

Student Regulations incorporating the Code of Behaviour & Disciplinary Procedures 2011/2012

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Section B Student Code of Behaviour and Disciplinary Procedures

Section A

Introduction

A.1 These Regulations satisfy the requirements of the Articles of Government for Edge Hill University. (Refer to 3.2 (f) and 12 (2)).

A.2 These Regulations apply to all students registered at the University, irrespective of mode of delivery and location, and to all sabbatical and paid officers of Edge Hill Students' Union when they may reasonably be regarded as being under the auspices of the University, or in a public place within the vicinity of the University. This shall include conduct arising at any time when the student may be regarded as representing Edge Hill as an individual or as part of a group or team, and when the student is in some location away from Edge Hill following an arrangement made through the University or the Students' Union. In circumstances where there is an alleged conduct issue, students who are also employed as staff of the University are required to note that, any allegations in relation to conduct occurring whilst employed as a member of staff, will be dealt with under the relevant Human Resources procedures.

A.3 These Regulations do not establish / constitute the procedures determined by Academic Board for the academic operation and regulation of programmes. These are covered by the **Academic Regulations** and all students are required to make themselves familiar with them. The procedures determined by Academic Board for the academic operation and regulation of programmes apply to all students irrespective of mode of delivery and location.

A.4 Any student attending a programme of study provided by Edge Hill in partnership with another University or College is also subject to the Regulations related to the conduct of students of that other University or College. In particular, students studying on another campus must abide by the rules of any localised University / campus based regulations in so far as they apply to conduct, health and safety.

A.5 Any student attending placement(s) as part of their programme of study at Edge Hill must abide by the rules of the placement provider, in so far as they apply to conduct, health and safety.

A.6 Under these Regulations, the Vice-Chancellor has the responsibility for executing particular functions. Some of these functions may be delegated to a nominated Senior Manager. The Vice-Chancellor will ensure that a scheme

of delegation exists to cover designation of a nominee(s) to carry out the responsibilities of the Vice-Chancellor within these Regulations.

Section B

General Student Regulations

B.1 Enrolment

B.1.1 Students, other than sabbatical officers of the Students' Union, are required to enrol or re-enrol for each successive year or other relevant part of a course as determined by Edge Hill.

B.1.2 Students are responsible for making sure that all tuition fees and all other expenses relating to their programme are paid. This includes responsibility for the arrangement of any payments by a third party. Students are bound by the University's regulations on the payment of fees and refunds in the event of termination of the programme of studies and the consequences of non payment, as amended from time to time. These fees do not include any fees payable for residential accommodation provided to you by the University or by any third party; nor do they include examination fees, Library fees, Learning Resources fees, travelling costs or other associated course costs. If relevant, these will be the subject of separate agreements between you and the University. (Refer to Edge Hill's Halls of Residence Licence Agreement.) Students should note that re-enrolment may be withheld from debtors and that outstanding debts at graduation or termination of study **will be** referred to a debt collection agency. Further information can be obtained in the Fees Policy, which is published by Academic Registry / Strategic Planning and Policy Unit and is available on Edge Hill's website.

B.1.3 At, or before enrolment, all students must produce evidence that they have met the relevant entry requirements for their particular programme of study.

B.1.4 All students are requested to provide the University with an emergency contact name and details. All students are required to note that Edge Hill may use information provided on emergency contact names and details at its discretion in an emergency.

B.1.5 Only persons who have enrolled as students or are sabbatical officers of the Students' Union have rights of access to Edge Hill's facilities as students.

B.1.6 Once enrolment to a course is completed, a person is considered to continue as a student until the end of that programme of study or until re-enrolment is required, whichever is the earlier, unless the student:

- (i) is excluded from the programme in accordance with the rules on academic progress and the consequences of poor academic performance (Refer to Section I of the Academic Regulations).
- (ii) is excluded by the Chair of the appropriate Assessment Board from his/her programme of study during the course of the academic session for academic reasons. (Refer to section I of the Academic Regulations).
- (iii) is excluded from the course following an assessment of the professional suitability of the student following failure to progress in practice in accordance with the Academic and Professional Review Procedures.
- (iv) is precluded from attending Edge Hill on medical grounds.
- (v) withdraws from the programme.
- (vi) is expelled from Edge Hill for gross misconduct as determined by a Disciplinary Panel in accordance with the Student Code of Behaviour and Disciplinary Procedures. (See in particular Section D of these Regulations).

B.1.7 Students must notify Edge Hill of any changes occurring during the academic year to the information supplied on enrolment or re-enrolment. In particular, students must notify Academic Registry and their Department if they change their semester or home address or their emergency contact details. Edge Hill will not accept responsibility for any inaccuracies in data held on individuals where the source of the inaccuracy is outside of its control.

B.1.8 Students who wish to change their programme of study leading to a different Award Title will need to meet the entry requirements for their new programme of study and obtain the approval from appropriate staff. (Students should refer to the relevant Handbook for their programme or request an appointment to see a member of staff from Academic Registry.)

B.1.9 Students who wish to change their modules within their current academic year may do so (subject to meeting any entry or other requirements, including module prerequisites) by following the procedure for requesting a change of module outlined in relevant Handbooks.

B.1.10 Students who enrol late or who make late modifications to their programmes of study without good cause may be charged an additional administrative fee.

B.2 Criminal Convictions

B.2.1 Edge Hill requires all students to declare any unspent criminal convictions or current criminal investigations on admission to the University in

accordance with the procedures specified in the Admissions Policy, Appendix 3.¹

B.2.2 Edge Hill requires any student who is being investigated for or is convicted of a criminal offence during their programme of study / period of enrolment, or intercalation², to declare this in writing to the Academic Registrar. This will enable the University to assess whether or not there is any risk to any member of Edge Hill communities including practice placement communities and partner organisations. See Appendix 1 for the Guidance Notes For Students Declaring Criminal Convictions Or Investigations.

B.2.3 Students on professional courses, requiring enhanced Criminal Records Bureau (CRB) clearance, are required to note that, following a period of intercalation, they must undergo a further CRB clearance check prior to their return to their programme of study.

B.2.4 Students are required to note that under the arrangements for safeguarding of vulnerable groups (both adults and children), in certain circumstances, the University will have a statutory duty to notify the Independent Safeguarding Authority (ISA)³ of any relevant recorded disciplinary investigations / procedures.

B.2.5 Failure to disclose an unspent criminal conviction or a current criminal investigation on application or during your period of enrolment to the University will itself constitute misconduct under our Student Code of Behaviour and Disciplinary Procedures and may result in disciplinary action and possible expulsion from Edge Hill University.

B.3 Attendance

B.3.1 All students registered on programmes at the University are subject to the published attendance regulations for their programme. For full-time

¹ Anyone starting a programme of initial teacher training (ITT) leading to the award of QTS is also required to be provisionally registered with the General Teaching Council for England (GTC). Section 134 of the 2002 Education Act.

² Negotiated and agreed time out from studies.

³ The Independent Safeguarding Authority (ISA) is the single agency responsible for helping prevent unsuitable people from working with children and vulnerable adults. The ISA **assesses** those individuals working or wishing to work in regulated activity that are referred to us on the grounds that they pose a possible risk of harm to vulnerable groups. There are two principal routes by which referrals are made to the ISA. Firstly, when a person applies for ISA registration, any convictions or cautions which are considered relevant would trigger a referral. The other way a referral would be made is where an employer or an organisation, for example, a regulatory body, has concerns that a person has caused harm or poses a future risk of harm to children or vulnerable adults. In these circumstances the employer or regulatory body must make a referral to the ISA.

undergraduate students, attendance at designated learning activities of programmes and modules is expected. Notification of illness and requests for leave of absence should be submitted to the nominated member of staff in accordance with published procedures.

B.3.2 Programmes that confer a licence to practise may require a specific attendance level in order to meet the award requirements. Students on professional programmes are required to note they must comply with very strict statutory regulations concerning the number of hours of theory / practice for their programme of study. Students **must** refer to the relevant Faculty handbooks for their particular programme of study.

B.3.3 Individual modules may incorporate a specific attendance requirement as part of the assessment criteria for successful completion of a module. Justification will be confirmed at validation.

B.3.4 Students who do not have the required authorisation for absence and do not respond to communications with Edge Hill and who are absent for four weeks or more may be deemed to have withdrawn from the programme of study. Where a student is deemed to have withdrawn, the date of withdrawal will be recorded as the last day of attendance. Academic Registry will automatically notify all Edge Hill's relevant academic and administrative departments, all sponsors (if appropriate), the Student Loans Company and the NHS Business Services Authority of all student withdrawals.

B.3.5 Students seconded to short modules or programmes by their employer will be subject to their seconding employer's policies and procedures in relation to sickness and absence.

B.3.6 Attendance Policy Regulations for International Students

B.3.6.1 International students attending Edge Hill University must comply with the conditions of their visa. In addition, students are required to note that Edge Hill must comply with their legal obligations to UKBA as Tier 4 sponsors. To ensure this, any student who is in the UK on a student visa issued on the basis of full time study at Edge Hill University is expected to maintain full time attendance on their course. In addition, students must maintain agreed contact points with the University, as laid out in their international student agreement signed at the start of their studies. Failure to adhere to the agreement may result in UKBA revoking a student's visa.

