

# Student Professional Misconduct Policy

## Scope

- A1 This guidance relates to suspected cases of student professional misconduct in relation to volunteering and professional placements, including School-Based Training for Initial Teacher Training (ITT) programmes. It does not cover apprenticeships or other modes of study where the University's contract is primarily with the employer. In such cases, the employer's professional/employee conduct policies apply to learning in the workplace. Matters pertaining to student conduct of a non-academic nature outside of this remit are covered by the Student Conduct and Discipline Code.
- A2 Where there is overlap within a particular case of disciplinary and professional misconduct precise arrangements shall be determined by the Deputy Vice-Chancellor following the principles set out in the respective procedures. Such arrangements will be communicated to the student(s) and staff concerned.
- A3 These procedures will provide a framework for the investigation of breaches of acceptable professional conduct to ensure that they are treated equitably, without bias and in a fair and transparent manner. It is not intended to be exhaustive and it is impossible to provide for all conceivable instances of misconduct within such a procedure. The overall aim of the policy and procedure is to ensure that all students are treated in an equitable manner and that no advantage is provided to students who act without integrity or due diligence in their studies.

## Definitions

### B1 Professional Integrity

Rooted in its Catholic foundation, Leeds Trinity is a diverse and inclusive University welcoming students from all backgrounds and beliefs which exists to provide a transformational educational experience, forming students and learners whose lives will flourish and find wholeness in their work and world (Strategic Plan 2021 – 2026). The University therefore expects its staff and students to act with personal integrity, self-discipline and respect for others in their personal, professional and academic conduct.

Professional integrity refers to conduct which consistency adheres to the values of a particular profession and may involve acting within defined codes of ethics or conduct. It also refers to acting in accordance with socially accepted professional standards such as honesty, respect for colleagues and compliance with rules.

### B2 Professional Misconduct

Professional misconduct encompasses any actions on the part of a student which might render them unsuitable to undertake/continue a professionally orientated component of their programme of study. Particular **behaviours** which give rise to an allegation of professional misconduct will be investigated under the Procedures for the Investigation of Suspected Misconduct, as detailed in Section C. Examples of professional misconduct include:

#### B2.1 Lack of Preparation for/engagement with professional component

If a student's lack of preparation for/engagement with a professional component of their programme of study renders them unlikely to succeed on that component or would put the reputation of the University at risk should the student undertake/continue the component, this may be deemed professional misconduct.

It is the student's responsibility to manage their placement experience and to

communicate with the appropriate personnel at the University, as set out in course literature. Failure to do so poses a risk to the institution and will be deemed professional misconduct.

**B2.2 Failure to comply with an approved Code of Professional Conduct**

If a student fails to comply with an approved Code of Professional Conduct, in relation to a professionally oriented programme (e.g., programmes of initial teacher training), this will be deemed to be professional misconduct. Due regard will be paid to a distinction between a lack of professionalism, suitability for the profession, behaviour which may bring the profession or University into disrepute and professional misconduct. Conduct which falls short of a Code of Professional Conduct and would not normally constitute professional misconduct in other spheres, falls within the remit of the relevant Progression and Award Board. Matters of misconduct and those which have a bearing on final progression into the profession will be considered under these procedures.

**B2.3 General Inappropriate Behaviour**

If a student's behaviour is found to be such that it would put the reputation of the University at risk should the student undertake/continue a professional component in their programme, or is putting other students at a significant advantage, this may be deemed professional misconduct. Behaviour which is found to be such that it renders them unlikely to succeed on a professional component may be referred to the Head of School for action but would not be regarded as professional misconduct.

## **C1 Procedure for the investigation of suspected instances of professional misconduct in relation to School-Based Training (ITT Programmes)**

The following procedure applies to the investigation of all instances of suspected professional misconduct and is conducted by the University's Head of the School of Teacher Education. All instances of professional misconduct, whilst on school-based training, are deemed to be serious and shall be referred to the University's Student Academic and Professional Misconduct Panel.

