁰, refers). It applies only to Panel decisions in relation to other sanctions and penalties.)

14.1 Student Fitness to Practise - grounds for requesting a review of a Student Fitness to Practise Panel decision

- a Following the decision of the Student Fitness to Practise Panel and in the following limited circumstances a student may request a review of his or her case by the Deputy Vice-Chancellor (or nominee)

(Note for guidance)

The Deputy Vice-Chancellor may nominate another member of staff with appropriate standing to undertake some or all of the duties assigned to the Deputy Vice-Chancellor under these procedures (UPR SA15).)

- 1 where new and relevant information not already brought forward at an earlier stage becomes available, provided the new and relevant information could not legitimately have been available and brought forward at the earlier stage and will be conclusive of an issue under review or
(For the avoidance of doubt, only new information, specifically relevant to the grounds on which the request is being made, will be accepted)
- 2 where the student reasonably believes that there is a prima facie case of procedural irregularity or appearance of bias or actual bias.

14.2 Student Fitness to Practise – process for reviewing a Student Fitness to Practise Panel decision

a Making a request

- 1 Requests for a review by the Deputy Vice-Chancellor under the provisions of section 14, must be made in writing and be **received** by the Student Procedures Co-ordinator not more than ten (**10**) working days following the date of the **Letter** referred to in section 13.4, a, (this date is the date of the **Letter** and not the date of its receipt by the student).

(Note for guidance)

Having received a request for review, the Deputy Vice-Chancellor may nominate another member of staff with appropriate standing to undertake some or all of the duties assigned to the Deputy Vice-Chancellor under these procedures (UPR SA15). The request for a Review by the Deputy Vice-Chancellor will be acknowledged, in writing, by means of a **Letter** (Appendix VI, UPR SA15⁷, refers).

- 2 The request for a review will be denied in circumstances where the grounds cited by the student in his or her written request are other than those set out in section 14.1, a.
- 3 Where the grounds and evidence cited for the review are consistent with those set out in section 14.1, a, the Deputy Vice-Chancellor (or nominee) will consider the matter.
- 4 **STUDENT FITNESS TO PRACTISE REVIEW PANEL**

Where, at his or her absolute discretion, the Deputy Vice-Chancellor (or nominee) determines that the case is eligible for further consideration, he or she will refer the matter to a Student Fitness to Practise Review Panel composed of individuals who were not members of the Student Fitness to Practise Panel that heard the case initially.

(Note for guidance)

The role of the Student Fitness to Practise Review Panel constituted under the provisions of section 14.2, a 4, is to review the decision made at the original Student Fitness to Practise Panel hearing and to reach a conclusion as to whether the decision made by the Student Fitness to Practise Panel should be upheld or referred to a newly constituted Student Fitness to Practise Panel for a new hearing. The composition of a Student Fitness to Practise Review Panel and its rules of operation are set out in section 13.2 save and except that the Panel must be composed of individuals who were not members of the Student Fitness to Practise Panel that heard the case initially.)

- 5 The decision of the Student Fitness to Practise Review Panel will be final. Within five (**5**) working days of the Hearing or as soon as possible thereafter, the decision of the Panel will be communicated to the student by means of a Letter. The Letter will be accompanied by a Completion of Procedures Letter, where the decision of the Fitness to Practise Panel has been upheld, which may be used in relation to any future dealings with the Office of the Independent Adjudicator. Where the Fitness to Practise Review Panel has referred the matter back for a new hearing, the Completion of Procedures Letter will be issued once the new hearing has been completed.

- 6 A copy of the Letter will be provided to the Dean of Students who will be responsible for instigating any consequent action, including, as appropriate, providing copies of the Letter to other relevant members of staff.

15 **SUSPENSION OR EXCLUSION FROM THE UNIVERSITY BY THE VICE-CHANCELLOR**

Appendix IV, UPR SA15¹⁰, refers.

(Note for guidance – Suspension or Exclusion from the University by the Vice-Chancellor)

The process whereby the Vice-Chancellor exercises his or her power to Suspend or Exclude a student from the University may be invoked under the provisions of UPR SA13¹ or UPR SA15 or otherwise as the Vice-Chancellor thinks fit.

Appendix IV, UPR SA15¹⁰ gives full information about the process and about how a request may be made for the review of a decision by a Review Committee of the Board of Governors.)

16 **OFFICE OF THE INDEPENDENT ADJUDICATOR**

Having exhausted the University internal procedures and subject to the provisions of legislation, the student has the right to request the Office of the Independent Adjudicator to review his or her case.

17 **LEGAL REDRESS**

Nothing in this document is intended to exclude or limit the student's right to bring legal proceedings.

18 **MONITORING**

- 18.1 The University will monitor the operation of these policies and procedures and emerging trends and will publish non-confidential data.

- 18.2 To ensure the consistent application of UPR SA15, the Dean of Students will co-ordinate an annual review of the decisions taken and provide a report to the Deans of School and Associate Deans of School (Academic Quality Assurance), of the Schools that offer Professional Programmes.

- 18.3 The Vice-Chancellor will submit an Annual Report to the Academic Board and to the Board of Governors on the operation of these procedures (UPR SA15). The information in the Annual Report will be anonymised.

19 **STANDARD FORMS AND CORRESPONDENCE**

- 19.1 The Secretary and Registrar will devise and issue standard forms and correspondence to be used in conjunction with UPR SA15 (Appendix VI, UPR SA15¹⁷, refers).

- 19.2 Associate Deans of School (Academic Quality Assurance) and/or the Dean of Students will ensure that only the current standard forms and letters approved by the Secretary and Registrar from time-to-time are used (Appendix VI, UPR SA15¹⁷, refers).

¹⁷ Appendix VI, UPR SA15 'Approved Letters and Forms'

(Note for guidance

Schools are required to use the current versions of the forms and standard letters approved by the Secretary and Registrar and are not permitted to use forms and letters created locally. Where a change to an existing form or letter, or an additional form or letter is thought necessary, a request should be made in the first instance to the Student Procedures Co-ordinator.)

Mrs S C Grant
Secretary and Registrar
Signed: **14 March 2018**