B.4 Health, Safety and Security

B.4.1 All students of Edge Hill must at all times, whilst on Edge Hill premises, or taking part in Edge Hill activities elsewhere, follow Edge Hill's Health & Safety policy and comply with any Health & Safety instructions given. Students on placements are required to note they must also abide by any localised rules of placement providers, in so far as they relate to conduct, health and safety.

B.4.2 Fire

B.4.2.1 All students should make themselves familiar with the procedures in the event of fire. Fire notices are posted throughout the University. On hearing the alarm students must evacuate the premises immediately following the directions displayed on the fire notices.

B.4.2.2 Fire fighting equipment has been installed throughout the University. Interference with or misuse of any of this equipment constitutes a criminal offence under section 8 of the Health and Safety at Work etc Act 1974 and will be viewed as such by the Director of Student Services. Any interference will incur penalties against either the individual or the appropriate community.

B.4.3 Safety and Security on Edge Hill Premises

B.4.3.1 All students are required to note that all personal belongings are brought onto and left on Edge Hill premises **entirely at their own risk**. All students should insure their own property and personal belongings. In certain circumstances, students may also be required to take out other types of insurances – for example, health insurance whilst on overseas field trips or placements.

B.4.3.2 Students should also be clear that use of computer equipment and any software provided by the University is entirely at their own risk. The University shall not be liable for loss or damage suffered as a result of the use of any computer equipment or software provided or made available by the University, including any contamination of software or loss of files.

B.4.4 Alcohol, Drugs, Smoking and Health Promotion

B.4.4.1 Guidance and advice is available to all students on a broad range of health promotion options and particularly on avoiding the health risks associated with sexual activity, alcohol, drugs and smoking. Such guidance

is available in a series of pamphlets widely distributed, and stocked at the University Health and Well-being Centre, Milton House. Students are advised to read these pamphlets, and the above service will give further help as necessary.

B.4.4.2 Your attention is drawn to the fact that the possession and supply of certain drugs is a criminal offence. The University strictly upholds its legal obligation to prevent such activities taking place on its premises and in consultation with the Police, will take the necessary steps to monitor and report any such activities to the relevant authorities.

B.4.5 Health Clearance For Serious Communicable Diseases

Because of their clinical involvement during their course of study, students in Medicine, Dentistry, Nursing and Professions allied to Medicine have a special obligation in respect of serious communicable diseases including HIV, hepatitis B, hepatitis C and tuberculosis. All students in Professions Allied to Medicine will need to have standard health clearance for serious communicable diseases. Additional health clearance for blood-borne viruses will be needed for any student who will perform exposure prone procedures in line with the relevant NHS Health Clearance Guidance. Students are required to confirm that they have read and understood the statements of their ethical responsibilities towards their patients issued by the General Medical Council, the General Dental Council, the UK Nursing and Midwifery Council or relevant professional bodies. Notification should be made to the relevant Occupational Health Services.

B.5 Equality and Diversity

B.5.1 Edge Hill University's vision is to:

'provide an environment where everyone feels able to participate, contribute, enjoy and influence their experience; and where inclusive practices underpin everything we do. Respect for and celebration of individual diversity will shape institutional strategy, direction and behaviour.'

The University aims to provide an environment, which is welcoming; and which values and affirms the positive contributions of all our members. Edge Hill makes it a condition of service and admission that employees and students adhere to our Equality and Diversity Policy, and to our Single Equality Scheme, incorporating our Disability Equality, our Gender Equality and our Race Equality Schemes and that any breach of it is dealt with under the Staff or Student Disciplinary Procedures, as appropriate. (Full copies of

Edge Hill's Equality & Diversity Policy and our Single Equality Scheme (incorporating our Disability Equality, our Gender Equality and our Race Equality Schemes) are available on the Edge Hill Website

http://www.edgehill.ac.uk/student-services/Policies_Procedures.htm

B.5.2 Edge Hill's Harassment and Bullying Policy derives from our Equality and Diversity Policy. This outlines the options and procedures for students who may experience harassment, bullying and discrimination. (Refer to the Edge Hill Website at

http://www.edgehill.ac.uk/student-services/Policies_Procedures.htm

B.6 Examination / Assessment Regulations

B.6.1 It is your responsibility as a student to familiarise yourself with the contents of the Academic Regulations for your programme and with the particular assessment and examination regulations for the programme. In particular you are required to:

- familiarise yourself with submission deadlines and other relevant programme requirements
- hand work in on time to set criteria and deadlines
- follow procedures to inform tutors in good time of any mitigating circumstances which may prevent you meeting deadlines, so that appropriate action can be taken
- familiarise yourself with any scheduled examination or in class test requirements and procedures
- plan any action which will help in the development of your work
- seek advice whenever you have a problem, or need clarification on any aspect of your programme
- adhere to guidelines in respect of confidentiality and professionalism on educational and health placements.

B.6.2 Students who dispute a decision of an Assessment Board may only seek a review of the decision in accordance with the relevant Academic Regulations procedures. No request for review will be considered on matters of academic judgement.

B.6.3 Edge Hill regards any use of unfair means (cheating, including plagiarism, collusion and impersonation) in an attempt to enhance performance or to influence the standard of award obtained as a serious academic offence that may constitute grounds for exclusion. The Academic Regulations describe how suspected cases of cheating will be investigated

and the penalties which apply. (See Section H8 and Appendix 13 of the Academic Regulations)

B.7 Exclusion on Academic Grounds

B.7.1 A student may be excluded from Edge Hill for failure to meet academic standards, failure to progress or failure to perform in the professional practice element or other academic reasons, in accordance with the Academic Regulations as determined by Academic Board. (See Section I and Appendix 19)

B.8 Terms of Admission and Financial Regulations

B.8.1 Persons who accept the offer of a place at Edge Hill are in addition bound by the terms and conditions set out in the University's offer to you (whether the offer is made directly by Edge Hill or indirectly by UCAS or another authorised agency). Your agreement with the University starts when you tell us in writing that you accept the offer of a place on your programme.

B.8.2 Edge Hill makes every effort to deliver programmes as described in the prospectus for the appropriate academic year, however no guarantees can be given that the programmes or modules will run in full or at all. Students are advised to read carefully all documentation provided before the start of and during their programme. Edge Hill reserves the right to change or discontinue any programme, module or service or the specific content thereof or to amend any other aspect, to alter timetables, location, number of classes and delivery of programmes. Edge Hill does not accept any liability arising out of or in connection with such changes.

B.8.3 Students are required to familiarise themselves with the prevailing Financial Regulations as made and amended throughout a student's enrolment at Edge Hill.

B.9 Research Ethics

B.9.1 In undertaking any research whilst studying at Edge Hill, all students are required to comply with Edge Hill's Research Ethics Policy and Code of Conduct and the Malpractice Regulations for Research Degrees.

B.10 Local Rules and Conditions

B.10.1 Students must comply with all other Rules and Regulations of the University, as amended from time to time. Such Rules and Regulations are supported by sanctions including fines or exclusion from facilities and services.

B.10.2 In addition to the Academic Regulations and the Academic and Professional Review Procedures, these Rules and Regulations include:

- (i) The Faculty of Education's Code of Professional Conduct for Initial Teacher Training Trainees
- (ii) The Faculty of Health's Code of Professional Conduct
- (iii) The Faculty of Education's Fitness for Practice Regulations
- (iv) The Faculty of Health's Fitness for Practice Regulations
- (v) The Faculty of Arts & Science's Fitness for Practice Regulations
- (vi) Research Ethics Policy
- (vii) Data Protection and Freedom of Information Procedures
- (viii) Provisions and Policies Relating to Confidential Information
- (ix) Complaints Procedures
- (x) Rules on Car Parking on University Premises
- (xi) Halls of Residence Licence Agreement
- (xii) Regulations Governing the Use of the Learning Resources Centres
- (xiii) Student ICT Acceptable Use Policy encompassing JANET Acceptable Use Policy governing all computing, internet, email and social network systems
- (xiv) Staff and Student Equipment Loan Procedure and Conditions
- (xv) TV Studio Safety
- (xvi) Control of Substances Hazardous to Health (COSHH) Regulations
- (xvii) Code of Practice for Working in Microbiology
- (xviii) Code of Practice for Safe Working in Science
- (xix) Codes of Practice for Use of Small Boats and Inflatables; Tree Climbing and the Use of Ladders and Scaffolding; Procedures for the Event of Accidents in the Field; Working with Animals; Mountains and Uplands; The Sea Shore; Agricultural Land; Terrestrial Habitats; Freshwater; Pathogenic Organisms
- (xx) Use of the Gymnasium
- (xxi) The Conditions of Hire for Sporting Edge
- (xxii) The Guidance Notes for Swimming Pool Hire
- (xxiii) The Terms and Conditions For Membership of Sporting Edge
- (xxiv) The Regulations for Membership of Edge Hill University Club
- (xxv) The Regulations for Health & Safety and for the Conduct of Students & Disciplinary Procedures for Partner Institutions (For students studying

on another institution's campus only). (See Section A4 of these Regulations)

(xxvi) The Regulations for International Students

(xxvii) Provisions and Policies Relating to Information Security

The above list is not exhaustive. Students must refer to all relevant regulations and guidelines from Faculties and Departments.

