

**EDUCATION ACT
(CAP. 327)**

UNIVERSITY SUITABILITY TO PRACTISE REGULATIONS, 2016

IN EXERCISE of the powers conferred upon him by articles 74 (5) and 75 (6) of the Education Act (Cap. 327), the Chancellor of the University of Malta has promulgated the following regulations made by the Senate of the University of Malta by virtue of the powers conferred upon it by articles 75 (3) and 79 (b) of the said Act:

Citation and Interpretation

1. (1) These regulations may be cited as the University Suitability to Practise Regulations, 2016.

(2) In these regulations, unless the context otherwise requires, the terms used shall be taken to mean as indicated hereunder, and the plural thereof shall be construed accordingly:

“Applicant” means any person applying to be enrolled on a Course;

“Competent Authority” means the board, council or any other entity established by law as the authority in relation to a given Regulated Profession;

“Complaint” means a complaint regarding a Student’s involvement or actions in an occurrence, as described in regulation 6, that prima facie exhibits, on the part of the Student, an impairment of suitability to practise;

“Course” means any programme consisting of education, training or research and for the purposes of these regulations shall be construed to refer to such Course that leads to a qualification required at law for the purposes of obtaining a warrant, licence or registration to practise a Regulated Profession;

“Dean” means the Dean of a faculty or the Director of an institute, centre or school of the University;

“Expulsion” means the permanent removal of a Student’s name from the register of students of the University and a ban from all facilities and privileges accorded to students. This notwithstanding, a Student who has been expelled may only be allowed re-admission with the

permission of Senate for such purpose, which permission may only be granted after the lapse of three years from the date of expulsion;

“Faculty” means any faculty, institute, centre or school of the University;

“Home Faculty” means the faculty, institute, centre or school of the University which offers the Course on which the Student is enrolled;

“Panel” means the Suitability to Practise Panel established under regulation 8;

“Placement” means any period of training or work experience undertaken by the Student, whether as part of a Course or otherwise, and whether remunerated or otherwise;

“Profession” means “Regulated Profession” as defined in this regulation;

“Professional” means a warranted, licensed or registered member of a Regulated Profession;

“Regulated Profession” means any profession for which a person is required at law to obtain a warrant, licence or registration to practise, as may be stipulated in any act or subsidiary legislation promulgated as part of the Laws of Malta;

“Standards” shall include standards, guidelines, rules, codes of conduct or behaviour or any such similar document, as follows:

(a) as may be applicable specifically to Students pursuing education that may lead to a Regulated Profession, as adopted and implemented by the respective Competent Authority;

(b) as may be adopted and implemented by the University or a given Faculty in relation to one or more Courses;

“Student” means a student enrolled on a Course provided by the University;

“Suspension” means the temporary and normally total exclusion of a student from any teaching and learning activity offered by the University. During the period of Suspension, a Student shall not be allowed to register for, or remain registered on, any study-units; and

“University” means the University of Malta.

Applicability

2. These regulations shall be applicable from 1st October 2016 onwards.

Purpose

3. The purpose of these regulations is to establish the responsibilities of Students following a Course at the University that leads to a qualification required at law for the purposes of obtaining a warrant, licence or registration to practise a Regulated Profession, in terms of such students' professional suitability to practise and their commitment to their chosen profession throughout their participation in the Course, as well as the procedures to be followed by the University in relation to such Students.

Scope

4. (1) Students' responsibilities in relation to suitability to practise have a broader scope and application than the purely academic aspect of a Course. They encompass all behaviour including that outside the academic or Placement setting which may reflect negatively on the given Profession or on the University, whether such behaviour is exhibited within University premises or elsewhere.

(2) Suitability to practise, in relation to professional work, includes qualities such as honesty, integrity, resilience, patience and the ability to help people face difficult situations. Evidence of clear thinking, professional skills (including clinical and technical skills), sound judgement, sensitivity and tolerance is required, together with the ability to establish and maintain appropriate personal and professional boundaries. This demands sound inter-personal and communication skills as well as both physical and mental ability to carry out the role appropriately.

