

ROYAL HISTORICAL SOCIETY

PROCEDURES FOR EXPULSION FROM THE SOCIETY

A. Introduction

1. This document establishes a procedure, in accordance with By-law VIII, according to which the Society may decide to terminate the membership of any person who has been admitted to the Society.
2. Any Member or Fellow who is no longer a fit and proper person to remain in the Society may have their Membership/Fellowship terminated in accordance with this procedure.
3. A person is not a fit and proper person to remain in the Society, *inter alia*, if:
 - (a) They have committed a serious criminal offence;
 - (b) They have been found guilty of serious academic misconduct;
 - (c) They have committed serious breaches of the Society's published Statement on Ethics;
 - (d) They have undermined or subverted the activities of the Society;
 - (e) There are serious doubts, in the public domain, about their academic integrity;
 - (f) Their continued membership is otherwise likely to bring the Society into disrepute.
4. Any Member/Fellow ('the Complainant') who believes any other Member/Fellow ('the Respondent') is no longer a fit and proper person to remain a Member/Fellow of the Society may make such an allegation to the President in writing (including by email).
5. If the President considers that the allegation warrants further consideration, they may appoint a Disciplinary Tribunal (see Section C). The President will decline to take further action if:
 - (i) the allegation appears to be frivolous or vexatious;
 - (ii) there is no serious prospect that a Disciplinary Tribunal would withdraw membership even were the allegation substantiated;
 - (iii) the allegation is substantially the same as a previous allegation against the same Member/Fellow and there is no reason to think that the evidence relating to the allegation has changed.
6. If the President considers that the allegation does not warrant further consideration, they shall write to the Complainant providing reasons for such a conclusion.
7. The President will make a decision whether to appoint a Disciplinary Tribunal or to decline to do so within three weeks of receipt of the allegation.

8. The Disciplinary Tribunal may appoint an Investigator (see Section E) and convene a hearing (Section F). In the light of its findings, the Disciplinary Tribunal may determine whether expulsion from the Society is an appropriate sanction (Section G). The possibility of appeal from a decision of the Disciplinary Tribunal is provided (Section H).

B. General Principles

9. Those appointed to act under the terms of this Procedure (including the President, Investigator, Disciplinary Tribunal and Appeal Committee) shall act reasonably in considering all matters, having regard to the individual circumstances of the case.
10. Every effort will be made to ensure that the Respondent is treated with fairness and dignity.
11. None of those carrying out the procedure shall be subject to any conflict with the Respondent. A conflict will exist where a person has had previous involvement in dealing with the alleged matter or has a material connection with the Respondent.
12. Matters should, as far as possible, be dealt with under this procedure in a timely manner.
13. This procedure is an internal process and does not have the same degree of formality as proceedings in a court of law. It is not normally necessary nor appropriate for a Respondent or the Society to be legally represented at any meetings that form part of the procedure.
14. Subject to 15, the Respondent may, however, be accompanied, assisted or represented at the Disciplinary Tribunal by any person (such as a friend or colleague, another Fellow or Member).
15. Where a Respondent wishes to be legally represented (by a barrister or solicitor), a request should be made to the Chair of the Disciplinary Tribunal, at least two weeks before the scheduled date of any hearing, setting out the reasons for such a request.
16. Where the Society wishes itself to be legally represented, the Respondent should be informed of this decision in a timely manner.
17. Those appointed to act under this procedure (in particular, the Disciplinary Tribunal, but also the Investigator and Appeal Committee) will normally correspond directly with the Respondent.