B.10.3 Serious or repeat breaches of local rules and conditions may involve recourse to the Student Code of Behaviour and Disciplinary Procedures. (See Section D of these Regulations.)

Appendices to the General Student Regulations

Appendix 1

Guidance Notes For Students Declaring Criminal Convictions Or Investigations.

Edge Hill requires all students to declare any unspent criminal convictions or current criminal investigations on admission to the University in accordance with the procedures specified in the **Admissions Policy, Appendix 3**.

Edge Hill requires any student who is being investigated for or is convicted of a criminal offence during their programme of study / period of enrolment, or intercalation⁴, to declare this in writing to the Academic Registrar.

The declaration of a criminal conviction or investigation will not necessarily affect your position at Edge Hill. It will enable us to assess whether or not there is any risk to any member of Edge Hill communities, including practice placement communities and partner organisations. However it may be necessary for Edge Hill to take action where the conviction also contravenes our Student Code of Behaviour and Disciplinary Procedures. (See Section D of these Regulations). In line with procedures, the Academic Registrar will decide if there are any implications in relation to your programme and your standing as a student of Edge Hill. As appropriate, Edge Hill will make arrangements to provide you with support and guidance on how to deal with this. Students on professional courses requiring Standard or Enhanced Disclosure through the Criminal Records Bureau as a condition of entry to the course are advised to note that Edge Hill will make appropriate arrangements for you to undergo a further disclosure and follow this up with a panel interview to:

- (i) ensure that any caution, conviction or criminal investigation will not prevent you from taking up any professional practice, either on placement or through employment.
- (ii) provide you with support and guidance on how to deal with this at subsequent interviews for professional practice placements or employment.

In many instances Edge Hill is notified directly by the Police or other relevant authorities about cautions or convictions. In the event that we are notified of a caution or conviction which you have not informed us about, you will have to undergo a further disclosure and panel interview. You will also be subject to review in accordance with the Academic and Professional Review

⁴ Negotiated and agreed time out from studies

Procedures for your programme. (Refer to Appendix 19 of the Academic Regulations).

Storage and handling of data and information relating to criminal conviction disclosures will be handled in accordance with the CRB Code of Practice regarding the correct use, storage, retention and disposal of Disclosures and Disclosure Information. Edge Hill will also fully comply with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure Information. (Refer to Edge Hill Admissions Policy Appendix 1.)

Section C

Emergency Powers: Exclusion, Suspension and Expulsion of Students

C.1 Definition of Exclusion, Suspension and Expulsion

C.1.1 Edge Hill has the right to **exclude, suspend** or **expel** any student where necessary to protect a member or members of the University community or to exercise its duty of care to the general public. Such emergency powers are only used where the Vice-Chancellor or his / her designated alternate Senior Manager is of the opinion that it is urgent and necessary to take such action. For avoidance of doubt, exclusion, suspension and expulsion are defined as follows:

C.1.2 Exclusion

C.1.2.1 Exclusion involves selective restriction on attendance at or access to Edge Hill premises, activities and associated practice placements.

This may include:

- i) The prohibition of a student from attendance at a specified event(s) for a specified time.
- ii) The prohibition of a student from a specified activity(ies) for a specified time.
- iii) The prohibition of a student from a specified premises for a specified time.
- iv) The prohibition of a student from attendance for the purposes of study.
- v) The selective prohibition on exercising the functions or duties of any office or committee membership in Edge Hill, the exact details to be specified in writing.

C.1.2.2 Only the Vice-Chancellor or designated alternate Senior Manager has the power to exclude students. The decision to exclude will be confirmed in writing to the student, specifying the exact details and reasons for the exclusion.

C.1.3 Suspension

C.1.3.1 Suspension involves the total prohibition on attendance at or access to the University's premises and activities, including practice placements and partner institutions, for a specified period of time. Only the Vice-Chancellor or designated alternate Senior Manager has the power to suspend students.

The decision to suspend must be confirmed in writing to the student, specifying the exact details and reasons for the suspension.

C.1.3.2 A student may be excluded or suspended from Edge Hill University by the Vice-Chancellor (or his / her nominee):

- (i) pending the outcome of a disciplinary investigation and / or hearing or a criminal investigation and / or a trial or the conclusion of legal proceedings. (See Section D of these Regulations.)
- (ii) for an unsatisfactory standard of work or other academic reason (Refer to section I in Academic Regulations)
- (iii) for failing to comply with prevailing policies in relation to fees / payments to Edge Hill and / or partner institutions.
- (iv) for a failure to meet the standards relating to safe professional practice. (Refer to Appendix 20 in Academic Regulations and Edge Hill's Fitness for Practice Regulations.)
- (v) when serious concerns are raised about a student's 'fitness to practise' or about the level of risk of harm to self or others. While Edge Hill will deal with such situations sympathetically, and on an individual basis, they may require referral to Occupational Health and ultimately referral to the Academic & Professional Review Boards and / or the Fitness For Practice Panels of the respective Faculties. (See also Section C.1.4 and Edge Hill's Fitness for Practice Regulations.)
- (vi) for failure to comply with a reasonable request by the Vice-Chancellor or his / her nominee (or an appropriately qualified medical practitioner approved by the University) to undergo a valid medical or psychiatric assessment and / or to consent to the results of that assessment being produced. The Vice-Chancellor or his / her nominee or an appropriately qualified medical practitioner approved by the University will determine whether or not the assessment is satisfactory, for the purposes of satisfying Edge Hill that the student is fit to practise. (See also Section C.1.4 and refer to Edge Hill's Fitness for Practice Regulations.)
- (vii) for any other material failure to comply with Edge Hill's Regulations which are not a breach of the Student Code of Behaviour and Disciplinary Procedures.

C.1.3.3 Suspension is not a Sanction. It is a temporary measure taken in response to an allegation or concern. It is not intended to be judgemental or punitive, but rather to facilitate an investigation into the issues raised. It is used so that evidence germane to an instance of serious concern or serious alleged breach of the Regulations is not prejudiced, on either side, or where the Edge Hill community or students involved could be at risk, pending further investigations.

C.1.3.4 Suspension can therefore be considered appropriate in **any** of the following situations:

- a. where the Police are investigating or intending to investigate an allegation against a student that he or she has committed a criminal offence, particularly where the offence involves other students or staff or has the potential to affect the Health & Safety of members of Edge Hill community or the general public.
- b. where the University is investigating or intending to investigate an allegation against a student that he or she has committed a breach of the Student Code of Behaviour, particularly where the offence involves other students or staff or has the potential to affect the Health & Safety of members of Edge Hill community or the general public.
- c. where the student's admission to the University is being investigated under the terms of the University's Admissions Policy.
- d. in exceptional circumstances where a student with mental health support difficulties may be causing disruption to others or posing a risk to themselves or others.
- e. as a short term emergency measure to facilitate an investigation, whilst ensuring the rights of all parties are protected.

C.1.3.5 To suspend or exclude a student from Edge Hill, the Vice-Chancellor or his / her nominee shall:

- make the student fully aware of the nature of reasons for suspension or exclusion.
- give the student the opportunity to make representations in person to the Vice-Chancellor or his / her nominee.
- record the reasons for the suspension or exclusion in writing and make them available to the student.
- make a record of the evidence considered, the findings reached, the action it has been decided to take in the light of these findings and the reasons for taking that action. A copy of this record should be made available to the student.

C.1.3.6 If necessary in cases of great urgency, the Vice-Chancellor or his / her nominee shall be empowered to suspend a student with immediate effect without being given the opportunities outlined in C.1.3.5 above, provided that within five working days the opportunities outlined in C.1.3.5 above are given and the matter is formally reviewed.

C.1.3.7 The right to invoke emergency powers to exclude or suspend under this provision is only used to protect members of Edge Hill community in general, including members of associated practice placement communities

and / or a particular member or members, and to allow any external investigation or criminal proceedings to be conducted prior to action being taken within the University. This power shall be used only where the Vice-Chancellor or his/her designated alternate is of the opinion that it is urgent and necessary to take such action. Written reasons for the decision shall be recorded and made available to the student. Upon taking this action the Vice-Chancellor will immediately notify the Chair of the Board of Governors and the Secretary to the Disciplinary Appeals Committee of the decision.

C.1.3.8 Suspension will only be used where, in the opinion of the Vice Chancellor or his / her nominee, the exclusion from specified activities or facilities is deemed to be inadequate or subsequently invoked where there is a further breach of the Student Code of Behaviour or where there is a breach of the exclusion notice.