C1.1 Where a member of staff suspects professional misconduct to have occurred during School-Based training on an ITT programme, they will report it to the Head of School (Teacher Education). Professional misconduct in schools may be identified and reported by staff in the placement school, via the Link Tutor.

C1.2 The Head of School will prepare the case and will hold an investigatory interview as part of the preparation of the case. The member of staff who suspects the professional misconduct will also be in attendance. If the Head of School is the member of staff who initially suspected the misconduct, then another member of staff will be asked to attend.

C1.3 The Head of School 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 of misconduct.

C1.4 The Head of School will then invite the student to an investigatory interview and will provide the student with details of the allegation and supporting evidence in advance of the meeting. The invitation to the meeting should be sent to the student's LTU email address. The student may be accompanied by a companion if they choose. This can be a friend, family member, fellow LTU student or a member of LTSU.

C1.5 Students will be expected to make themselves available for an investigatory interview provided that 5 working days' notice of the meeting has been provided. Wherever possible, the meetings should be held during term-time. However, if the meeting cannot be arranged in university term-time, a suitable date should be arranged in consultation

with the student<sup>1</sup>. Students are expected to make all reasonable efforts to attend such meetings and the rearrangement of meetings will normally be limited to one occasion. 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 Head of School may make a judgement on the case in the student's absence. The investigatory interviews can take place in person or online.

- C1.6 The University recognises its duty to make reasonable adjustments to the meeting process for students who may require it. Students are to inform the Head of School of any reasonable adjustments that may need to be considered when conducting the interview.
- C1.7 At the meeting, the Head of School and staff member will:
- (i) Explain to the student the allegation and how it is a breach of acceptable conduct.
  - (ii) Ask the student for their account of the event.
  - (iii) Attempt to gain an understanding that the student is aware of dangers of working in this way and how similar allegations might be avoided in the future.
  - (iv) Ascertain from the student whether there were any mitigating circumstances<sup>2</sup>.
  - (v) Make notes of the meeting, to inform completion of the PM report form and the notes may be required for any subsequent appeal.
  - (vi) Inform the student that the case is being referred to the University's Student Academic and Professional Misconduct Panel.
- C1.8 The Head of School shall refer the case to the University's Student Academic and Professional Misconduct Panel, using the PM report form. The case will then be considered under the procedure set out in section C3.
- C1.9 Notwithstanding academic or professional performance on other elements of the School-Based Training, final results should be held in abeyance until the case been investigated by the Student Academic and Professional Misconduct Panel, normally by way of recording a late mark to the Progression and Award Board. A decision on the results at the relevant stage of study will be communicated to the student upon conclusion of the investigation.
- C1.10 The Department for Education's Teachers' Standards' require that a teacher is expected to demonstrate consistently high standards of personal and professional conduct. Some behaviours that do not meet those standards may be regarded as part of the learning process and will be addressed and appropriately actioned by the Programme Team. Advice on the severity and escalation of cases involving professional conduct whilst on School-Based Training should be discussed with the Director of Academic Quality and Standards (or nominee).
- C1.11 Examples of behaviours, which are categorised into Developmental Issues and Personal and Professional Conduct Issues, are listed below: the lists are not exhaustive.
- i. Developmental Issues may include late with documentation, email etiquette, learning to apply the behaviour system or other policies in school and slips of memory or organisation.

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<sup>1</sup> Where a decision on a case cannot be reached within the current academic year, student registration would remain as provisional 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.

- ii. PPC Issues may include repeated or wilful developmental issues, repeated dress code problems, repeatedly failing to follow school policies or advice, social media breaches, attendance and punctuality or breaching part two of Teachers' Standards.

C1.12 Cases of allegedly serious misconduct must reach a judgement of whether the trainee is a fit and proper person to teach and may therefore take into consideration previous behaviours and the full student record.