(3) On occasion, Students may be the subject of concerns about their suitability to practise in relation to the Profession they wish to pursue. It must be clear to all parties (including Students, academic staff, Placement supervisors or mentors, Placement examiners) what kinds of concerns or information will trigger proceedings by the University under these regulations, how the proceedings will be undertaken and what the possible outcomes can be.

(4) In relation to Courses as defined in regulation 1, the following shall apply:

(a) the University shall, while first and foremost safeguarding the welfare and wellbeing of Students and other third parties (including patients under the care of students), also have regard to the suitability of Students to practise the Profession they wish to pursue;

(b) the University shall strive to ensure that only such persons who demonstrate that they are likely to be suitable to practise are permitted to undertake a given Course and to graduate therefrom, keeping in mind the welfare of the potential clients of such persons during their coursework and once they become warranted, licensed or registered Professionals, the reputation of the University and the reputation of the respective Profession;

(c) Students enrolled on such Courses are responsible to conduct themselves in such a manner that is in keeping with the applicable Standards, thereby demonstrating their suitability to practise the Profession they wish to pursue;

(d) each Faculty is responsible to publish such Standards as may be applicable to Students enrolled on a given Course in such a manner that Students are made aware of such Standards.

(5) Professional suitability to practise procedures as established by these regulations are distinct from University disciplinary procedures under the University Student Discipline Regulations, 2016 and from the University Assessment Regulations, 2009, the applicability of which may lead to the imposition of a disciplinary sanction. This notwithstanding, there may be situations where more than one set of University regulations may be utilised to consider the University's position and the professional implications of a Student's behaviour, conduct or suitability to practise.

Suitability to practise

5. (1) Students' participation in a Course may be terminated if their behaviour deviates from the relevant Standards or is confirmed to be damaging or dangerous to other students, employees or officials of the University, or to employees or clients of Placement settings, or if it is deemed to create unacceptable risk for the Students themselves and others, or if it brings the University's reputation into disrepute.

(2) Students are bound by the Statutes, Regulations, Bye-Laws and other lawful directions of the University and its officers and employees.

Impairment of suitability to practise

6. (1) For the purposes of these regulations, notwithstanding the subjectivity of the matter with respect to the given Student, the given Regulated Profession and the circumstance of each and every case, the following shall be considered an indicative list of occurrences which may be deemed to impair a Student's suitability to practise in terms of these regulations:

(a) violent, aggressive or threatening behaviour, whether physical, verbal or otherwise;

(b) behavioural difficulties or attitudinal problems;

(c) alcohol, drugs or substance abuse or misuse;

(d) any criminal conviction (whether in relation to a crime or contravention, as defined in the Criminal Code) not disclosed at the time of application and entry to the Course, or gained whilst enrolled on the Course;

(e) any criminal proceedings to which the Student is subjected in relation to an alleged offence (whether a crime or contravention, as defined in the Criminal Code) that can possibly curtail suitability to practise in the Course chosen;

(f) allegations of inappropriate behaviour which would not be acceptable for a qualified Professional, including, but not limited to, inappropriate clinical and technical skills, failure to abide with a supervisor's direction that may lead to harm of a third party (a supervisor includes a Faculty appointed staff who is responsible for a Student's practice), inappropriate sexual behaviour, oppressive remarks, bullying or harassment, or inappropriate handling of confidential issues;

(g) dishonesty or untrustworthiness including, but not limited to, forgery and falsification particularly of documents or signatures, misrepresentation of qualifications or professional experience, theft, or the making of false claims of any kind;

(h) serious difficulties in managing the lawful demands made of the Student by University employees or officials;

(i) unexplained absence or sickness records which would threaten employment if a Student were in work;

(j) failure to uphold high standards of professionalism in communications, including inappropriate use of forms of e-communication, and including, but not limited to, social networking sites.

