

# TTA Disciplinary Committee Procedures

## Version 2.0

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## Overview of TTA's Disciplinary Procedures:

1. TTA's Disciplinary Procedures exist to ensure members adhere to TTA's Terms and Conditions of Membership, including the Code of Practice, and that TTA's directors, employees and contractors act properly.
2. A person or company who complains is called a 'Complainant'; a person or company who is subject to a complaint is called a 'Defendant'. There may be more than one Complainant and/or more than one Defendant in any given case where the substance of the complaint is identical or shares a common cause of action.
3. The Code of Practice, which all TTA members agree to follow, includes an obligation to comply with the law, either in the UK or in any relevant local jurisdiction in which you live, work or operate, however it also includes other obligations that go beyond what is required by law.
4. When a complainant submits a complaint it will be assessed and if it relates to a member (or prospective/former member) and an aspect of the Code of Practice it will be investigated.
5. Complainants submit a 'Statement of Complaint', along with supporting evidence. The defendant will also be asked to provide a written 'Statement of Defence' along with supporting evidence. Ordinarily, the Disciplinary Committee will then seek clarification and make a decision on the basis of the submissions made (without the need for a hearing).
6. Where a complaint is mainly a consequence of a disagreement between two or more parties, TTA will offer informal 'Without Prejudice' calls to each party (and, possibly, to all parties together, if appropriate) to see if the issue can be resolved.
7. The Disciplinary Committee will consider, in the course of its proceedings, the extent to which Defendants (and, where appropriate, Complainants) conduct themselves and the extent to which they attempt to address and resolve any actual or alleged breach of the Code of Practice of their own accord and in a reasonable fashion. Such consideration may influence whether a complaint is upheld (in full or part) or rejected, and what sanction shall be applied where a complaint is upheld.
8. TTA's Disciplinary Committee is not a court and the only sanctions it can apply if a complaint is upheld is either a formal written warning, suspension of membership or expulsion/barring from membership. Where there is evidence a crime has been committed, the matter will be referred to the police or relevant authorities.

## 1. Complaints Procedure

- 1.1. These Disciplinary Committee Procedures form part of the Terms and Conditions of membership of The Tutors' Association, along with the Code of Practice and any other terms and conditions of membership imposed by TTA from time to time at the discretion of the board and membership. All members agree to accept these Disciplinary Committee Procedures in full as a condition of membership. In addition, to the greatest extent permissible in law, these Disciplinary Committee Procedures and the Code of Practice apply to any other prospective or former member, supplier, contractor, employee, sponsor or other person or business acting on TTA's behalf.
- 1.2. The complaints procedure can be summarised as follows:
  - 1.2.1. The initial notification of an intention to complain to TTA (this is common but optional; Complainant(s) can provide a Statement of Complaint initially should they wish to do so).
  - 1.2.2. Entirely voluntary, confidential and 'Without Prejudice' Informal Resolution Calls (which may take place at any point following the Preliminary Review by TTA and before a Ruling is issued).
  - 1.2.3. The provision of a Statement of Complaint.
  - 1.2.4. A Preliminary Review by TTA to ensure that the complaint is coherent and capable of proper consideration, following the successful conclusion of which it shall be passed to the Chair of the Disciplinary Committee.
  - 1.2.5. The notification of the Disciplinary Committee (and the declaration of any conflicts of interest).
  - 1.2.6. An Initial Review by the Chair of the Disciplinary Committee.
  - 1.2.7. Notifying the Defendant(s) and the provision of a Statement of Defence.
  - 1.2.8. The submission of evidence by both Complainant(s) and Defendant(s).
  - 1.2.9. Formal Disciplinary Committee Review, including Formal Calls or Formal Disciplinary Hearings at the sole discretion of the Disciplinary Committee.
  - 1.2.10. The Disciplinary Committee will make a Ruling to uphold, partially uphold or reject the complaint and (if the complaint is upheld or partially upheld) apply an appropriate sanction.