## **C2 Procedure for the investigation of suspected instances of professional misconduct in relation to volunteering and professional placements (other than School-Based Training on ITT programmes)**

The following procedure applies to the investigation of instances of suspected professional misconduct whilst volunteering or on placement and is conducted by the Director of Graduate Outcomes & 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 investigation it is judged that a moderate instance of professional malpractice 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.

- C2.1 Where a lack of preparation for/engagement with the professional placement or general inappropriate behaviour whilst on placement, or whilst volunteering, is discovered, an initial investigation will be undertaken by the Director of Graduate Outcomes & Enterprise or nominee/staff member at Partner institution. Cases may be identified by the Partnerships and Placement Office (PPO), a placement host or a member of staff who has become aware of the case via other channels.
- C2.2 The Director of Graduate Outcomes & 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 5 working days of a member of staff suspecting a case. The Director of Graduate Outcomes & Enterprise or nominee/staff member at 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. 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.
- C2.3 Students will be expected to make themselves available for an investigatory interview provided that 5 working days' notice of the meeting has been provided. Wherever possible, the meetings should be held during term-time. However, if the meeting cannot be arranged in term-time, a suitable date should be arranged in consultation with the student<sup>3</sup>. Students are expected to make all reasonable efforts to attend such meetings and the rearrangement of meetings will normally be limited to one occasion. 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 & Enterprise or nominee/staff member at Partner institution may make a judgement on the case in the student's absence. The investigatory interviews can take place in person or online.

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<sup>3</sup> Where a decision on a case cannot be reached within the current academic year, student registration would remain as provisional until the case is resolved. Students should be alerted to this and any consequences in terms of progression to the next level, if appropriate.

- C2.4 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 & Enterprise or nominee/staff member at Partner institution of any reasonable adjustments that may need to be considered when conducting the interview.
- C2.5 At the meeting, the Director of Graduate Outcomes & Enterprise or nominee/staff member at Partner institution will:
- (i) Explain to the student the allegation and how it is a breach of acceptable conduct.
  - (ii) Ask the student for their account of the event.
  - (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.
  - (iv) Ascertain from the student whether there were any mitigating circumstances<sup>4</sup>.
  - (v) Make notes of the meeting, to inform completion of the PM report form and the notes may be required for any subsequent appeal.
- C2.6 If it is agreed that there is not a case to be answered, then no further action will be taken. If it found that the student had not followed the correct procedure, as set out in the relevant Placement Handbook, but has since redeemed the situation with the PPO or the employer, as appropriate, the Director of Graduate Outcomes & Enterprise or nominee/staff member at Partner institution will not refer the case for consideration by the Student Academic and Professional Misconduct Panel on procedural grounds alone.
- C2.7 In recognition that not following the procedure presents a risk to the institution, the Director of Graduate Outcomes & Enterprise or nominee/staff member at 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 & Enterprise or nominee/staff member at 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 Professional Misconduct (Placement) report form, normally within 5 working days of the meeting and will provide a copy of the report to the student, the relevant Chair of the Assessment Panel, placement module co-ordinator and AQO.
- C2.8 If, at the end of the interview, the Director of Graduate Outcomes & Enterprise or nominee/staff member at Partner institution decides that the case is of a serious or complex nature, they shall refer the case to the University's Student Academic and Professional Misconduct Panel. The case shall include a record of contact made with the student, a report from the employer, as appropriate, and any additional information from academic department. The Director of Graduate Outcomes & Enterprise or nominee/staff member at Partner institution will contact the placement module co-ordinator to assemble the departmental information – it is the responsibility of the placement module co-ordinator to liaise with colleagues (e.g. the placement tutor, the

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<sup>4</sup> If mitigating circumstances are considered when deciding upon an appropriate penalty, they must be supported by independent evidence.

student's personal tutor and Chair of the Assessment Panel) to collate any information held. The case will then be considered under the procedure set out in C3.

- C2.9 If the student is studying at a Partner institution, C2.1 - C2.8 will be done in consultation with the appropriate member of LTU staff.
- C2.10 Notwithstanding academic or professional performance on other elements of the volunteering or placement module final results should be held in abeyance until the case has been investigated by the Student Academic and Professional Misconduct 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.