C.1.3.9 An order of suspension or exclusion may include a requirement that the student should not have contact of any kind with a named person or persons.

C.1.3.10 A decision to exclude or suspend a student shall be subject to regular review by the Vice-Chancellor or his / her nominee. This shall take place every thirty days or sooner in the light of any developments or written representations made by the student or anyone else on his/her behalf.

C.1.3.11 In all cases the maximum period for suspension should be no more than two years and, if appropriate, a decision may be taken to discontinue the student from their studies on academic grounds.

C.1.3.12 Any act in breach of suspension or exclusion shall constitute a disciplinary offence or a further disciplinary offence.

C.1.3.13 A student who has been suspended or excluded may be readmitted to Edge Hill following the decision of the Vice-Chancellor or his / her nominee that the student now complies with the Regulations in force.

C.1.3.14 A student who has been partially excluded from specified events, premises or activities for a specified time may be readmitted to the specified events, premises or activities on satisfactory completion of the period of exclusion or on satisfactory completion of the requirements for return.

C.1.4 Fitness to Practise

C.1.4.1 Faculties and any other bodies recognised by Academic Board for the delivery of programmes are responsible for confirming that students meet the

requirements of that programme of study. The University recognises that it has both a general duty of care towards members of its community and that its academic awards may result in professionally recognised qualifications. In professionally recognised qualifications, academic success alone may not meet all of the professional requirements, which might include for example, physical health, mental health, ethical, moral or behavioural matters. In confirming appropriate academic qualifications or admission to a professional body and / or statutory registration, Edge Hill must be satisfied that the student will be a safe and suitable entrant to the given profession. To ensure that they are also complying with the requirements of the professional body relevant to their course of study, students must satisfy Edge Hill at all times that in respect of their health and conduct they do not constitute a risk to patients or professional clients and that they are fit to practise as stipulated by such guidelines as are issued by Edge Hill and the relevant professional body from time to time. (Refer to Edge Hill University's Fitness for Practice Regulations.)

C.1.4.2 Matters which may give rise to concerns in relation to a student's fitness to practise include:

serious stress, anxiety, depression, psychiatric illness, being a carrier of a serious communicable disease, drug abuse, alcohol abuse, physical illness, falsification of patient or other professional records, inappropriate conduct or offences against the vulnerable, including exploitation of the vulnerability of a patient or professional client to establish a sexual relationship and criminal conduct.

C.1.4.3 Although normally bound by duties of confidentiality, Edge Hill notes the General Medical Council's guidance on confidentiality which states:

'disclosures may be necessary in the public interest, where failure to disclose information may expose the patient, children, or others, to risk of death or serious harm. In such circumstances, information should be disclosed to an appropriate person or authority.'

C.1.4.4 In accordance with this guidance, there may exceptionally be occasions when disclosure of confidential information is considered necessary in the public interest and this may lead to such disclosure being made to Edge Hill or another appropriate person or authority.

C.1.4.5 Wherever possible, the consent of the student will be sought before any such disclosure is made. If consent is withheld, but the circumstances require disclosure in order to comply with the General Medical Council

guidance, the student will be informed of the action that is being taken as soon as practicable and of the reasons for it.

C.1.4.6 Although counsellors and other non-medical advisers are not bound by this guidance, the General Medical Council recommends that they should follow it when consulted by students. Edge Hill supports this position. Students are therefore required to note that whilst confidential discussions with counsellors or tutors at Edge Hill will normally remain confidential, if Edge Hill have real concerns about a student's fitness to practise, information may be released to an appropriate person in the public interest where a failure to disclose that information may expose someone to the risk of death or serious harm.

C.1.5 Support for Returning Students

C.1.5.1 A student who has returned to Edge Hill University or any of its practice placement or partner institutions after suspension or exclusion shall be offered appropriate support to remedy the effects of absence. The student will be reminded of the availability of all information, support and advice services.

C.1.6 Expulsion

C.1.6.1 Expulsion involves the total disbarring / eviction of the student from the University, its premises and activities, including those of all practice placements and partner institutions. It constitutes the termination of the student's course.

C.1.6.2 A student may be expelled following the outcome of a disciplinary hearing in accordance with the Student Code of Behaviour and Disciplinary Procedures. (See Section D of these Regulations.) If the student is in Edge Hill Halls of Residence, then the student will be given notice to quit and his / her Halls of Residence licence agreement will be terminated. In this eventuality the University reserves the right to seek full financial recompense for any monies owed or due for the full duration of the licence agreement.

C.1.6.3 Students expelled following the outcome of a disciplinary hearing will not normally be readmitted to Edge Hill University, except by special dispensation. In these exceptional cases, students should apply in writing to the Academic Registrar in the first instance.

C.1.6.4 A student may be expelled following an assessment of the professional suitability of the student for failure to meet the standards relating

to safe professional practice in accordance with Academic and Professional Review Procedures and the Fitness For Practice Regulations. (Refer to Appendix 19 of the Academic Regulations)

C.1.6.5 Students expelled following the outcome of an assessment of the professional suitability of the student for failure to meet the standards relating to safe professional practice in accordance with Academic and Professional Review Procedures and the Fitness For Practice Regulations will not normally be readmitted to Edge Hill, except by special dispensation. In these exceptional cases, students should apply in writing to the Academic Registrar in the first instance. Re-admittance would be at the discretion of the Academic Registrar.

C.1.7 Appeals against the decision to suspend or exclude

If a student wishes to challenge a decision to suspend or exclude, they may do so by appeal to the Pro Vice-Chancellor for Students & External Relations. All appeals must be made in writing, stating clearly the grounds for appeal and submitted to the Pro Vice-Chancellor for Students & External Relations, within twenty eight days of being informed of the decision. The appeal process will deal with any allegations made by the student of procedural unfairness, consider new evidence and deal with any representations made by the student about the appropriateness of the suspension or exclusion imposed.

The following are the only grounds for appeal:

- (i) The emergence of significant additional evidence not presented at previous proceedings, of sufficient significance that it calls into question the fairness of the decision.
- (ii) The emergence of significant additional evidence that there has been mal-administration in the conduct of previous proceedings related to the specific decision to suspend or exclude.
- (iii) If there is reasonable cause to consider that the decision to suspend or exclude was unreasonable in all circumstances.

The Pro Vice-Chancellor for Students & External Relations or his/her designated alternate will review the evidence and the reason for the appeal and determine one of the following outcomes:

- that the decision to suspend or exclude be annulled.
- that the decision to suspend or exclude be delayed whilst further information or reports are obtained.
- that the original decision be confirmed.

Section D

Student Code of Behaviour and Disciplinary Procedures

D.1 Introduction to The Student Code of Behaviour and Disciplinary Procedures

D.1.1 Edge Hill (the University) exists primarily to provide higher education, to support continuing professional development, to carry out research and to provide the facilities and resources to support these activities. The University aims to provide an atmosphere, which is conducive to academic achievement and the social well being of its whole community and those who come into contact with the University and its student population.

D.1.2 This Code of Behaviour and Disciplinary Procedures are derived from the University's responsibility to maintain student discipline so that all staff and students can go about their intended activities. This Code of Behaviour and Disciplinary Procedures are designed to assist the University in fulfilling its duty of care and responsibility to members of its community, and to defend its good name and reputation.

D.1.3 The purpose of the Student Code of Behaviour is to ensure that all students are fully aware that they are expected to:

- conduct themselves with due regard to their legal responsibilities as adults, and to the good name and reputation of the University.
- conduct themselves with good sense and with due consideration for other members of the University and the wider community.

D.1.4 The purpose of the Disciplinary Procedures for Students is to provide a clear framework for dealing with student behaviour that falls below expected standards. The framework is intended to enable the University to obtain all the relevant facts about alleged breaches of the Student Code of Behaviour and to reach a fair decision based on the evidence available.

D.1.5 The Code of Behaviour and Disciplinary Procedures do not attempt to imitate or replace the criminal law or the criminal justice system. Edge Hill therefore reserves the right to refer and to report any matter whatsoever to the Police, where appropriate.

D.1.6 Edge Hill abides by the principles of natural justice and in the context of this Code, the following applies:

Students will:

- be made fully aware of the nature of any allegations made against them.
- be given an opportunity to reply to any allegations and to be represented in disciplinary panels.
- be given a fair and unbiased hearing at which all relevant circumstances can be taken into account.
- have the right to appeal against any disciplinary decision in line with procedures outlined in this code. (Refer to Section D13 of these Regulations.)
- be offered support and guidance throughout the process.

D.1.7 Thus the Student Code of Behaviour and Disciplinary Procedures are intended to provide a clear framework for dealing with student behaviour which results in adverse effects upon the well being of the community, its members and the wider public.

D.2. The Student Code of Behaviour

D.2.1 Scope and Application

D.2.1.1 This Code applies to all students registered at the University, whatever mode of delivery and location, and to all sabbatical officers of Edge Hill Students' Union, when they may reasonably be regarded as being under the auspices of the University or in a public place within the vicinity of the University. This shall include behaviour arising at any time when the student may be regarded as representing Edge Hill as an individual or as part of a group or team, and when the student is at some location away from Edge Hill following an arrangement made through the University or the Students' Union. This Code does not apply to students registered at a Partner Organisation on programmes of study approved or accredited by the University. Such students are subject to the Codes of Behaviour and Disciplinary Procedures of the partner organisation.