## 2. Notification of a Complaint

- 2.1. Complaints relating to any member, director, officer or employee of The Tutors' Association shall be submitted to TTA in a form specified from time to time by the directors. A complaint can be made about multiple individuals or legal entities at the same time if the cause for complaint is substantially identical.
- 2.2. Complaints shall be emailed to: [complaints@thetutorsassociation.org.uk](mailto:complaints@thetutorsassociation.org.uk). This email address will be managed by the General Manager or a delegated employee or contractor.
- 2.3. If the complaint relates to the General Manager themselves, it should be addressed to one of the officers of the Association (President, Vice President or Treasurer).
- 2.4. If a complaint relates to the officers, it should be addressed to any one of the directors.
- 2.5. Complainants (or prospective Complainants) shall be entitled to be provided with the details of TTA's disciplinary procedures at this stage, along with a copy of the latest version of the Code of Practice and, where it is reasonable and practical to do so, any relevant guidance, on an objective and non-partisan basis, on the kinds of matters that constitute a complaint, the powers of the Disciplinary Committee, the nature of the disciplinary process and how to submit a complaint.

## 3. Informal Resolution Calls

- 3.1. From the point where a Complainant makes it clear they intend to complain, generally an officer and/or employee (ideally two) from TTA will offer to arrange a chance to speak to both the Complainant and the Defendant, separately and on a strictly confidential basis (not recorded, not minuted, on a 'Without Prejudice' basis and with no account of the calls provided to either party nor to the Disciplinary Committee). The purpose of such calls is to discuss the nature of the complaint and establish whether there is a prospect of any misunderstanding being addressed or the scope of the complaint being narrowed prior to the complaint being considered by the Disciplinary Committee.
- 3.2. For the avoidance of doubt, Informal Resolution Calls may be arranged at any point following the Complainant indicating that they intend to complain and before the point at which the Disciplinary Committee provide a ruling.
- 3.3. Informal Resolution Calls will usually be offered unless operational requirements/workload restrict officers from doing this within a reasonable timeframe, or unless the nature of the complaint renders such calls inappropriate (at TTA's sole discretion).
- 3.4. Participating in Informal Resolution Calls is always entirely voluntary on the part of both Complainant(s) and Defendant(s). Neither party shall be at any advantage or disadvantage should they elect to participate in such calls or not.

- 3.5. Complainant(s) and Defendant(s) may make their own notes if they wish during such calls but they should not record or create a transcript of Informal Resolution Calls, nor should they share what was discussed on the call without the written consent of the representatives of TTA who participated.
- 3.6. Should all parties freely agree and should TTA believe that there is a reasonable likelihood of the parties reaching a resolution and that the risk of the issue being exacerbated is limited, TTA may arrange for an Informal Resolution Call between the Complainant(s) and Defendant(s) together. Such calls will, again, be on a confidential and Without Prejudice basis and neither party shall be permitted to share any recording, notes or any part of the content of such a call (which has not otherwise been made available to the other party in open correspondence) with the Disciplinary Committee.

## 4. Statement of Complaint

- 4.1. A valid complaint shall consist of a “Statement of Complaint” which the Complainant is content to be shared with the Defendant. The Statement of Complaint should clearly state which aspects of the Code of Practice are alleged to have been breached.
- 4.2. Complainants must understand that the **Statement of Complaint will be shared with the Defendant in full.**
- 4.3. Evidence may be provided at this stage or provided at a later stage, but the Statement of Complaint should make it sufficiently clear that supporting evidence is available and can be provided.

## 5. Preliminary Review and Complaint Progression

- 5.1. If a Statement of Complaint is received, the officers or employees of TTA shall consider whether it has sufficient substance and coherence to be passed to the Disciplinary Committee. This is called the “Preliminary Review”. If the complaint has sufficient substance and coherence, it will be passed to the Disciplinary Committee Chair within 14 days and the Complainant will be notified accordingly; if the officers/employees of TTA believe that the complaint lacks substance, they shall write to the Complainant at the earliest opportunity following the Preliminary Review to explain this and give the Complainant the opportunity to resubmit the complaint.
- 5.2. TTA officers and employees do not exercise any judgement over the content of the complaint itself, other than to check that it has substance and is sufficiently coherent to merit review by the Disciplinary Committee.
- 5.3. Complaints can only be rejected by TTA officers/employees during the Preliminary Review stage where:

