

# Professional Misconduct Procedure

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## **1. Introduction**

- 1.1. The Professional Misconduct Procedure describes the procedures in place to investigate suspected cases of professional misconduct in relation to professional curriculum placements, volunteering placements and work-based learning with a third party.
- 1.2. It adheres to the University's Professional Misconduct Policy.
- 1.3. This Procedure is designed to be used by:
  - Student Casework Team
  - Graduate Outcomes and Enterprise Directorate
  - Faculties and Schools
  - Partner Institutions
  - Students (excluding Apprenticeships)
- 1.4. This Procedure is regularly reviewed by the Student Casework Office and updates will be approved by the Director of Academic Quality and University Registrar.

## **2. Procedure for the investigation of suspected instances of professional misconduct**

The following procedure applies to the investigation of instances of suspected cases of professional misconduct whilst on professional curriculum placements, volunteering placements or other work-based learning with a third party and is conducted by the Director of Graduate Outcomes and Enterprise or nominee. For students studying at Partner institutions, the investigation is conducted by the relevant member of staff at the institution, in consultation with LTU staff.

Where, following an investigation, it is judged that a moderate instance of professional misconduct has occurred, a conclusion may be drawn at the end of the interview with the student. More serious cases will be referred to the University's Student Academic and Professional Misconduct Panel (Student APM Panel).

- 2.1. Where a lack of preparation for/engagement with the professional placement or general inappropriate behaviour and/or actions whilst on placement, work-based learning or volunteering is discovered, an initial investigation will be undertaken by the Director of Graduate Outcomes and Enterprise or nominee/staff member at the Partner Institution. Cases may be identified by any member of staff who has become aware of the case via relevant channels.
- 2.2. The Director of Graduate Outcomes and Enterprise or nominee/staff member at Partner Institution will set out the case in writing on the Professional Misconduct (PM) form. This should be done within 5 working days of a member of staff suspecting a case. The Director of Graduate Outcomes and Enterprise or nominee/staff member at a Partner Institution will invite the student to an investigatory interview to discuss the alleged misconduct and will provide the student with details of the allegation and any support information in advance of the

	meeting. The invite to the meeting should be sent to the student's LTU/Partner (as appropriate) email address.
2.3.	The student should be advised that they may be accompanied by a companion if they choose. This can be a friend, family member, fellow LTU student or a member of LTSU (for City Centre and Horsforth Campus students). The companion is not able to answer questions on behalf of the student but is in attendance for support, except in the case of any reasonable adjustments. This will be considered on a case-by-case basis.
2.4.	Normally, a minimum of 5 working days' notice will be provided to students in advance of the investigatory interview and students are expected to make themselves available. Where possible, the meetings should be held within term-time however, if this cannot be accommodated, a suitable date should be arranged in consultation with the student <sup>1</sup> . Students are expected to make all reasonable effort to attend such meetings and the rearrangement of meetings will normally be limited to one occasion.
2.5.	Should the student not attend the meeting or fail to respond to the correspondence about the meeting, then provided the criteria has been met, the Director of Graduate Outcomes and Enterprise or nominee/staff at the Partner Institution may take judgement on the case in the student's absence. The investigatory interviews can take place in person or online.
2.6.	The University recognises its duty to make reasonable adjustments to the meeting process for students who may require it. Students are to inform the Director of Graduate Outcomes and Enterprise or nominee/staff member at the Partner Institution of any reasonable adjustments that may need to be considered when conducting the interview.
2.7.	At the interview, the Director of Graduate Outcomes and Enterprise or nominee/staff member at the Partner Institution will: <ul style="list-style-type: none"> <li>(i) Explain to the student the allegation and how it is a breach of acceptable conduct.</li> <li>(ii) Ask the student for their account of the event.</li> <li>(iii) Attempt to gain an understanding that the student is aware of the concerns raised and how similar allegations might be avoided in the future.</li> <li>(iv) Ascertain from the student whether there were any mitigating circumstances.<sup>2</sup></li> <li>(v) Make notes of the meeting, to inform the completion of the PM report form and the notes may be required for any subsequent appeal.</li> </ul>
2.8	If it is agreed that there is not a case to answer, then no further action will be taken. If it is found that the student had not followed the correct procedure, as set out in the relevant Placement Handbook/SharePoint but has since redeemed the situation with the placement host as appropriate, the Director of Graduate Outcomes and Enterprise or nominee/staff at Partner Institution will not refer the case for consideration by the Student APM Panel on procedural grounds alone.