D.2.1.2 This Code is applicable to allegations of misconduct by one student against another or by a member of staff or University representative (including mentors and placement staff) against a student.

D.2.1.3 Anonymous allegations or allegations from parents, relatives or friends on behalf of a student who chooses not to make an allegation his/her self cannot be pursued under this Code.

D.2.1.4 Complaints by students against staff of the University should be pursued under the Complaints Procedures.

D.2.2 General Principles

D.2.2.1 The University has an expectation that students will conduct themselves at all times in an orderly manner, respecting the rights, privacy and property of others and the University. To this end, the University also has an expectation that students will report any instances of observed misconduct on the part of others. Students must familiarise themselves with all Edge Hill regulations and policies which have a bearing on their conduct as students of the University.

In registering as a student, students agree to abide by all of the University's rules and regulations.

These include:

- a) The Student Code of Behaviour and Disciplinary Procedures.
- b) All codes relating to Faculties, Subjects or Service areas of the University.
- c) The Equality and Diversity Policy, the Single Equality Scheme, incorporating the Disability Equality Scheme, the Gender Equality Scheme and the Race Equality Scheme, including all statutory requirements (e.g. the Disability Discrimination Act, the Race Relations Act and the Race Relations Amendment Act.)
- d) The terms of all contractual arrangements entered into with the University.
- e) All academic and professional regulations governing the operation and assessment of your course.
- f) All codes of behaviour relevant to professional bodies associated with your course.
- g) All codes of behaviour relevant to the Students' Union.

D.2.2.2 The essence of misconduct under the Code of Behaviour is improper interference, in its broadest sense, with the proper functioning of the University, or those who work or study in the University, or action, which damages the University or its reputation, including any individual action which breaches the Student Code of Behaviour. The Code applies to all students at the University and covers behaviour on and off its campuses, including associated practice placements and field trips. Edge Hill's jurisdiction under this Code is not limited to its own premises. The Code includes misconduct occurring in any place to which a student is given access by virtue of his/her status as a student.

D.2.3 Rules of Behaviour

D.2.3.1 All students must observe the University's, the Students' Union and Edge Hill University Club rules, which shall include those set out below and any other rules and regulations introduced from time to time by the Governing Body or other authorised body or authority.

D.2.3.2 A student must not:

- i) engage in any form of disorderly or improper conduct on campus;
- ii) prevent, obstruct or disrupt teaching, learning, study, research, sporting, social and / or any legitimate activity on or off campus;
- iii) disrupt or improperly interfere with the functions, administration or the duties of the University;
- iv) prevent, obstruct or disrupt staff from carrying out their duties;
- v) disrupt the residential or recreational life of staff, students and/or visitors on any of the campus sites or the residential life of the community in areas adjacent to these sites and where students reside;
- vi) prevent, obstruct or disrupt the pursuit of the expected standard of professional or vocational bodies awarding qualifications to students relating to the care, welfare and education of the public;
- vii) engage in any form of violent, indecent, disorderly, threatening or intimidating behaviour or language (whether expressed orally, in writing or electronically, including blogs, social networking sites and other electronic means.)

D.2.3.3 A student must not engage in conduct, which obstructs or attempts to obstruct the free movement of staff, students or visitors from any building or premises of the University.

D.2.3.4 A student must not prevent or obstruct the holding, or the orderly conduct of, any lawful meeting or group or engage in conduct, which might prejudice the freedom of speech of any individual, subject to the Code of Practice on Freedom of Speech, drawn up in accordance with Section 43 of the Education Act (No 2) 1986;

D.2.3.5 A student must not engage in conduct which constitutes a breach of the University's Smoke Free Policy, which states that smoking is prohibited within all Edge Hill buildings, including the University Club, the Street, the Halls of Residence and all University and Students' Union vehicles.

D.2.3.6 A student must not:

- (i) assault any person or engage in behaviour, which may involve an offence to any person.
- (ii) harass or discriminate against any person or engage in behaviour, which may involve an offence or cause offence to any person.
- (iii) engage in any form of offensive, threatening and/or abusive behaviour, including any form of behaviour which is likely to cause fear, distress or offence to others.
- (iv) engage in any form of behaviour which amounts to harassment or intimidation and/or discrimination of any member or visitor of Edge Hill University.
- (v) engage in any form of behaviour which amounts to harassment or intimidation and/or discrimination towards people on the grounds of:
 - a) age
 - b) disability
 - c) race
 - d) marriage or civil partnership
 - e) pregnancy or maternity
 - f) religion or belief (including lack of belief)
 - g) sex
 - h) gender reassignment
 - i) sexual orientation (Sexual harassment includes harassment of transsexual people, including the outing of a transsexual person.)

D.2.3.7 A student must not bring any illegal substance or illegal instrument / weapon onto campus.

D.2.3.8 A student must not possess, sell, use or misuse any controlled drug on University premises.

D.2.3.9 A student must not engage in any behaviour on or off Edge Hill premises, which might bring the University or any member of the University into disrepute.

D.2.3.10 A student must not distribute or produce offensive literature, or engage in behaviour, which might constitute a breach of the University's Equality and Diversity Policy, Disability Equality Policy, Gender Equality Policy and Race Equality Policy.

D.2.3.11 A student must not deliberately misuse, damage, deface or misappropriate property belonging to or under the control of the University, or any of its placement providers, or the property of any student, member of staff or visitor.

D.2.3.12 A student must not cause any noise nuisance or engage in any form of anti-social behaviour, which affects students, staff or the local community.

D.2.3.13 A student must comply with all requirements as to safety and must not engage in any behaviour, which might cause injury to or impair the safety of any person through any act or omission, including misuse of fire alarms and fire extinguishers.

D.2.3.14 A student must produce appropriate identification on request from any member of staff of the University, including placement providers' staff.

D.2.3.15 A student must abide by the rules, policies, procedures and requirements of associated practice placements.

D.2.3.16 A student must comply with any reasonable request or instructions from any member of staff of the University.

D.2.3.17 A student must leave any premises of the University or the Students' Union or the University Club when reasonably required to do so.

D.2.3.18 A student must not invade or abuse or attempt to abuse the security, integrity or privacy of any files, confidential material or information, whether in eye readable or machine readable form.

D.2.3.19 A student must abide by the University's acceptable use policy, which governs use of the network and all electronic media, including the sending of irresponsible e-mails; irresponsible use of Blackboard; using electronic media to make defamatory or offensive remarks about staff or students and/or accessing pornographic or other offensive material from the internet.

D.2.3.20 A student must not intentionally or recklessly use the name of the University or any of its members in oral, written or electronic form (including social networking sites, fora and blogs) in such a way that either by content or expression it brings the good name of the University into disrepute.

D.2.3.21 A student must not leave any child or other person for whom the student is responsible, unaccompanied on the University's premises at any site.

D.2.3.22 A student must inform the University of any Safeguarding or Police investigation, charge, caution or conviction.

D.2.3.23 A student must comply with the terms of any contractual agreement entered into with the University, including the Residential Licence Agreement for Halls of Residence.

D.2.3.24 A student must pay all fees and other money owing to the University in accordance with Edge Hill financial regulations.

D.2.3.25 A student must not misappropriate any funds or assets of the University, the Students' Union or of any member of the University.

D.2.3.26 A student must not communicate information confidential to the University or to its members to anyone outside Edge Hill.

D.2.3.27 A student must not engage in conduct, which constitutes a criminal offence.

D.2.3.28 A student must observe the terms of any disciplinary action sanctioned under the Student Disciplinary Procedures.

D.2.3.29 A student must not breach any of the publicised regulations or rules of the University, including the submission of any complaint found to be frivolous, vexatious or malicious.

D.2.4 Definition of Misconduct

Any breach of the above rules of behaviour, which are not exhaustive, will be construed as misconduct.

D.2.5 Definition of Gross Misconduct

D.2.5.1 Any breach of behaviour which has the potential to be regarded as a breach of criminal law (e.g. theft, serious damage to property, fighting, assault, threatening behaviour, harassment, bullying, supplying drugs, sexual assault, fraudulent or dishonest acts in relation to the University or its staff or associated practice placements).

D.2.5.2 Any breach of behaviour relating to the pursuit of the expected standard of professional or vocational bodies awarding qualifications to students relating to the care, welfare and education of the public.

D.2.5.3 Any repeated or multiple acts of misconduct which have been proven.

D.2.5.4 Students on professional courses (e.g. Courses allied to Medicine and Teaching) should note that information relating to any breach of the Student Code of Behaviour which also constitutes a breach of professional standards may be reported to the relevant professional body under the requirements to ensure **'fitness to practise'**.

D.2.6 Misconduct that is also a Criminal Offence.