(k) Students are obliged to divulge information about any physical or mental health problem that could affect the safety of clients/patients at placement settings.

(2) Notwithstanding that provided in sub-paragraph (1) of this regulation, any occurrence of the type referred to in sub-paragraph (1) shall only be deemed to impair a Student's suitability to practise in terms of these regulations if, in the opinion of the University, it is likely to:

(i) pose a risk to the Student's own health, safety and wellbeing and, or that of others;

(ii) adversely affect a relevant Placement or work-based setting;

(iii) adversely affect the proper operation of the Profession; or

(iv) undermine the Profession or the University or bring the Profession or the University into disrepute:

(3) Notwithstanding that provided in sub-paragraph (1) of this regulation, there may arise other occurrences not included in sub-paragraph (1) which may, in the opinion of the University, impair a Student's suitability to practise in terms of these regulations.

Suitability to Practise Panel

7. (1) The University shall have a Suitability to Practise Panel that shall be tasked with investigating, deliberating and acting on the Rector's behalf in relation to Complaints made under these regulations and referred to it by the Rector as provided in Regulation 8.

(2) The Panel shall be composed as follows:

(a) a Pro-Rector shall be appointed by the Rector as Chairman;

(b) either the Dean or Deputy Dean of the Student's Home Faculty who shall be appointed by the Rector as a member, provided that where the Dean or Deputy Dean, as the case may be, is directly involved in the occurrence relating to the alleged impairment of suitability to practise, the Rector shall appoint a senior academic from the Faculty concerned in his stead;

(c) the Head of the Department being most directly connected to the Student's Course from within the Student's Home Faculty who shall be appointed by the Rector as a member, provided that such academic shall not be in any manner involved in the occurrence relating to the alleged impairment of suitability to practise;

(d) one member shall be appointed by Senate from among the academic staff of the University, which appointment shall be valid for a period of two years;

(e) one member shall be a student representative appointed by Senate from among the Senate student representatives, which appointment shall be valid for a period of two years or until such time as such member's term on Senate expires, whichever is the earlier, provided that where such member, as so appointed, is enrolled in the same Course as that of the Student being the subject of a Complaint, the Rector shall, with respect to the proceedings of the Panel in relation of such Student, appoint another student from among the Senate student representatives to act as a member in such case; and

(f) the Registrar shall act as Secretary to the Panel.

(3) The Panel shall strive to convene its meetings with all members in attendance. This notwithstanding, it shall be lawful for the Panel to hold up to one meeting in the absence of a single member, provided that all efforts shall be made for all members to be present at the meeting during which the Panel finalises its report containing its recommendations to the Rector.

(4) Where a member of the Panel is unable, for whatever reason, to continue to attend meetings of the Panel, it shall be within the power of the Rector to appoint a substitute thereof on written advice from the Chairman, provided that a given Complaint shall always be dealt with by the same members.

Reconsideration by the Panel

8. (1) The Panel may, in special circumstances, reconsider its decision regarding a given Student.

(2) For the purpose of this regulation, "special circumstances" means solely such circumstances in which new evidence becomes available in relation to proceedings regarding a given Student, which evidence was not available, or could not in any manner have been made available, to the Panel during the original proceedings.

(3) Prior to any such reconsideration by the Panel, the Panel shall first be tasked with determining whether such evidence, having been presented to it as new evidence in terms of this regulation, could have been provided to it in the original proceedings relating to the Student or otherwise.

Proceedings

9. (1) Any person may make a Complaint to the Dean of a Student's Home Faculty in the event that a Student's involvement or actions in any occurrence as described in regulation 6 prima facie exhibits impairment of suitability to practise on the part of the Student.

(2) Where the Dean is in receipt of a Complaint in the manner described in subparagraph (1) of this regulation, he shall present the Rector, without undue delay, a written report regarding such Complaint, attaching thereto any documentary evidence that may be available to him. The Dean may, at his discretion, be assisted for such purpose by an ad hoc board appointed by him and composed of up to four (4) members from among academic staff of the Faculty, provided that the Dean may, if he so deems fit upon receipt of a Complaint, suspend the Student for a period of not more than seven (7) days, pending further consideration of the matter by the Rector.