C. Disciplinary Tribunal

18. The Disciplinary Tribunal shall comprise a Vice President and two other persons (drawn from Council or from the Society's Officers). The Vice President will act as Chair.
19. The Disciplinary Tribunal shall consider all matters referred to it by the President.
20. The Disciplinary Tribunal shall consider whether a matter can practicably be investigated and whether it is appropriate to do so.
21. The Chair of the Disciplinary Tribunal will inform the Respondent(s) of the allegation and the names of the members of the Disciplinary Tribunal and any decision that the Society is to appoint a legal representative.
22. The Respondent may respond to the allegations at any time. Such comments must be submitted to the Chair of the Disciplinary Tribunal at least 10 days before any scheduled hearing.
23. Where a matter has been referred to the Disciplinary Tribunal which involves more than one Respondent, the Disciplinary Tribunal may decide, as it sees appropriate, whether there shall be a single hearing, multiple hearings (of some but not all Respondents) or a separate hearing for each Respondent.
24. The Disciplinary Tribunal may, if it considers it appropriate, suspend or terminate this procedure. The Chair of the Disciplinary Tribunal will inform the Respondent of such decisions.
25. The Disciplinary Tribunal must consider matters referred to it in a timely manner, providing reasonable deadlines at each stage of the process. The Disciplinary Tribunal normally aims to reach a decision within 60 days of a matter being referred to it. However, delays may occur where the case is complex, or where the procedure has been suspended for good reason, for example, where concurrent proceedings have started, or are being considered by the Police and/or Crown Prosecution Service.
26. Following the hearing, the Chair of the Disciplinary Tribunal shall provide the Disciplinary Tribunal's decision and the reasons for the decision in writing to the Respondent within 7 days of the decision being reached. Notes of the hearing of the Disciplinary Tribunal will be shared with the Respondent within 14 days of the hearing. The Chair will inform the Respondent of the right to, and procedure for, an appeal.

D. Concurrent Proceedings

27. The Disciplinary Tribunal will suspend its consideration of any matter where criminal proceedings are ongoing and will be alert to the possible consequences of undertaking disciplinary investigations which may affect current or possible

future criminal investigations. After the conclusion of an investigation undertaken by the police and any subsequent criminal proceedings, or where it appears unlikely that criminal proceedings will take place, the Disciplinary Tribunal may take its own action under this procedure.

28. The Disciplinary Tribunal may recommend to the Council that the Membership/Fellowship of the Respondent be suspended during any police investigation into the Respondent or pending the completion of any criminal proceedings.
29. The Disciplinary Tribunal will treat relevant criminal convictions received by a Respondent as conclusive evidence that the behaviour, on which the offence was based, took place. A 'not guilty' or 'no further action' outcome from the police or criminal proceedings will not prevent the Disciplinary Tribunal from undertaking its own consideration of a matter.

E. Investigator

30. The Disciplinary Tribunal may appoint a person, selected from the remaining Council Members or independent of the Society, to investigate any matter referred to it and to produce a written report for the Disciplinary Tribunal to consider. The person investigating any matter (the Investigator) shall, as appropriate, take written statements, conduct meetings and collect evidence from any person relevant to the investigation, keeping written records.
31. The Disciplinary Tribunal may decide, in addition to or instead of an Investigator, to appoint a Legal Representative.
32. Where an Investigator has been appointed, or a decision made by the Tribunal to have legal representation, the Respondent(s) will be informed of this by the Chair of the Disciplinary Tribunal.
33. The Investigator and/or Legal Representative may also gather information on, and report on, the seriousness of the matter, and any mitigation which might be considered by the Disciplinary Tribunal.
34. Where an Investigator has been appointed, the Respondent will be provided with a copy of the report of the Investigator and shall have an opportunity to provide written comments on that report. Such comments must be submitted to the Chair of the Disciplinary Tribunal at least 10 days before any scheduled hearing.

F. Hearing of the Disciplinary Tribunal

35. The Chair of the Disciplinary Tribunal shall organise a hearing of the Disciplinary Tribunal and communicate the date, time and location for the hearing to the Respondent.