### **C3 Procedures for cases to be heard by the University's Student Academic and Professional Misconduct Panel**

The following procedure applies to serious instances of professional misconduct that have been investigated at local level under the procedures described in sections C1 and C2 and referred to the University's Student Academic and Professional Misconduct Panel. The below applies to students studying at LTU and UK Partners. Students studying at TNE Partners will follow the process as detailed in C3.13 - C3.22.

- C3.1 Cases of professional misconduct to be considered by the University's Student Academic and Professional Misconduct Panel (APM) shall be submitted to the Director of Academic Quality and Standards, or nominee, who will in consultation with the Chair of the APM Panel to determine whether to convene a meeting of the panel. Cases shall normally be submitted on the APM report form, along with supporting evidence and will indicate the outcome of local level consideration of the case to date.
- C3.2 The Chair of the APM Panel will satisfy themselves that there is a clear and convincing case to answer and reserves the right to refer the case back to the member of staff to obtain further information or may commission an independent investigation of the circumstances as necessary.
- C3.3 For cases investigated under C1, the case will be referred to an APM Panel. For cases investigated under C2, if the student has admitted to an offence of professional misconduct, they may be offered the option of accepting a penalty, determined by the Chair of the APM Panel, without need for a full hearing, thus avoiding undue prolongation or escalation on procedural grounds alone. The decision on whether to offer an accelerated option will be at the discretion of the Chair of the APM Panel, based on the merits of each case. The proposed penalty will be decided on the material facts of the case and will be grounded in institutional case law. Should the student choose not to accept the penalty, or not respond to the correspondence by the given deadline, then a meeting of the APM will be convened.
- C3.4 If it is determined that a meeting of the APM is to be convened, it will have the following membership:
- One Head of School, nominated by the Deputy Vice Chancellor, from a subject area independent of the case to be heard (Chair)
  - One senior member of lecturing staff from a subject area independent of the case to be heard
  - The Director of Academic Quality and Standards, or nominee
  - Leeds Trinity Students' Union (LTSU) President or nominee will be invited to sit in attendance.
- C3.5 Other persons permitted to be present at the meeting are:

- The student
- If the student chooses, they may be accompanied by an Officer of LTSU, acting as a companion
- The departmental representative to the present the case
- A member of the Academic Quality Office (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.

C3.6 On behalf of the APM, the Academic Quality Office shall:

- (i) Arrange the time and venue for the meeting, in consultation with the panel members and nominated departmental representative. If the meeting cannot be arranged in term-time, a suitable date shall be arranged in consultation with the student. 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 in person and will be advised that it is in their best interest to do so. The APM Panel can take place in person or online.
- (ii) Write to the student requiring them to attend the meeting, provide them with details of the allegation and the information to be considered by the APM Panel. It is the student's responsibility to make any necessary arrangements with the Students' Union.
- (iii) Take a record of the meeting.

C3.7 At the hearing, the APM Panel will hold a private, preliminary meeting and then the hearing will be an open meeting with the student (and companion where applicable) and departmental representative present throughout the inquiry section of the meeting, unless there has been prior arrangement by the Director of Academic Quality and Standards to operate otherwise. The student (and companion where applicable) and departmental representative will withdraw and the Panel will draw its conclusions in private.

C3.8 Should the student not attend the meeting or fail to respond to the correspondence about the meeting arrangements then, provided that the criteria in C3.6 above has been met, the APM Panel may hear the case in the student's absence.

C3.9 During the consideration of the case at the meeting:

- (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 their companion where applicable) and the departmental representative will join the Panel and the Chair of the APM will provide an outline of the proceedings.
- (iii) The Chair will invite the departmental representative to introduce the case and Panel Members will ask questions to obtain a clear understanding of the allegation.
- (iv) The Chair will invite the student to explain their working methods and/or actions and Panel Members will ask questions to obtain a clear understanding of the circumstances.
- (v) Where a third party has been invited to provide advice to the Panel, the Chair will invite comment at appropriate junctures.
- (vi) The student and departmental representative will each be given the opportunity to ask questions via the Chair at appropriate points in the proceedings.
- (vii) The departmental representative and student will be invited to make a concluding statement in turn.
- (viii) The student (and companion where applicable) and departmental representative will withdraw while the Panel draws its conclusions.