<sup>1</sup> Where a decision on a case cannot be reached within the current academic year, a student would not be able to register on their next year of study until the case is resolved. Students should be alerted to this and any consequences in terms of progression to the next level, if appropriate.

<sup>2</sup> If mitigating circumstances are considered when deciding upon an appropriate penalty, they must be supported by independent evidence.

- 2.9 In recognition that not following the procedure presents a risk to the institution, the Director of Graduate Outcomes and Enterprise or nominee/staff member at the Partner Institution may issue a formal warning to the student if a case of moderate professional misconduct has been substantiated, using the penalty table as a guide. The Director of Graduate Outcomes and Enterprise or nominee/staff member at the Partner Institution will:
- (i) Explain to the student that they are being given a formal warning, which will be confirmed in writing on the PM form and that any further allegations will be regarded as a serious offence for which the consequences will be much more severe.
  - (ii) Ask the student to confirm that they understand how they have breached the procedures and that they will take all necessary steps to ensure that they do not do so again.
  - (iii) Advise the student of their right of appeal.
  - (iv) Report the incident on the PM report form, normally within 5 working days of the interview taken place and will provide a copy of the report to the student, the relevant Chair of the Assessment Panel, Placement Module Leader and Student Casework Office.
- 2.10 If at the end of the interview, the Director of Graduate Outcomes and Enterprise or nominee/staff member at the Partner Institution decides that the case is of a serious or complex nature, they shall refer the case to the University's APM Panel. The case shall include a record of contact made with the student, a report from the Placement Host as appropriate and any additional information required. The Director of Graduate Outcomes and Enterprise or nominee/staff at the Partner Institution will contact the nominated academic placement leader to assemble the departmental information. It is the responsibility of the nominated academic placement leader to liaise with appropriate colleagues (e.g. the student's Visiting Placement Tutor, the Student's Personal Tutor, and Chair of the Assessment Panel) to collate any information held. The case will be considered under the procedure set out in Section 3.
- 2.11 If the student is studying at a Partner Institution, 2.1 – 2.9 will be done in consultation with appropriate member of LTU staff.
- 2.12 Notwithstanding academic or professional performance on other elements of the placement module final results should be held in abeyance until the case has been investigated by the Student APM Panel, normally by way of recording a late mark to the Progression and Award Board. A decision on the results for the relevant stage of study will be communicated to the student upon conclusion of the investigation.

### **3. Procedure for cases to be heard by the University's Student Academic and Professional Misconduct Panel Hearing**

The following procedure applies to serious cases of professional misconduct that have been investigated at local level under the procedures described in Section 3 and referred to the Student APM Panel. The below applies to students studying at the City Centre and Horsforth Campuses and UK Partner Institutions. Students studying at TNE Partners will follow the process as detailed in 3.12 – 3.15.