(3) The Dean may also draw up a report of his own accord, without the necessity of having previously received a Complaint with respect to a given Student, where he is of the opinion that the Student's suitability to practise is impaired in terms of these regulations. In such case, he shall present the Rector, without undue delay, a written report regarding such Student, explaining therein, in detail, the circumstances related to the occurrence and attaching thereto any documentary evidence that may be available to him. The Dean may, at his discretion, be assisted for such purpose by an ad hoc board appointed by him and composed of up to four (4) members from among academic staff of the Faculty,

provided that the Dean may, if he so deems fit, suspend the Student being the subject of his report for a period of not more than seven (7) days, pending further consideration of the matter by the Rector.

(4) Following the receipt of any report from the Dean as described in sub-paragraphs (2) and (3) of this regulation, the Rector shall request the Panel to investigate the Complaint and draw up a charge in terms of these regulations. In such event, the Rector may, if he so deems fit, suspend the Student, pending further consideration of the matter by the Panel.

(5) The Panel shall, within fifteen (15) working days from the day the Complaint is referred to it by the Rector, inform the Student of the charge by means of a letter to the address as provided by the Student to the University, by e-mail to the Student's University e-mail account, and by phone, together with a copy of these regulations, as well as the date, time, and venue when the Student is to appear before the Panel to answer to the charge.

(6) The Student may, within five (5) working days from the date of communication of the said charge (the charge having been communicated by letter, e-mail and telephone call), send a written statement admitting or contesting the charge. The Student shall attend the meeting and may identify witnesses to be heard by the Panel.

(7) The Student may be accompanied at the proceedings by a Student or a friend or a member of his family, in which case the Panel shall be so notified at least two (2) days in advance of the meeting. If no such notification is received by the Panel, the Panel has the right to refuse that person entry to the meeting.

(8) On the date of the meeting, or on such other adjourned dates as necessary, the Panel shall hear the person who originally lodged the Complaint ("the complainant") with the Dean, any witnesses indicated by the complainant, such other persons as may be called by the Panel, the Student concerned and such other persons accompanying the Student. The Panel shall also take cognisance of such documents as may be referred to it until such time as proceedings are concluded.

(9) The Panel shall, as soon as practicable, but in any case not later than ten (10) working days from the date of the last meeting, present a report of its findings to the Rector recommending the application of any possible disciplinary or other measures that may apply in terms of these regulations.

(10) The Rector shall notify the Student in writing of the disciplinary or other measures being taken in the Student's regard as soon as practicable, but in any case not later than five (5) working days from the date in which the report is received by the Rector in accordance with sub-paragraph (9) of this regulation,

provided that where the Rector refers the report of the Panel to Senate in the manner provided in regulation 13, the time period specified in this sub-paragraph shall be taken to mean five (5) working days from the date in which Senate communicates its decision to the Rector.

Disciplinary and Other Measures

10. The measures which may be recommended by the Panel to the Rector shall include one or more of the following:

(a) a written reprimand;

(b) a written warning;

(c) the imposition of a follow-up programme to be implemented under the supervision of a mentor appointed for such purpose by the University on the recommendation of the Home Faculty, with the purpose of ensuring that any occurrence that led to the Complaint against the Student is not repeated, or with the purpose of addressing and resolving the Student's underlying or repetitive problems, habits, behaviour, attitude or the like, provided that the Student shall also be willing, in his own time and at his own expense, to seek the help of suitably-qualified professionals external to the University as may be necessary, in order to address the mentioned problems, habits, behaviour, attitude or like issues that he may have, provided further that the mentor appointed by the University as contemplated in this paragraph shall be responsible for supervising the Student and for meeting with the Student on a regular basis for the duration of the follow-up programme, and for periodically reporting back to the Rector regarding the Student's progress. Should the mentor's report regarding the Student be a negative one, the Rector shall refer the Student once again to the Panel in the manner described in regulation 9, for its further consideration and for any recommendations regarding any possible further disciplinary or other measures to be taken in the Student's regard;

(d) Suspension for a given period as indicated by the Rector;

(e) Expulsion from the University.