- 5.3.1. The Statement of Complaint is in a language other than English.
- 5.3.2. The Statement of Complaint is not written down.
- 5.3.3. The Statement of Complaint is excessively long without good reason (for example, more than four pages and/or 2,000 words, although exceptions may be permitted where appropriate).
- 5.3.4. The Statement of Complaint does not identify a Defendant.
- 5.3.5. The Statement of Complaint does not specify what the alleged breach of the Code of Practice is.
- 5.3.6. The Statement of Complaint is illegible, incoherent, or where the quality of the writing is too poor for the Disciplinary Committee to ascertain the substance of the complaint.
- 5.4. If TTA progresses the complaint, it is at this point that the Statement of Complaint may now be shared with both the Disciplinary Committee and the Defendant(s).

## 6. Notifying the Disciplinary Committee

- 6.1. The Chair Disciplinary Committee will be notified of the Complainant(s) and the Defendant(s) will be specified.
- 6.2. If any member of the Disciplinary Committee is subject to a conflict of interest in regard to any complaint then they shall declare it promptly to the other members of the Disciplinary Committee and recuse themselves from any further role in the disciplinary proceedings. Reasons giving rise to a conflict of interest could include but are not limited to:
  - 6.2.1. Close prior commercial relationship with any of the Defendant(s) or Claimant(s) (including where either are a significant client, customer or supplier of the Disciplinary Committee member in question);
  - 6.2.2. Any significant commercial interest in the outcome of a Disciplinary Inquiry; or,
  - 6.2.3. Close prior personal relationship with either the Defendant or Claimant (including where they are family members, close friends, relatives or similar).
- 6.3. If the Chair of the Disciplinary Committee is conflicted or, for any other reason, chooses not to chair the proceedings in this disciplinary case, the members of the Disciplinary Committee who do not have a declared conflict of interest shall elect a chair from amongst themselves or may co-opt a new individual to act as chair, should it be deemed to be reasonable to do so.

## 7. Initial Review by the Chair of the Disciplinary Committee

- 7.1. The Chair of the Disciplinary Committee will carry out an Initial Review of all complaints and respond formally to the Complainant. Following the Initial Review, one of the following outcomes will occur:
  - 7.1.1. The complaint will be progressed and the Chair of the Disciplinary Committee will write to the Complainant(s) and/or any relevant witnesses to request the submission of evidence, as well as writing to the Defendant(s) as described below;
  - 7.1.2. Clarification will be requested from the Complainant(s), to be provided within a period of no less than fourteen (14) days and no more than twenty eight (28) days from the date of the letter from the Chair of the Disciplinary Committee, or;
  - 7.1.3. The complaint may be dismissed on any of the following grounds:
    - 7.1.3.1. The complaint lacks merit (in relation to the Code of Practice or any of the other Terms and Conditions of Membership);
    - 7.1.3.2. The complaint is vexatious;
    - 7.1.3.3. An excessive passage of time between the cause of the complaint arising and becoming known to the Complainant and the Complainant making their complaint;
    - 7.1.3.4. The complaint relating to a matter which has already been resolved satisfactorily or where it is clear that the cause for the original complaint no longer exists or no longer meets the threshold that would merit disciplinary proceedings;
    - 7.1.3.5. The complaint is frivolous/trivial or where the matter is not serious enough to constitute a breach of any aspect of the Code of Practice, or;
    - 7.1.3.6. The complaint relates to an individual or entity that either does not exist, will imminently cease to exist, or is not within TTA's current or foreseeable jurisdiction (i.e. an individual or entity without a connection to the tuition sector who has not been and/or is never likely to be a member).
- 7.2. An Initial Review will consider:
  - 7.2.1. Whether the alleged conduct, if substantiated, would amount to a breach of the Code of Practice.
  - 7.2.2. Whether the submission contains adequate information and/or evidence to support the complaint, or where there is a reasonable prospect that adequate information and/or evidence could be obtained.