D.2.6.1 Misconduct will usually be dealt with under the University's Student Disciplinary Procedures. Student behaviour, which is in breach of the law and could constitute a serious criminal act, would normally be reported to the Police and dealt with under their procedures. The University cannot act as the Police.

D.2.6.2 Edge Hill shall maintain a constructive relationship with the Police, shall co-operate fully in any enquiry, and as appropriate, seek advice from the Police as to the seriousness or otherwise of any behaviour which is also in breach of the law.

D.2.6.3 Students who are victims of criminal behaviour are positively encouraged to report incidents to the Police for them to investigate. Some examples of behaviour requiring Police investigation include: drug dealing, assault, rape and theft. However, this does not preclude the University from using its own Disciplinary Procedures in appropriate circumstances.

D.2.6.4 In cases where the alleged offence under criminal law is considered to be *not serious*, taking into account all the relevant circumstances, the University reserves the right to take action under this Code and Disciplinary Procedures, but such action may be deferred, pending any Police investigation or prosecution.

D.2.6.5 In the case of *all other offences* under the criminal law, no action, other than suspension or exclusion may be taken under this Code and Disciplinary Procedures unless the matter has been reported to the Police and either prosecuted or a decision not to prosecute has been taken, at which time the University will decide whether disciplinary action under this Code should continue to be taken.

D.2.6.6 Where a finding of misconduct or gross misconduct is made and the student has also been sentenced by a criminal court in respect of the same

facts, the court's penalty shall be taken into consideration in determining any sanction applied under this Code.

D.2.6.7 Students are required to note that Edge Hill University operates to an Information Exchange Procedure between the Chief Constable of Lancashire Constabulary (The Police) and Edge Hill University for the reduction of anti-social behaviour and criminality by any student of Edge Hill in relation to the disclosure of information by the Police to Edge Hill. The aim of this scheme is to reduce the number of alleged incidents of anti-social behaviour and criminality by students of Edge Hill through the lawful passage of information from the Police to Edge Hill University.

D.2.6.8 Students are required to note that there will be certain investigations and offences, where the University will have a statutory duty to notify the Independent Safeguarding Authority (ISA)⁵ of any relevant recorded disciplinary investigations / procedures.

D.3 Emergency Powers: Exclusion and Suspension

On receipt of a preliminary report to a designated officer in Student Services concerning an allegation of gross misconduct, a decision will be taken whether or not the University will exercise its rights to exclude or suspend any students pending the investigation of serious alleged misconduct. (Refer to Section C of these Regulations.)

D.4 Disciplinary Procedures for Students

D.4.1 Introduction

D.4.1.1 These procedures provide an impartial process for dealing with student misconduct. The University is committed to establishing good working relationships between students, staff, the Students' Union and the wider community and the need for disciplinary action will hopefully be rare. The University is committed to giving support, advice and guidance to students to improve their conduct and behaviour and this may form part of any disciplinary action. In appropriate circumstances, professional internal and external advice will be sought as necessary.

⁵ The Independent Safeguarding Authority is the single agency responsible for vetting all individuals who want to work or volunteer with vulnerable people. All those who want to work with vulnerable people need to be vetted and registered with the ISA.

D.4.1.2 These procedures apply to any breach of the Student Code of Behaviour, the Codes of individual Faculties, Subjects or Service areas, to any Codes of Behaviour relevant to professional bodies associated with a course, to any regulations governing use of the University's facilities, to the conduct of students engaged in the University's activities such as field trips or placements or such other occasions when the student represents the University externally, to all regulations in force including alterations and amendments made from time to time to these Codes and Regulations (hereafter collectively known as the University's Regulations).

D.4.1.3 These procedures do not apply to decisions to exclude **students for academic reasons**. Separate academic and professional procedures cover expulsion or exclusion resulting from academic failure, malpractice or failure to meet the professional requirements of the course. (Refer to Section I and Appendix 13 & 19 of the Academic Regulations).

D.4.1.4 Any alleged misconduct by a student should be reported in writing to the relevant Head of Department, Dean of Faculty, Director of Service Area, the Director of Student Services, the Head of Accommodation Services or a designated alternate. Any student alleged to have breached the Student Code of Behaviour will be informed of the nature of the allegation made against them formally in writing by the relevant Head of Department, Dean of Faculty, Director of Service Area, the Director of Student Services or the Head of Accommodation Services.

D.4.1.5 In the case of any disorderly or improper conduct which breaches Edge Hill rules in any teaching or learning session, any member of academic staff may, if he or she deems it necessary, require any student to withdraw from the session. The member of staff shall then bring details of the alleged offence, in writing, to the notice of the Head of Department concerned.

D.4.1.6 In all cases, information and outcomes from the disciplinary process should not be disclosed to third parties, including parents, relatives or friends without the necessary approval and authorisation, except as required by the law. This is necessary to ensure the University meets the requirements of the Data Protection Act. (See also Section D.19.)

D.4.2 Informal Cautions

All staff are expected to take responsibility for student discipline. Most cases of alleged misconduct will be settled informally. It is anticipated that a caution may be used for minor incidents in breach of the University's Codes of Behaviour and Regulations. Records of cautions administered will be kept by

the members of staff concerned. If it is necessary to caution a student on more than one occasion for the same type of incident, then a member of staff may instigate formal procedures.

D.4.3 Participation by the Student Under Investigation

D.4.3.1 The disciplinary proceedings of the University will not be invalidated by reason of absence by the student from any meeting at any stage.

D.4.3.2 A student who is facing an allegation of misconduct may be accompanied by a friend (as defined within these procedures), at any stage of the disciplinary proceedings.

D.4.3.3 Formal legal representation is not permitted at any stage within Edge Hill's Code of Behaviour and Disciplinary Procedures for Students.

D.4.3.4 Any student subject to investigation under these procedures shall be assured of the presumption of innocence unless and until found guilty of the breaches in question.

D.5 Vexatious Intent

D.5.1 If it is determined, at any stage, that false complaint has been initiated with vexatious or mischievous intent, Edge Hill shall pursue a formal investigation consistent with maintenance of its integrity. In the case of a malicious complaint notified by a member of the University, such action will be undertaken within the appropriate procedure.

D.6 Stages of the Disciplinary Procedure

There are three stages of enquiry in the Disciplinary Procedure:

- i) Preliminary Investigation
- ii) Stage 1 – Formal Interview
- iii) Stage 2 – Disciplinary Panel Hearing

D.6.1 Preliminary Investigation

D.6.1.1 The first stage is a **Preliminary Investigation**, conducted by the relevant Head of Department, Dean of Faculty, Director of Service Area, the Head of Accommodation Services or their designated alternate. In accordance with the principles of natural justice, when students face a

preliminary investigation, they must be advised of the nature of the allegations and evidence against them, of their right to be accompanied, their right to make a reply to any allegations and their right of appeal against any disciplinary decision. They should also be offered support and guidance throughout the process. The process of enquiry will normally involve the consideration of evidence and consultation with key individuals. This preliminary investigation should normally be completed within fourteen working days of receipt of the allegation. On conclusion of the investigation, the relevant manager may determine one of the following outcomes:

- that there are no grounds for further investigation or;
- that the student concerned should be given an informal caution or;
- that the allegation should be dealt with formally under Stage 1 of the Disciplinary Procedures (formal interview) or;
- that the allegation should be dealt with formally under Stage 2 of the Disciplinary Procedures (Disciplinary Panel Hearing) and referred to the Director of Student Services.

D.6.1.2 Formal procedures are to be used for:

- a) repetition of minor acts of misconduct.
- b) where informal action has failed or is considered to be inappropriate.
- c) for serious allegations, including gross misconduct.

D.6.2 Stage 1 – Formal Interview

D.6.2.1 If the Head of Department, Dean of Faculty, Director of Service Area, the Head of Accommodation Services or their designated alternate deem that the alleged breach of the Code of Behaviour should be investigated, a formal interview will be conducted with the individuals concerned within Stage 1 of the Disciplinary Procedure. The process of enquiry will be undertaken strictly in accordance with the principles of natural justice outlined in Section D.1.6 and involve consideration of papers and consultation with key individuals as well as the interview.

D.6.2.2 Where the matter concerns an alleged breach of the University's Equality and Diversity Policy or Harassment Policy, the Dean of Faculty, Director of Service Area, or the Head of Accommodation Services must consult the Director of Student Services or designated alternate.

D.6.2.3 The relevant manager shall inform the individuals concerned in writing of the nature of any allegations made against them and give them the

opportunity to produce a written reply to any allegations and to give details of any witnesses to the alleged incident.

D.6.2.4 The relevant manager shall interview the individual(s) concerned, review all the evidence presented and make his/her decision.