- (ix) The student (and companion where applicable) will be invited to return to the meeting to receive the Panel's decision.
  - (x) The departmental representative and Chair of the Assessment Panel (if different) will normally be informed of the Panel's decision by the Secretary within 10 working days.
- C3.10 The APM Panel may take any other steps as may be considered necessary in order to give the case due consideration.
- C3.11 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 when determining a penalty. The penalty will normally be one of the penalties listed in the Table of Penalties although the APM Panel has the authority to impose any other penalty that it deems appropriate to the individual circumstances of the case. If a penalty is agreed where it would result in the cancellation of a student's registration with the University, the Panel will need to refer this to the Dean of the relevant Faculty for approval.
- C3.12 The formal record of the meeting will be checked and signed by the Chair of the APM Panel and will accompany the outcome letter to the student, normally within 10 working days of the date of the meeting. Copies of the records will be held in the Academic Quality Office and the outcome of the hearing will be stored on a centrally held database to facilitate consistency in the application of penalties in future cases.
- C3.13 For cases investigated under C1 (ITT Cases), if a case is deemed very serious, the case details will be referred to the Teaching Regulation Agency (TRA). This will be done by the Teacher Education Team, following conclusion of a case. This does not happen for all cases and will be considered on a case-by-case basis by the department in consultation with the Dean of Institute of Childhood and Education. This does not apply to any case investigated under C2.
- C3.14 For TNE students, if it is determined that a meeting of the APM Panel is to be convened, it will be arranged within 20 working days of the case being referred to the Chair of the APM Panel, in consultation with the relevant member of LTU staff. It will have the following membership:
- Chair (From the Partner institution, usually independent from the student and will have no prior knowledge of the case). Chairs will be approved by LTU.
  - Module Tutor from the Partner institution.
  - LTU Representative.
- C3.15 The student may be accompanied by a companion. A Panel Member will also take notes of the hearing or an LTU AQO representative can attend to act as secretary.
- C3.16 On behalf of the APM Panel, the Chair shall:
- (i) Arrange the time and venue for the meeting, in consultation with the panel members. If the meeting cannot be arranged in term-time, a suitable date shall be arranged in consultation with the student.<sup>5</sup> Students are expected to make all reasonable efforts to attend such meetings and the re-arrangement of meetings will normally be limited to one occasion. However, the student will be encouraged to attend in person and will be advised that it is in their best interest to do so. The panel can take place in person or online, though it is

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<sup>5</sup> Where a decision on a case cannot be reached within the current academic year, student registration would remain as provisional until the case is resolved. Students should be alerted to this and any consequences in terms of progression to the next level, if appropriate.

- advised that the student, Chair and Module Tutor attend the meeting in person (if possible) whilst the LTU representative joins the meeting virtually.
- (ii) Write to the student requiring them to attend the meeting, provide them with details of the allegation and the information to be considered by the APM Panel.

C3.17 TNE Partners should follow the policy as detailed in C3.7 to C3.12.

C3.18 The APM Panel may take any other steps as may be considered necessary in order to give the case due consideration.

C3.19 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 when determining a penalty. The penalty will normally be one of the penalties listed in the Table of Penalties although the APM Panel has the authority to impose any other penalty that it deems appropriate to the individual circumstances of the case. If a penalty is agreed where it would result in the cancellation of a student's registration with the University, the Panel will need to refer this to the Dean of the relevant Faculty for approval.

C3.20 The formal record of the meeting will be checked and signed by the Chair of the APM Panel and will accompany the outcome letter to the student, normally within 10 working days of the meeting. The Partner will need to include the appropriate member of LTU Staff into their email, informing the student of the outcome.