- 3.1. Cases of professional misconduct to be considered by the Students APM Panel shall be submitted to the Student Casework Office. Cases shall normally be submitted on the PM report form, along with supporting evidence and will indicate the outcome of local level consideration of the case to date.
- 3.2. If the student has admitted to an offence of professional misconduct, they may be offered the option of accepting a penalty determined by Professional Misconduct Penalty Assessment Panel without the need for a full hearing, thus avoiding undue prolongation or escalation on procedural ground alone.
- 3.3. The Professional Misconduct Penalty Assessment Panel will comprise of:
  - Head of Student Casework (or nominee)
  - Director of Graduate Outcomes and Enterprise (or nominee)
  - President of the Students' Union (or nominee)
  - Relevant Dean of Faculty (or nominee)
- 3.4. The proposed penalty will be decided on the material facts of the case and will be grounded in institutional caselaw. Should the student choose not to accept the penalty, then a meeting of the APM Panel will be convened.
- 3.5. If it is determined that a meeting of the APM Panel is to be convened, it will be arranged within 21 working days of the case being referred and it will have the following membership, with a quoracy of 3:
  - One Head of School, from a different School from the student
  - One academic colleague from a different School from the student
  - The Director of Academic Quality and University Registrar, or nominee
  - Leeds Trinity Students' Union (LTSU) President or nominee
- 3.6. Other persons permitted to be present are:
  - The student
  - If the student chooses, they may be accompanied by a friend, family member, fellow student or for City Centre and Horsforth Students, an Officer of LTSU
  - School representative to present the case
  - A member of the Student Casework Office acting as Secretary
  - Any other relevant third party as determined by the Chair of the APM Panel. The student will be notified of any such party who has been invited to attend.
- 3.7. On behalf of the APM Panel, the Student Casework Office shall:
  - (i) Arrange the time and venue for the APM Panel, in consultation with the panel members and nominated School representative. Students are expected to make all reasonable efforts to attend such meetings and the rearrangement of meetings will normally be limited to one occasion. The student will be encouraged to attend the Panel and advised it is in their best interest to attend. The APM Panel can take place in person or online.
  - (ii) Write to the student inviting them to attend the Panel, provide them with details of the allegation and the information to be considered by the APM Panel. It is the student's responsibility to inform the panel if they wish to be accompanied by a friend, family member, fellow student or Officer of LTSU.
  - (iii) Take a record of the meeting.

- 3.8. Prior to the Panel, the APM Panel Members will hold a private, preliminary meeting. The Panel will then be an open meeting with the student and companion, where applicable, and School representative throughout the inquiry section of the meeting. Following conclusion of the Panel, the student and companion, where applicable, and School representative will withdraw from the Panel. The Panel will have a private post-Panel meeting to determine an outcome.
- 3.9. During the consideration of the case:
- (i) The APM Panel will discuss all relevant documentation submitted as evidence to the Panel in a closed preliminary meeting to establish its lines of enquiry.
  - (ii) The student and companion, where applicable, and the School representative will join the APM Panel and the Chair of the APM will provide an outline of the proceedings.
  - (iii) The Chair will invite the School representative to introduce the case and Panel Members will ask questions to obtain a clear understanding of the allegation, if required.
  - (iv) The Chair will invite the student to explain the case from their perspective and/or actions taken and Panel Members will ask questions to obtain a clear understanding of the circumstances.
  - (v) Where a third party has been invited to advise the Panel, the Chair will invite comment at appropriate junctures.
  - (vi) The student and School representative will each be given the opportunity to ask questions at appropriate points of the Panel.
  - (vii) The School representative and student will be invited to make a concluding statement in turn.
  - (viii) The student and companion, where applicable and School representative will withdraw whilst the Panel draws its conclusions in its private post-Panel meeting.
  - (ix) The Secretary will inform the student and School representative of the outcome of the Panel within 10 working days.
- 3.10. The APM Panel may take any other steps as may be considered necessary in order to give the case due consideration.
- 3.11. If the APM Panel decides that a case of moderate or serious professional misconduct has been substantiated, it shall consider the student's record including profile of marks and previously substantiated allegations of professional misconduct or other misconduct when determining a penalty. The penalty will normally be one of the penalties listed in the Table of Penalties of although the APM has the authority to impose any other penalty that it deems appropriate to the individual circumstances of the case.
- 3.12. If a penalty is agreed where it would result in the cancellation of the student's registration with the University, the Panel will refer this to the Dean of the relevant Faculty for approval.
- 3.13. The formal record of the meeting will be checked and signed by the Chair of the APM Panel and the formal record and outcome letter will be sent to the student normally within 10 working days of the APM Panel via email. Copies of the records will be held in the Student Casework Office and the outcome of the hearing will be

stored centrally on a database to facilitate consistency in the application of penalties in future cases.