- 7.2.3. Whether the complaint refers to a current, former or prospective future member of TTA.
- 7.3. In the event that, in the opinion of the Disciplinary Committee, the complaint meets any of the following criteria then it may request written confirmation from the complainant that the costs of those proceedings will be met in part or in full as the Disciplinary Committee sees fit, these criteria being:
  - 7.3.1. The complaint is primarily one that if proven would confer substantial financial or reputational advantage on the Complainant;
  - 7.3.2. The complaint has been brought, solely or mainly, to avoid incurring legal costs in proceedings against the Defendant; or,
  - 7.3.3. The complaint is not of the type that it is in the interest of the Association alone to incur costs prosecuting.

## 8. Statement of Defence

- 8.1. The Chair of the Disciplinary Committee shall write to the Defendant (generally using a pre-agreed template) to inform them of the complaint, share the Statement of Complaint and invite them to submit a Statement of Defence within a period that shall be no less than fourteen (14) days and no more than twenty eight (28) days (other than where special dispensation is afforded by the Chair of the Disciplinary Committee). The Defendant will also be invited to provide evidence at this stage although they may be afforded more time to do so, where it is reasonable and proportionate to do so, at the discretion of the Chair of the Disciplinary Committee.

## 9. Submission of Evidence

- 9.1. The Complainant(s) and Defendant(s) will be invited to submit any other evidence to TTA to pass to the Disciplinary Committee in confidence.
- 9.2. All evidence shall be kept in strict confidence by TTA and passed directly to the Disciplinary Committee.
- 9.3. Parties shall understand that, generally, the Disciplinary Committee will assume that evidence provided shall be made available to the other party in order that it be considered in any subsequent Disciplinary Inquiry. If either party wishes to provide evidence that it is not willing to be shared with the other, then it should mark any such evidence accordingly. The Disciplinary Committee reserves the right to reject such evidence, or consult with the operational team within TTA to determine whether such evidence should be accepted on a confidential basis.



- 9.3.1. Confidential information shall be limited to that which is genuinely confidential and not in the public domain. Complainants and Defendants shall refrain from providing a large body of evidence and labelling it all as confidential where it would be more appropriate, at the discretion of the Disciplinary Committee, for only part(s) of the evidence to be considered as confidential and for the other part(s) to be considered on an open basis.
- 9.3.2. Complainants and Defendants must accept that the Disciplinary Committee may need to take reasonable measures to establish the truthfulness and accuracy of confidential information provided, especially where it is pertinent to the relevant case. This may involve asking Defendants or witnesses for relevant information in connection with it, whilst respecting confidentiality as far as is reasonably practicable.
- 9.4. Any confidential information that relates or could relate to a criminal matter, or a matter falling under the jurisdiction of a competent court or authority, may, at the sole discretion of the Chair of the Disciplinary Committee (having consulted with other members of the Disciplinary Committee) be shared with the relevant authorities without warning to the disclosing party.
- 9.5. The contents of 'Without Prejudice' or 'Without Prejudice Save as to Costs' correspondence must not be shared with the Disciplinary Committee unless all parties to that correspondence agree, in writing, that it should be so shared.
- 9.6. Parties should not submit evidence that does not relate to the complaint or that should properly be associated with a different complaint.
- 9.7. Parties must declare to the Disciplinary Committee where and to what extent the use of Artificial Intelligence (AI) or any similar automated or autonomous system or technology has been used to create or process evidence.
- 9.8. Complainants and Defendants should not include, within any confidential submission in relation to a Disciplinary Inquiry, any content which should properly constitute or be part of a separate complaint.
- 9.9. Complainants and defendants should not include, within any confidential submission, any threat, explicit or implicit, towards any representative of TTA, nor any allegations in relation to the conduct of any representative of TTA unless the said representative is the defendant (or one of the defendants) in the case concerned.