## D Appeals Procedure

- D1 A student who is found guilty of professional misconduct may appeal against the decision of the Director of Graduate Outcomes & Enterprise or nominee or the Student Academic and Professional Misconduct Panel only on the following grounds:
- (i) New evidence of special circumstances which the student could not have made known previously
  - (ii) A material procedural irregularity in the conduct of the case.
- D2 An appeal will only be considered if it is submitted in writing to the Deputy Vice-Chancellor at [appeals@leedstrinity.ac.uk](mailto:appeals@leedstrinity.ac.uk) within **10 working days** of the date of the notification to student of the out of the investigation. Any appeal must state the grounds for the appeal and must be supported by appropriate evidence.
- D3 On receipt of an appeal, the Deputy Vice-Chancellor shall determine whether there are grounds for an appeal to proceed. Once the Deputy Vice-Chancellor is satisfied that an appeal should be investigated, they will commission an independent investigation by a Head of School or other senior member of staff, not directly associated with either the programme of student for which the student concerned is registered and the student's case to date.
- D4 The Deputy Vice-Chancellor will consider the report from the investigation officer and decide as to whether the appeal should be upheld or dismissed.
- D5 The Deputy Vice-Chancellor will communicate the outcome of the appeal to the student, the Director of Graduate Outcomes & Enterprise or nominee (if appropriate), the Chair of the Assessment Panel and the Chair of the Student Academic and Professional Misconduct Panel (if appropriate), as soon as possible after the investigation has been completed.
- D6 The decision of the Deputy Vice-Chancellor shall be final and a Completion of Procedures letter will be issued with the outcome of the appeal.

- D7 If, on exhaustion of the University's internal procedures detailed above, a student wishes to seek an independent external review, then they should apply 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 apply.

## **E. Monitoring and Enhancement**

- E1 During the investigation of cases, the Director of Graduate Outcomes & Enterprise, the Chair of the Assessment Panel or University's Student Academic and Professional Misconduct Panel may identify actions that would contribute to the enhancement of the overall student experience. Actions identified by the APM Panel will be reported to the Chair of the Assessment Panel whose responsibility it is to take them forward. The APM Panel may, at its discretion, report to the Head of School and ask for a response on the matter to be submitted to the Director of Academic Quality and Standards.
- E2 The outcomes for individual cases are reported to the relevant Assessment Panel for review purposes.
- E3 The outcomes of individual cases are reported to the Progression and Award Board so that the results can be included in its decisions on progression and award.
- E4 The Academic Quality and Standards Committee receives an annual report of cases, including data on student characteristics for the purposes of assessing the impact on protected characteristics described in the Equality Act. The Committee provides oversight operation of the Student Academic and Professional Misconduct Panel and has responsibility for the policy and procedure.

## **F. Guidance Notes on Case Handling**

### **F1 Underlying principles for the investigation of misconduct**

- F1.1 The University has a duty to act fairly when investigating misconduct. Four basic principles should be adhered to:
- The right of reply – the student should be given the opportunity to put their case forward and be heard. The result of this is that the student should be given as much detail as possible about the conduct of an investigatory interview or Student Academic and Professional Misconduct Panel meeting in advance and be allowed sufficient time to prepare for the meeting.
  - Investigations should operate without bias and be transparent – the investigatory interview must be overseen by an independent member of staff. Investigations that may have more serious consequences will be referred to the University's Student Academic and Professional Misconduct Panel where all Panel members are independent of the relevant subject area.
  - Decisions must be based on evidence – the outcome of an investigation should be based on a balanced and considered assessment of the information and evidence presented and should not be speculative.
  - A test of reasonableness in decision making – outcomes should be proportionate to any offence that is found and should be drawn from a reasonable range of options to ensure equity of treatment and consistency.
- F1.2 Outcomes will be decided on the balance of probabilities, i.e. that the proposition is more likely to be true than not true.