3.14. For TNE students, if it is determined that an APM Panel is to be convened, it will be arranged within 21 working days of the case being referred and it will have the following membership:

- Chair (from the TNE Partner Institution, usually independent from the School and will have no prior knowledge of the case). Chairs will be approved by LTU.
- Module Tutor from the Partner Institution.
- LTU Representative.

3.15. The student may be accompanied by a friend, family member or fellow student. The Student Casework Office or a Panel Member can attend to take notes and act as secretary as required.

3.16. The TNE Partner Institution shall:

- (i) Arrange the time and venue for the APM Panel, in consultation with the panel members and nominated School representative. Students are expected to make all reasonable efforts to attend such meetings and the rearrangement of meetings will normally be limited to one occasion. The student will be encouraged to attend the Panel and advised it is in their best interest to attend. The APM Panel can take place in person or online.
- (ii) Write to the student inviting them to attend the Panel, provide them with details of the allegation and the information to be considered by the APM Panel. It is the student's responsibility to inform the panel if they wish to be accompanied by a friend, family member, fellow student or Officer of LTSU.
- (iii) Take a record of the meeting.

3.17. TNE Partner Institution should follow the policy as detailed in 4.6 – 4.10, with the TNE Partner Institution informing the student of the outcome.

## 4. Appeals

4.1. A student who is found guilty of professional misconduct may appeal against the decision of the Director of Graduate Outcomes and Enterprise or nominee or the Student APM Panel on the following grounds only:

- (i) New evidence of mitigating circumstances which the student could not have presented previously; or
- (ii) A material, procedural irregularity in the conduct of the case.

4.2. An appeal will only be considered if it is submitted in writing to [misconduct@leedstrinity.ac.uk](mailto:misconduct@leedstrinity.ac.uk) within **10 working days** of the date of the outcome letter. Any appeal must state the grounds for the appeal and must be supported by appropriate evidence.

- 4.3. On receipt of the appeal, the Deputy Vice Chancellor or nominee will determine whether there are grounds for an appeal to proceed.
- 4.4. The Deputy Vice Chancellor or nominee will communicate the outcome of the appeal to the student, the Director of Graduate Outcomes and Enterprise or nominee (if appropriate), Chair of the Assessment Panel, Chair of the APM Panel (if appropriate) within 25 working days of receipt of the appeal being received.
- 4.5. The decision of the Deputy Vice Chancellor or nominee shall be final and a Completion of Procedures letter will be issued with the outcome of the appeal.
- 4.6. If, on exhaustion of the University's internal procedures detailed above, a student wishes to seek an independent external review, then they can submit a complaint to the Office of the Independent Adjudicator (OIA), within 12 months of the date of the Completion of Procedures Letter. The Completion of Procedures Letter will contain information on the services provided by the OIA and on how to submit a complaint.

## 5. Student Support

- 5.1. Students who receive an allegation of Professional Misconduct and they are studying at the Leeds City Centre or Horsforth campus can contact Leeds Trinity Students' Union for advice and support. An LTSU advisor can accompany a student studying at the Leeds City Centre or Horsforth campus to an investigatory interview or panel hearing as a companion. Students can also contact their Personal Tutor for support. If a student's Personal Tutor is also the staff member who has brought the allegation forward, the student can contact another Module Tutor/Academic Staff Member for support. For students at Partner Institutions, students can contact their College Liaison Tutor/appropriate member of LTU staff for advice as well as their own tutors.
- 5.2. Student Support Services are available for students studying at the Leeds City Centre or Horsforth campus and can be accessed and booked via the MyLTU App or via email at [studentsupport@leedstrinity.ac.uk](mailto:studentsupport@leedstrinity.ac.uk).
- 5.3. Students studying at Partner Institutions will need to contact their own institution for support and guidance.