## 10. Formal Disciplinary Inquiry

- 10.1. The Disciplinary Committee will undertake a Disciplinary Inquiry to review the Statement of Complaint, Statement of Defence and aggregated evidence from each party. At this stage, the Disciplinary Committee may, at its sole discretion:
  - 10.1.1. Request additional evidence or clarification from either the Complainant(s) or the Defendant(s);
  - 10.1.2. Seek evidence or testimony from third parties (individuals or organisations) or other sources;
  - 10.1.3. If it is deemed to be necessary and appropriate, arrange one or more Formal Call(s) with any party or combination of parties, and/or;
  - 10.1.4. If it is deemed to be necessary and appropriate, arrange for a Formal Disciplinary Hearing to which all Complainant(s) and Defendant(s) are invited, along with any other relevant witnesses that the Disciplinary Committee deems to be appropriate.
- 10.2. **Formal Calls.** The Disciplinary Committee may (or may not), at their sole discretion, deem it appropriate to hold a Formal Call with any Complainant, Defendant or third party, or any combination of the above.
  - 10.2.1. The Disciplinary Committee is under no obligation to invite all or any particular party(ies) to a Formal Call.
  - 10.2.2. The Disciplinary Committee may hold a Formal Call at any time convenient to the invited attendee(s) and the relevant members of the Disciplinary Committee.
  - 10.2.3. Any member(s) of the Disciplinary Committee (or any combination of them) may join the Formal Call.
  - 10.2.4. The Disciplinary Committee may or may not specify in advance what topics they would like to discuss on the Formal Call and they shall not be restricted in discussing any relevant matter in connection with a disciplinary case.
  - 10.2.5. Formal Calls may be recorded and/or transcribed and the whole of the recording/transcription will be available to the Disciplinary Committee in order to deliberate and make a ruling.
  - 10.2.6. The content of Formal Calls, including any recording and transcription, shall be kept strictly confidential by the members of the Disciplinary Committee handling the case. The only exception to this would be where there is an appeal against a Disciplinary Committee ruling, where the content will be passed to members of the Board of Directors (who do not have a declared conflict of interest).

- 10.3. **Formal Disciplinary Hearings.** The Disciplinary Committee may (and may not), at their sole discretion, deem it appropriate to hold a Formal Disciplinary Hearing.
- 10.3.1. If a Formal Disciplinary Hearing is called, all Complainant(s) and Defendant(s) will be invited to attend, along with any relevant third parties agreed by the Chair of the Disciplinary Committee.
- 10.3.2. The date for a Formal Disciplinary Hearing shall be set either:-
- 10.3.2.1. At any date agreed by all of the Complainant(s), Defendant(s) and the Disciplinary Committee, or;
- 10.3.2.2. At a date set by the Disciplinary Committee in no less than fourteen (14) days.
- 10.3.3. During a Formal Disciplinary Hearing, the Complainant(s) and Defendant(s) shall be entitled to present their case and accompanying evidence and answer questions posed to them by any member of the Disciplinary Committee.
- 10.3.4. Unless otherwise directed by the Chair, generally the Complainant shall be invited to present their case first, followed by the Defendant. Following any questions, or the presentation of evidence, generally the Complainant will be asked to conclude their case first, followed by the Defendant.
- 10.3.5. Both parties shall be treated fairly and impartially by the Disciplinary Committee but, for the avoidance of doubt, this does not mean that each party will necessarily be asked the same number of questions or be required to explain their evidence in the same level of detail as this will be at the discretion of the Disciplinary Committee and will depend on how clearly they understand the evidence and case presented.
- 10.3.6. At all times, the Disciplinary Committee shall have the sole discretion to adjourn or halt a Formal Disciplinary Hearing where it is in the interest of justice that it do so. Where proceedings are adjourned to a later date, it shall provide reasonable notice to both parties and not prejudice nor afford any advantage to one or the other so far as it is reasonably possible to avoid doing so.
- 10.4. The Disciplinary Committee may consider the conduct of parties during a Formal Call or Formal Disciplinary Hearing when making a ruling and, where relevant, imposing a sanction. Either party (including any Complainant(s)) that conduct themselves in an unprofessional, disrespectful, aggressive or intimidating manner may be penalised by the Disciplinary Committee for such poor conduct.
- 10.5. The Disciplinary Committee may, at any point, consider additional potential breaches of the Code of Practice that it may identify subject to notifying the Defendant (or, where it relates to them, the Complainant) and affording them a period of no less than fourteen (14) days to provide an addendum to their Statement of Defence and any relevant additional evidence.