36. The hearing is designed to enable the Disciplinary Tribunal to determine whether the Respondent is a fit and proper person to remain in the Society. Where a Respondent has admitted to particular acts/behaviour, the Tribunal need only consider whether it is serious enough to warrant expulsion.
37. The Respondent will have an opportunity to attend the hearing of the Disciplinary Tribunal.
38. If the Respondent is unable to attend the hearing of the Disciplinary Tribunal and wishes to do so, it shall be at the Chair of the Disciplinary Tribunal's discretion as to whether the Respondent has provided a sufficient reason for absence, in which case the hearing date should be re-arranged. The Disciplinary Tribunal may, however, proceed in the Respondent's absence.
39. Any written comments relating to the allegation or the content of any investigation must be provided at least 10 days before the date of the hearing of the Disciplinary Tribunal.
- Evidence from any witness(es) will be included in full within the written report from the Investigator. Where the Respondent wishes to challenge the evidence of a witness, a request must be provided to the Chair of the Board at least 10 days before the date of the hearing of the Disciplinary Tribunal. The Chair of the Disciplinary Tribunal will determine the most appropriate format for this.
40. Hearings of the Disciplinary Tribunal will normally be held in private with only the members of the Disciplinary Tribunal, the Investigator, the Respondent and a note-taker permitted to attend.

G. Determination and Sanctions

41. The Disciplinary Tribunal shall consider all the information that has been provided and reach one of the following decisions:
- (i) To dismiss the case;
 - (ii) To expel the Respondent.

H. Appeal

42. The Respondent has the right to appeal against a decision of the Disciplinary Tribunal in accordance with this part.
43. The Appeal Committee shall be Chaired by a Past President [and two members of the current Council not involved in the initial proceedings]. The members of the Appeal Committee shall have no conflict as defined at 11 above.
44. A request for an appeal should be made within 14 days of receiving the written decision (and notes thereon). The Chair of the Appeal Committee has the

authority to extend the appeal deadline, where there is a compelling reason to do so. Once the period for an Appeal has lapsed, the decision of the Disciplinary Tribunal shall be considered final and the sanction(s) ordered by the Disciplinary Tribunal shall take effect. Where the Respondent has appealed, the sanction agreed by the Disciplinary Tribunal will not normally be implemented while the Appeal is being considered.

45. An Appeal can be submitted on the following grounds, that:
 - (i) The procedures were not followed properly;
 - (ii) The decision of the Disciplinary Tribunal is one which no reasonable tribunal/body could have reached;
 - (iii) There was bias during the procedure, or the procedure might reasonably be perceived to have been biased;
 - (iv) The penalty imposed (of expulsion) was disproportionate.

46. An Appeal must be submitted in writing to the Chair of the Disciplinary Tribunal and give the ground of appeal and all matters the respondent wishes to be considered as part of the Appeal. The Appeal Committee will normally aim to make a decision regarding an Appeal within 30 days of the Respondent submitting the Appeal.

47. The Chair of the Appeal Committee shall organise a meeting of the Appeal Committee and communicate the date, time and location for the meeting to the members of the Committee and the Respondent. The Respondent will be informed of the membership of the Appeal Committee.

48. The Appeal Committee shall receive the Respondent's written appeal and evidence, the Disciplinary Tribunal outcome, the notes of the meeting of the Disciplinary Tribunal and the material considered by the Disciplinary Tribunal.

49. The Appeal Committee shall normally consider an appeal in private based on the written materials, but has the discretion to request further information; where this happens, the Respondent shall be sent a copy of any further information and be given an opportunity to provide written observations.

50. The Appeal Committee shall consider all the information that has been provided and reach one of the following decisions:
 - a) To dismiss the appeal;
 - b) To uphold the appeal.

51. The Chair of the Appeal Committee, within 7 days of the Appeal Committee reaching a decision, shall provide to the Respondent a written copy of the Appeal Committee's decision and reasons for the decision.

1. Formal Withdrawal of Membership/Fellowship by Council

52. On a recommendation by the Disciplinary Tribunal under 28 above, the Council will suspend the membership/fellowship of the Respondent pending completion of this process.
53. In the absence of an appeal by the Respondent within the fourteen days following notification of a decision to the Disciplinary Tribunal to expel the Respondent, the Council will formally remove the Respondent from the Membership/Fellowship of the Society.
54. Following a decision of the Appeal Committee dismissing the Respondent's appeal from a decision of the Disciplinary Tribunal, the Council will formally remove the Respondent from the Membership/Fellowship of the Society.