D.6.2.5 On conclusion of the formal interview under Stage 1 the manager concerned may determine that:

- i) the case should be dismissed as vexatious, trivial or lacking in evidence;
- ii) the student should be given a formal verbal warning and confirmation of the possible consequences of further allegations of misconduct; or
- iii) the student should be required to provide a written apology and a written undertaking that the Code of Behaviour will be properly observed for the remainder of his/her studies at the University; and/or
- iv) the student should be reprimanded formally in writing, through a formal written warning; or
- v) the student should be required to make good, in whole or in part, any loss or damage to the University premises, or to the property of any member of the University, found to have been caused by the student and which formed part of the allegation against him/her, or to make restitution for any additional expense caused to the University as a result of the misconduct;
- vi) the case cannot be resolved and recommend to the Director of Student Services and the Pro Vice-Chancellor for Students & External Relations that a Disciplinary Panel Hearing be convened under Stage 2 of this procedure.

D.6.2.6 The Manager concerned must notify the student in writing of the outcome of the disciplinary proceedings, normally within 7 days of the conclusion of the formal enquiry. This notice must include a statement of the facts identified through the evidence available, and give the reasons for the decision and for the penalty, if any, to be imposed. This notice shall be copied to the Director of Student Services.

D.6.3 Disciplinary Sanctions Which May Be Imposed Under Stage 1 of the Disciplinary Procedure

D.6.3.1 On conclusion of the formal interview and investigation under Stage 1, the relevant manager may determine that one or more of the following sanctions may be imposed:

- a) **Yellow Cards**

A yellow card may be issued to any student in breach of the Code of Behaviour and Residential Licence Agreement relating to noise, vandalism, nuisance or other inappropriate behaviour. A yellow card currently carries a £50.00 fine.

b) **Red Cards**

Any subsequent breach of the Code of Behaviour and Residential Licence Agreement may result in the issue of a red card, which currently carries a £100.00 fine. Both cards function within the formal framework of the Student Code of Behaviour & Disciplinary Procedures and can be issued either on their own or alongside a verbal or written warning.

NB: If the student refuses to pay the fine the student should be informed that this may stay as a debt to the University and may result in being referred to an external debt agency. This may also affect their academic standing with the University.

c) **Requirement to Produce a Formal Written Apology**

The student be required to provide a written apology for their behaviour.

d) **Requirement to Make Financial Restitution**

The student be required to make good, in whole or in part, any loss or damage to the University premises or property or to the premises or property of any member of the University, or to make restitution for any additional costs incurred by the University or by an individual as a result of the misconduct.

e) **Requirement to Carry Out Service** The student be required to undertake a specified number of hours of service for the benefit of the complainant, the University, the Students' Union or the local community.

f) **Formal Verbal or Written Warnings**

If the Dean of Faculty, Director of Services or Head of Department judges a formal warning to be appropriate, then the student should be informed, in writing of the following:

- the date, time and venue for the warning to be administered;
- a clear specification of the breach of discipline, this should specify precisely the terms of the Student Code of Behaviour which have been breached;
- their right to be accompanied by a fellow student or Students' Union representative. When administering the warning the member of staff should detail the following:
- a clear specification of the breach of discipline;

- the period of tenure of the warning (normally 16 weeks for a formal verbal warning and 52 weeks for a formal written warning, 52 weeks for a verbal warning for Faculty of Health students for professional attendance requirements and 104 weeks for a written warning for Faculty of Health students for professional attendance requirements);
- stipulation of the remedial action required within the period of tenure, and advice as to how this will be achieved;
- confirmation of the implications of receiving the written warning;
- the student's right to appeal to the Academic Registrar within 10 working days of being informed of the disciplinary decision.

The disciplinary warning form for either verbal or written warnings should then be completed, signed by both parties and returned to the Director of Student Services.

NB: If the student refuses to sign, through disputing the facts of the incident, then it should be explained that his/her signature does not imply agreement to the facts of the incident, merely that the warning was administered. The student should be advised that the appropriate avenue for recourse is the appeal process. Where a student refuses to sign for any reasons, this fact should be noted on the form and this witnessed by an independent third party.

The records of disciplinary procedures shall remain on the student's file unless the case is dismissed. If the case is not dismissed and a penalty is imposed, any further misdemeanour shall normally warrant a Stage 2 Disciplinary Panel Hearing.

D.6.3.2 Notification of Serious / Gross Misconduct

- i) Deans of Faculty, Heads of Department, Directors of Service or their designated alternates may refer serious misconduct immediately to the Pro Vice-Chancellor for Students & External Relations or his/her designated alternate, normally the Director of Student Services. This would always be done in instances of gross misconduct where warnings would be inappropriately lenient, and / or where the misconduct constitutes the commission of a criminal offence. Deans of Faculty, Heads of Department, Directors of Service or their designated alternates may also refer repeated instances of misconduct to the Pro Vice-Chancellor for Students & External Relations or his/her designated alternate. In all such cases the University reserves the right to suspend or exclude pending the outcome of a disciplinary investigation and / or

hearing or a trial or the conclusion of legal proceedings. (See Section C of these Regulations.)

- ii) The Pro Vice-Chancellor for Students & External Relations, or his / her designated alternate, after establishing the facts, may impose any one or more of the disciplinary sanctions under Stage 1 of the procedures, or he / she may evict the student from the Halls of Residence or he / she may recommend to the Vice-Chancellor that the allegation of misconduct should be reviewed by a Disciplinary Panel if she/he judges the individual breach sufficiently serious so as to warrant the convening of a Disciplinary Panel.

D.6.3.3 Recommendation to Convene a Disciplinary Panel

On receipt of a recommendation to proceed to Disciplinary Panel, the Pro Vice-Chancellor for Students & External Relations will meet with the Secretary to the Disciplinary Panel and the Director of Student Services to review the nature of the alleged misconduct and disciplinary record of the student and determine any one or more of the following recommendations to the Vice-Chancellor that:

- i) a Disciplinary Panel is convened;
- ii) a student or students be summarily excluded or suspended pending further investigation.

If the Pro Vice-Chancellor for Student & External Relations or his/her designated alternate judges that there are insufficient grounds to convene a Disciplinary Panel, she/he may take one of the following actions:

- a) progress the matter no further;
- b) refer the matter back to the Dean of Faculty, the Head of Department, Director of Service or his / her designated alternate for appropriate action;
- c) refer the matter to an appropriate Professional Committee.

D.7 Stage 2 – Disciplinary Panel Hearing

D.7.1 In cases where it is determined that the allegation of misconduct should be investigated by a Disciplinary Panel, the Pro Vice-Chancellor for Students & External Relations, his/her designated alternate or the Director of Student Services will convene a hearing of the Panel as soon as possible and normally within twenty one days following receipt of the report.

D.7.2 The report and any associated papers forwarded to the Secretary of the Panel by the manager concerned will constitute evidence for the hearing. The Secretary to the Disciplinary Panel may also call for such other papers and conduct whatever other investigations may be deemed appropriate.

D.8 Disciplinary Panel

D.8.1 The Disciplinary Panel will be made up of:

- i) The Pro Vice-Chancellor for Students & External Relations or his / her designated alternate or the Director of Student Services.
- ii) A senior manager not previously involved with the alleged breach of the Code of Behaviour and/or other Regulations being investigated. A list of Edge Hill staff, who may be called upon to join a Disciplinary Panel, shall be drawn up by the Academic Registrar. The Disciplinary Panel list shall include wide representation across the academic community, to provide sufficient expertise as may be required in any individual case.
- iii) A member of the Students' Union Executive or his/her designated alternate who has not previously been involved with the alleged breach of the Code of Behaviour and/or Regulations being investigated.
- iv) The co-option of an appropriate professional where the Chair of the Panel considers this appropriate.

D.8.2 The Pro Vice-Chancellor for Students & External Relations shall determine the precise membership of any Disciplinary Panel and he / she will Chair the Panel except where this authority has been delegated to his / her designated alternate. The Academic Registrar shall nominate a Secretary to the Panel.

D.9 Preparation for the Disciplinary Panel

D.9.1 Secretary to the Panel

On confirmation of the need to convene a disciplinary panel, the Secretary to the Panel (normally a member of staff from Academic Registry) will submit a formal letter of notification to the student. The student will normally be given no less than seven days notice of the hearing. In exceptional circumstances a student may request a change of time / date. This will be considered providing the rescheduled hearing takes place within fourteen days of the date of notification.

The letter will detail:

- a) a clear specification of the breach of the Code of Behaviour and all relevant supporting documentation;
- b) the time, date and place fixed for the hearing, and confirm the requirement to be present at the hearing;
- c) the right to be accompanied by a friend. The role of the friend is to offer support to the student;
- d) the right to inform the Secretary of the Disciplinary Panel of the names of any witnesses they wish to be called and the right to call those witnesses at the hearing;
- e) confirmation that it is the student's responsibility to contact any witness they wish to provide evidence and to be called at the hearing;
- f) confirmation that all witness statements must be presented to the Secretary of the Panel;
- g) a recommendation to contact the Students' Union in advance of the panel hearing to obtain support and advice.

Along with the letter will be sent a further copy of the Code of Behaviour and Disciplinary Procedures.

D.9.2 Following notification of the panel hearing, the student should advise the Secretary to the Panel of the names of any witnesses they wish to be called. The student should make arrangements for the preparation of witness statements and for the attendance of such witnesses at the Panel Hearing.