F1.3 The finding of whether misconduct has occurred is separate from the application of a penalty. Whilst the former should be based on the facts contained in all the evidence under consideration, the application of a penalty is a matter of procedural fairness where extraneous factors can be taking into consideration in order to reach a fair outcome.

F1.4 Advice on previous case law and further guidance on the nature of a case is available from the Academic Quality Office and the Chair of the Student Academic and Professional Misconduct Panel (APM Panel).

## **F2 Student Support**

F2.1 If a student receives an allegation of Professional Misconduct, they can contact Leeds Trinity Students' Union for advice and support. As detailed in C2.2 and C3.5, a LTSU advisor can accompany a student 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.

F2.2 Student Support Services are available to students and can be accessed and booked via the MyLTU app or via email at [studentsupport@leedstrinity.ac.uk](mailto:studentsupport@leedstrinity.ac.uk).

F2.3 Student Support Services are for LTU students only. Students from Partner institutions will need to contact their own institution for support and guidance.

## **F3 Transfer of programmes and providing references**

F3.1 Where a student requests to transfer to a different programme of student, the Head of School should consider any recorded instances of misconduct which need to be considered, so that the student may be advised accordingly on the implication for student on the new programme. Advice on individual cases may be obtained from the Director of Academic Quality and Standards.

F3.2 In providing a reference on behalf of Leeds Trinity University, a referee has a duty of care to the subject of the reference, to the recipient of the reference and to the University. References should be produced according to the University's prescribed format. Matters relating to the student conduct should be regarded as an internal matter and should not normally be included in a reference to a potential employer, unless the matter was directly relevant to the duty of care owed to the recipient of the reference. However, before including any such information, advice should be obtained from the Chief Operating Officer or Deputy Vice-Chancellor on a case-by-case basis.

## Penalty Table for School-Based Training (ITT Programmes)

Severe				
Category	Offence Details	Level	Penalty (First offence)	Penalty (Subsequent Offence)
Failure to comply with an approved Code of Professional Conduct	This can be a range of issues, including: Safeguarding, Threats, Swearing, Discrimination, Fraud or Dishonesty and Repeated or Wilful PPC issues. This is not an exhaustive list.	All Levels	Student fails the placement and will have to undertake an alternative assessment.	Student fails the placement and will have to repeat the module, in the next academic year.

### Notes:

1. There are a number of behaviours which have not been listed in the above penalty table. This is because they are dealt with internally by the Teacher Education Team. These are categorised into Developmental Issues and Personal and Professional Conduct Issues and detailed below. Misconduct issues are listed above.
2. Developmental Issues can include late with documentation, email etiquette, learning to apply the behaviour system or other policies in school, slips of memory or organisation. This is not an exhaustive list.
3. PPC Issues can include repeated or wilful developmental issues, repeated dress code problems, repeatedly failing to follow school policies or advice, social media breaches, attendance and punctuality or breaching part two of Teachers' Standards. This not an exhaustive list.
4. Any offence as detailed in point 2 or 3 will be investigated by the Teacher Education Team and do not need to be reported formally as a professional misconduct case.
5. 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 AQO if a student has had a previous offence.
6. Once a penalty has been applied, the normal academic regulations will be applied.
7. 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. 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.

## Penalty Table for Volunteering and Professional Placements (Other than School-Based Training on ITT Programmes)

Moderate				
Category	Offence Details	Level	Penalty (First offence)	Penalty (Subsequent Offence)
Lack of Preparation for/engagement with professional component	Students have not followed the procedures in the Placement Handbook Students have not informed staff of arrangements Poor attendance	All Levels	Formal Warning	Student is Awarded a Fail Mark and required to undertake an alternative assessment.
General Inappropriate Behaviour	Misuse of social media	All Levels	Formal Warning	Student is Awarded a Fail Mark and required to undertake an alternative assessment.
Serious				
Failure to comply with an approved Code of Professional Conduct	Not responding to the advice of employers 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 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 module in the next academic year

### Notes:

1. For all penalties, students are required to write a letter of apology to the employer (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 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.