- 10.5.1. For the avoidance of doubt, the Disciplinary Committee shall not be obliged to provide any notification to the Defendant (or Complainant) that it is considering their conduct during the Disciplinary Inquiry itself.
- 10.6. A Disciplinary Inquiry may be placed on hold at any time during proceedings if, in the opinion of the Disciplinary Committee, any of the following criteria apply:
  - 10.6.1. There is insufficient evidence to fully assess the merits of the complaint and no realistic prospect of obtaining such evidence in the near future;
  - 10.6.2. Proceeding with the Disciplinary Inquiry may conflict with a current legal case which is ongoing in a recognised court of law (whether civil or criminal) and a ruling of the Disciplinary Committee would be reasonably likely to cause TTA to be found to be in contempt of court (or where legal advice is required to establish whether or not such a reasonable likelihood exists).

## 11. Disciplinary Committee Rulings

- 11.1. The Disciplinary Committee will convene, with all relevant Disciplinary Committee members who do not have a conflict of interest, to make a ruling in relation to each case.
- 11.2. The Disciplinary Committee will always issue a ruling as to whether, on the balance of probabilities, whether the Code of Practice was broken by the Defendant(s). The outcome will be that the complaint was:
  - 11.2.1. Upheld;
  - 11.2.2. Partially upheld, or;
  - 11.2.3. Rejected.
- 11.3. If a complaint is upheld or partially upheld, the Disciplinary Committee will always issue one of the following sanctions (whether or not the Defendant(s) have resigned their membership prior to the ruling being issued, or whether they have not yet joined TTA):
  - 11.3.1. A formal written warning;
  - 11.3.2. A suspension from membership for a specified length of time (not exceeding twelve months);
  - 11.3.3. A suspension from membership until the Defendant(s) undertake what the Disciplinary Committee would regard as appropriate remedial action (and, where such action is not taken within twelve months or an alternative reasonable timeframe specified by the Disciplinary Committee, expulsion by default), or;
  - 11.3.4. Expulsion from The Tutors' Association, and/or the imposition of a prohibition on the Defendant being (re)admitted to membership within five (5) years from the date of the ruling, or some alternative period specified by the Disciplinary Committee.
- 11.4. Where the Defendant is an employee or contractor of TTA, the Disciplinary Committee may, instead of imposing an ordinary sanction, recommend an alternative sanction in accordance with the relevant contract in place between TTA and the Defendant, in consultation with TTA's operational team.
- 11.5. Where a Defendant has previously received a formal written warning for the same or similar breach of the Code of Practice in the past, the Disciplinary Committee may elect to apply a more severe sanction than it otherwise would do in the event that a subsequent complaint is upheld or partially upheld.
- 11.6. When making a ruling, the Disciplinary Committee may consider any evidence available to it without restriction, including any identified breach of the Code of Practice on the part of the Defendant(s), or even the Complainant(s), even if it did not form part of the original complaint, subject to the Defendant (or Complainant, where it relates to them) having previously been

- informed that such a breach was being considered in accordance with these procedures and the principles of natural justice.
- 11.7. Disciplinary proceedings, once started, will continue for as long as there is sufficient evidence to establish whether any breach of the Code of Practice is more likely than not to have occurred, regardless of whether the Complainant(s) (or any combination of them) have elected to withdraw their complaint and regardless of whether the Defendant(s) (or any combination of them) have resigned from membership.
- 11.7.1. For the avoidance of doubt, the Code of Practice prohibits members of TTA from coercing Complainant(s) to withdraw their complaint or to refrain from providing evidence or cooperating with the Disciplinary Committee in any way.
- 11.7.2. Where the complaint relates to an entity that ceases to exist (such as, for example, where a Defendant is a person who dies prior to the conclusion of the Disciplinary Inquiry or a Defendant is an incorporated entity that irrevocably ceases to exist) the
- 11.8. The Disciplinary Committee will consider the conduct of each party in the course of the disciplinary proceedings. It may, at its discretion, uphold a complaint about any of the Defendant(s) or Complainant(s) should any party conduct themselves in a manner that is interpreted as constituting a breach of the Code of Practice in the course of proceedings.
- 11.9. **Consequences of Suspension or Expulsion.** The following consequences shall apply to a member who is suspended or expelled from TTA, for the duration of their period of suspension or indefinitely, in the case of expulsion, unless they are subsequently (re)admitted to membership, regardless of whether they resigned prior to the ruling being issued or had not yet joined TTA.
- 11.9.1. They shall not be permitted to attend any TTA event or participate in any online group or receive any benefit from TTA whatsoever, whether online or offline, whether paid-for or free and whether it would ordinarily be open to non-members or not, other than with the written approval, in writing, of both the Chair of the Disciplinary Committee and the President of TTA.
- 11.9.2. Where a Defendant is suspended or expelled from membership of TTA, it shall not be entitled to any refund (in whole or in part) of any fees previously paid, or contracted to be paid, to TTA with respect to:
- 11.9.2.1. Membership fees;
- 11.9.2.2. Sponsorship fees, or;
- 11.9.2.3. Fees in relation to the participation in any trade show, trade mission or other event of any kind.
- 11.9.3. Where a Defendant that is suspended or expelled is a sponsor of an event hosted by TTA, they shall forfeit all of the benefits they might otherwise have been entitled to