Periodic Checks

11. (1) In addition to the requirements of the University to perform such checks as may be necessary with respect to applicants upon admission in terms of the University Admissions Regulations, 2016, in the case of Students falling within the parameters of these regulations, the following checks shall also be made after the end of the second semester of every given academic year and prior to the commencement of the first semester of the subsequent academic year, for the duration of the period in which a Student remains enrolled on a Course:

(a) the University shall request the Student, and the Student shall be duly obliged to provide the University within the indicated deadline with an updated and recent Police Conduct Certificate; and

(b) the University shall make an application to check the Register kept by the Registrar of Civil Courts and Tribunals of the Court of Justice of Malta in terms of article 2 of the Protection of Minors Registration Act.

(2) In cases where, following the provision by the Student of such information as specified in sub-paragraph (1) of this regulation, the University becomes aware of any new facts in relation to the Police Conduct Certificate of the Student, or in relation to the registration of a Student in terms of the Protection of Minors Registration Act, the Registrar shall refer the matter to the Rector who shall treat it in the same manner established in these regulations for the purposes of handling of a Complaint, and all the relevant provisions of these regulations shall, *mutatis mutandis*, apply thereto.

Powers of the Panel in Urgent Cases

12. The Panel may, in cases which the Rector deems urgent, abridge or dispense with any time periods or formality provided for in these regulations, provided that it shall ensure that the Student concerned is given a fair hearing notwithstanding such abridgements or dispensations.

Reference to Senate

13. Where the report of the Panel recommends to the Rector the Expulsion of a Student from the University, he shall, prior to the taking of such action, refer the report to Senate for its final decision thereon.

Confidentiality

14. (1) The University shall handle all matters related to Students under these regulations with due care, in particular with respect to confidentiality required in relation to sensitive personal data and other data of a confidential nature pertaining to the Student and other third parties, and shall ensure that all such data is handled and stored accordingly.

(2) Documentation relating to the proceedings, from the point of the decision to refer a matter to the Panel onwards, shall be confidential to members of the Panel, the Dean and the University staff members involved. Apart from the Complaint and the final decision regarding the Student, no other documents relating to any proceedings under these regulations shall be recorded in the Student's file. Such other documents shall be placed in a file raised for the Panel meetings and kept securely in the office of the Registrar. Any documentation held by members of the Panel shall be returned at the end of the process to the Chair and surplus copies shall be destroyed confidentially.

(3) While all issues shall be handled in confidence in terms of this regulation, it may nevertheless be necessary for certain related information to be made known to a third party or parties, including, but not limited to the following:

(a) in the event of the imposition of a follow-up programme in terms of regulation 10 (c); and

(b) notwithstanding that documentation relating to decisions of the Panel shall not be generally used for references requested by prospective employers, information about a Student (or past Student) who has been found unsuitable to practise shall normally be made available to prospective employers upon their request; provided that the employer making the request requires such information in relation to the possible offer of employment to the Student (or past Student) in the same field as the specific Profession in relation to which the Student was found unsuitable to practise under these regulations. Such information shall normally also be made available to the appropriate authorities upon their request, under any applicable legislation obliging the University to inform such authorities accordingly.

(4) In all cases where the Student's registration on a Course has been terminated, the Registrar shall duly notify the relevant Competent Authority thereof.

Legal Notice 345 of 2016 - Malta Government Gazette No. 19,666 – 21 October 2016
Amended by:
Legal Notice 238 of 2017 - Malta Government Gazette No. 19,865 – 19 September 2017
Legal Notice 206 of 2019 - Malta Government Gazette No. 20,248 – 13 August 2019