## 6. Key Contacts and Responsibilities

Key Contact	Responsibility
Student Casework Office ( <a href="mailto:misconduct@leedstrinity.ac.uk">misconduct@leedstrinity.ac.uk</a> )	Overall responsibility of process, to ensure due process is followed.
Director of Graduate Outcomes and Enterprise or nominee	Responsible for Investigatory Interviews for Horsforth and City Centre Campus students
Nominee at each Partner Institution	Responsible for Investigatory Interviews for students at Partner Institutions





## 7. Penalty Table for Volunteering and Professional Placements

Moderate				
Category	Offence Details (not exhaustive)	Level	Penalty (First Offence)	Penalty (Subsequent Offence)
Lack of preparation for/engagement with Placement or not following instructions of Placement Host	Students have not followed the procedures in the Placement Handbook/Module Handbook/Placement SharePoint Site	All Levels	Formal Warning	Student is Awarded a Fail Mark and required to undertake an alternative assessment.
	Students have not adequately shared details which enable the full due diligence of the placement to be undertaken			
	Unsatisfactory Attendance			
	Unsatisfactory Timekeeping			
	Not following instructions/directions			
General Inappropriate Behaviour/Actions	Bringing the company into disrepute through: <ul style="list-style-type: none"> <li>- Communication (e.g., social media)</li> <li>- Actions</li> <li>- Inactions</li> </ul>	All Levels	Formal Warning	Student is Awarded a Fail Mark and required to undertake an alternative assessment.
	Not respecting professional boundaries with the hosts, clients or service users			

	Failure to display honest and respectful behaviours/actions			
<b>Serious</b>				
Failure to comply with an approved Code of Conduct or Professional Guidelines	Not responding to advice of the Placement Host or tutors on expected behaviours set out in the relevant code of conduct	All Levels	Student is Awarded a Fail Mark and required to undertake an alternative assessment.	Student is Awarded a Fail Mark and required to repeat the module in the next academic year.
General Inappropriate Behaviour	Not upholding Leeds Trinity values of dignity, mutual respect and tolerance in the workplace	All Levels	Student is Awarded a Fail Mark and required to undertake an alternative assessment.	Student is Awarded a Fail Mark and required to repeat the module in the next academic year.
Placement terminated by host due to student action or inaction	This may be due to a number of reasons for example such as law breaking/arrest/any other conduct as deemed necessary	All Levels	Student is Awarded a Fail Mark and required to undertake an alternative assessment.	Student is Awarded a Fail Mark and required to repeat the module in the next academic year.

**Notes:**

1. For all penalties, students are required to write a letter of apology to the Placement Host (if applicable).
2. The penalties indicated for subsequent offences above refer to what would be typical for a second offence. If a student has had 3 or more cases of misconduct, it is considered that staff will apply a more severe penalty but this will be considered on a case-by-case basis. Such cases would be regarded as serious. Subsequent offences can occur at any level i.e., if a student has one offence at Level 4, then commits an offence in Level 5, the Level 5 case would be a subsequent offence. Staff can confirm with the Assessment Team or the Student Casework Team AQO if a student has had a previous offence.
3. Once a penalty has been applied, the normal academic regulations will be applied.
4. The University's Academic and Professional Misconduct Panel has the authority to impose any other penalty deemed to be appropriate to the individual circumstances of the case, including the below, however, this is not exhaustive:
  - a. Awarding a mark of 0 + required to repeat the year
  - b. Limit imposed on final award classification
  - c. Required to withdraw from the University with no opportunity for reassessment. It will be at the discretion of the APM Panel whether any eligible interim award or credit is awarded.