arising from such sponsorship. In recognition of the fact that TTA may have suffered reputational damage and/or may not have the opportunity to resell such sponsorship, no refund of any associated fees shall be due and TTA shall have no obligation to provide any compensation of any kind.

- 11.10. **Publishing and Dissemination of Rulings.** In accordance with the Articles of Association of The Tutors' Association, Rulings of the Disciplinary Committee will be passed to TTA's operational team and will be provided to the Complainant(s) and Defendant(s). Rulings will also be published unless:
- 11.10.1. the Board of Directors of TTA believe there is a compelling reason not to do so, or;
  - 11.10.2. the complaint was rejected and both the Defendant(s) and the operational team of TTA agree that the ruling exonerating them should not be published.
- 11.11. The Disciplinary Committee may, at its sole discretion and without warning to any of the Parties, refer information to the police or relevant government/tax authorities, in any jurisdiction, where it credibly believes or suspects that an offence has been committed or other breach of any legal obligation has occurred. TTA accepts no liability whatsoever for any Party suffering any loss as a result of any subsequent investigation, prosecution, fines, imprisonment or the imposition of any other kind of judicial or similar penalty by any legal authority in any jurisdiction with respect to any Complainant, Defendant or third party involved in disciplinary proceedings.
- 11.12. Complainant(s) and/or Defendant(s) must not, under any circumstances, seek or attempt to directly contact any member of the Disciplinary Committee following a ruling being made and issued.

## 12. Appeals

- 12.1. Complainant(s) or Defendant(s) who believe that the disciplinary process has been flawed, prejudiced or otherwise handled improperly may appeal and ask for the ruling to be referred to the Board of Directors of TTA. Such an appeal must be made to an officer or the General Manager of TTA in the first instance (or to any director where that is impractical or impossible) within fourteen (14) days of the ruling being received or material new evidence coming to light.
- 12.2. The Board of Directors of TTA will review any appeal and ascertain only whether it is more likely than not that the disciplinary process has been properly followed. If it is the opinion of the majority of Directors that the disciplinary process was flawed or improperly conducted, they may require that the Disciplinary Committee review a case and give directions as to what procedure is believed to have been improperly followed.
  - 12.2.1. In exceptional circumstances, the Board of Directors may direct that:
    - 12.2.1.1. The Disciplinary Committee exclude one or more of its members, and provide a credible justification for it doing so, and/or;
    - 12.2.1.2. The Disciplinary Committee elect an alternative Chair, and/or;
    - 12.2.1.3. The Disciplinary Committee to co-opt up to four impartial additional members, and provide credible justification for doing so, and/or;
    - 12.2.1.4. The Disciplinary Committee review a particular piece of evidence that is relevant to the case but which has not previously been considered.
  - 12.2.2. For the avoidance of doubt, the Board of Directors shall not be entitled to overturn a decision of the Disciplinary Committee.
- 12.3. The Board of Directors may, at its discretion, direct that the Disciplinary Committee review a case where it believes that the correct disciplinary procedures have not properly been followed even where no valid appeal has been received from either the Complainant(s) or Defendant(s).



## For Further Information

For the submission of complaints: [complaints@thetutorsassociation.org.uk](mailto:complaints@thetutorsassociation.org.uk)

For general enquiries: [info@thetutorsassociation.org.uk](mailto:info@thetutorsassociation.org.uk)