D.9.3 The Secretary to the Panel should collate all the witness statements and the documentary evidence for the panel and submit full copies to the student and members of the Panel in advance of the hearing.

D.10 Guidelines for the Processing of Statements / Giving Evidence.

D.10.1 All staff, witnesses and students should prepare their statements in the light of the following guidelines. Statements should include:

- i) a clear factual description of the day, time, place and details of the alleged incident;
- ii) a confirmation of the status of the description as either:
 - a) a report – if so, details of who gave the report must be presented;
 - b) a witness statement – i.e. the result of their own direct observation.
- iii) statements should be restricted (as far as possible) to the factual accounts of behaviours and their consequences and should include details of the behaviours of all parties;

- iv) statements should focus on incidents seen or heard and not focus on opinion or conjecture as if they were facts;
- v) care should be taken to ensure that statements are phrased appropriately;
- vi) each statement should include a declaration that the author has read the statement and declares that to the best of his/her knowledge it is an accurate representation of the truth.

D.11 Conduct of Disciplinary Panel

D.11.1 The Disciplinary Panel is formally required to ensure its proceedings conform with the Charter, Statutes and Regulations of the University. The Disciplinary Panel is also required to observe the principles of natural justice. In practice, this means all the actions of the panel must be fair and reasonable, and in line with published procedures, so that they may stand up to rigorous examination in any subsequent review of the case.

D.11.2 The student will be required to attend the meeting of the Disciplinary Panel and may be accompanied by a friend. The role of the friend is to offer support to the student and not to make representations on behalf of the student. The Disciplinary Panel proceedings will not be invalidated by reason of absence by the student at any stage. However, if the student is prevented from attending through ill health or other exceptional circumstances, the Panel will adjourn its proceedings until a later date.

D.11.3 The Panel, through the Chair, has absolute discretion to regulate its own procedures, but will normally conduct its hearing as follows:

- i) The allegations will be read out to the student by the Chair of the Panel and he / she will be asked whether he or she admits to each allegation in turn.
- ii) If the student does admit to the allegations he/she will normally be invited to offer evidence in mitigation and the panel will normally proceed to consider the evidence.
- iii) A Presenting Officer will present all pertinent evidence assimilated in the investigation of the alleged breach of the regulations. The Presenting Officer may only offer facts, not opinions and may not recommend any specific course of action or penalty.
- iv) If the student does not admit all of the breaches, the Panel shall proceed to consider the evidence, oral and written documents.
- v) Both the Presenting Officer and the student will have the right to call witnesses and, where appropriate, cross-examine them.

- vi) The student will be given the opportunity to speak to present their case and to challenge the evidence presented.
- vii) If the breach of the University's regulations is admitted by the student or found to be substantiated, the student may put forward any mitigating circumstances before a final decision is reached.
- viii) The panel will ask questions of the student and any other individual called to present information and evidence.
- ix) The student, and at the discretion of the Chair, his/her friend will answer questions for the Panel.
- x) The Panel will deliberate in private.
- xi) The Pro Vice-Chancellor for Students & External Relations, his/her designate alternate or the Director of Student Services will confirm the conclusions and decision of the Panel and the Secretary to the Panel will forward the decisions to the student in writing normally within seven days of the Hearing. Where possible, the Chair of the Panel will confirm the conclusions and decision of the Panel verbally to the student.
- xii) In certain circumstances, the Panel through the Chair may determine the exact conduct of the Panel.
- xiii) The Disciplinary Panel may decide to postpone taking a decision pending clarification of evidence or conduct of further internal or external investigations.
- xiv) Any decision to postpone a Panel will normally be reviewed every twenty one days.

D.11.4 If the Hearing is concluded the Panel may decide to recommend any one or more of the following actions:

- a) to dismiss the allegation and recommend that no further action is taken;
- b) to impose any one or more of the disciplinary sanctions which may be imposed under Stage 1 of the Disciplinary Procedures;
- c) to evict the student from the Halls of Residence in accordance with the terms of the licence agreement;
- d) to require the student to pay appropriate compensation to the University's Access to Learning Fund (Hardship Fund) or a fine as determined by the Disciplinary Panel;
- e) to impose a curfew or exclusion from use of some or all of the University's facilities, the period to be specified by the Panel. Any period of curfew or exclusion would be reviewed in accordance with the period specified by the Panel;
- f) to refer the student to an appropriate professional individual or organisation within or outside the University;
- g) to require the student to undertake appropriate training or counselling specified by the panel;

- h) to require the student to suspend their studies, the period to be specified by the Panel;
- i) to refer the student to the appropriate Professional Committee and / or appropriate Study Termination Board;
- j) to recommend to the Vice-Chancellor that the student be expelled: that is the permanent exclusion of a student from all of the University's activities and premises. It constitutes the termination of the student's programme;
- k) any other sanction deemed appropriate by the Panel.

D.11.5 The decision will be communicated in writing to the student normally within seven days and published, if deemed appropriate, by the Panel.

D.11.6 Any sanctions will be permanently noted on the student's record.

D.11.8 The Secretary to the Disciplinary Panel will maintain a record of proceedings, which, except for the decision, are confidential. A report form will be completed by the Secretary of the Disciplinary Panel and signed by the Chair and lodged in departmental records.

D.11.9 All documentation relevant to the above disciplinary procedures are confidential and should only be used for the purposes of the disciplinary procedures and/or other associated professional procedures. Students are not entitled to retain papers associated with disciplinary procedures.

D.12 The Standard of Proof to be Satisfied in Respect of Allegations of Student Misconduct

D.12.1 Under the University's Student Code of Behaviour & Disciplinary Procedures an investigation into the allegations of misconduct is conducted to find either that those allegations are, or are not, proved and, if they be proved, to decide what action the University should take.

D.12.2 There is often confusion as to the standard of proof an investigating office or panel should apply when considering an allegation of misconduct proved.

D.12.3 The correct standard of proof to apply is the "balance of probabilities" test, which is a lower standard than that required in the courts. The Officer or Panel is required to consider whether, looking at all the evidence objectively, it is possible to say that it is more probable than not that the allegation is correct.

D.12.4 It is not appropriate for the Panel to apply the "beyond reasonable doubt" test; in other words, to ask itself whether it is "sure" that the allegation

is proved. This is the case even if the allegation might of itself constitute a criminal offence. The Panel is not a criminal court, nor does it have the power to apply criminal sanctions.

D.13 Appeals Against Disciplinary Sanctions (excluding expulsion)

D.13.1 If a student wishes to appeal against a disciplinary decision to issue any sanction, apart from expulsion, they may do so by making a formal written representation, stating clearly the grounds for appeal, to the Academic Registrar⁶ within ten working days of being informed of the disciplinary decision. The Appeal will be logged and acknowledged by the Academic Registrar.

D.13.2 All Appeals against disciplinary decisions and sanctions must be made using the Formal Notification of Disciplinary Appeal Form, which is available from Academic Registry.

D.13.3 The following are the only grounds for appeal:

1. The emergence of significant additional evidence not presented at previous disciplinary proceedings, of sufficient significance that it calls into question the fairness of the decision and / or sanctions.
2. The emergence of evidence of significant external mitigating circumstances which for good reason, were not made known at the time.
3. The emergence of significant additional evidence that there has been mal-administration in the conduct of previous disciplinary proceedings related to the specific incidence of an alleged breach of the regulations.
4. If there is reasonable cause to consider that the disciplinary decision was unreasonable in all circumstances.
5. If there is reasonable cause to consider that the sanctions enacted were too severe in relation to the breach of the regulations.

D.13.4 Where an Appeal is submitted outside the specified deadlines it will normally be ruled invalid.

D.13.5 Appeals that are lodged by a third party on behalf of a student will not be accepted.

⁶ Or his / her designated alternate

D.13.6 After making an initial review the Academic Registrar will determine whether the student has established a *prima facie* case.

D.13.7 If the Academic Registrar finds that a case has not been established the Disciplinary Appeal will be dismissed. A report will be prepared summarising the findings of the initial review and outlining the reason for the decision made. This is required for monitoring purposes. The student will be notified in writing of the outcome of the initial review and will be sent a copy of the report within twenty working days of submission of the Appeal by way of a Completion of Procedures letter. The University's procedures regarding the Disciplinary Appeal are complete at this stage.

D.13.8 If the Academic Registrar finds that a case has been established the Disciplinary Appeal will be forwarded to the Pro Vice- Chancellor for Students & External Relations or his / her designated alternate.

D.13.9 The Pro Vice-Chancellor for Students & External Relations or his/her designated alternate will review the allegation, the evidence and the reason for the appeal and determine one of the following outcomes:

- that a lesser sanction be imposed;
- that the original decision be confirmed;
- to refer the case back for consideration.

D.13.10 In reviewing the disciplinary appeal, the person hearing the appeal shall not re-hear the case afresh, but shall consider whether the initial hearing and outcome were fair by:

- reviewing the procedures followed;
- establishing whether the student has presented any new evidence that could not reasonably have been expected to be presented as part of the original process and determining that this evidence is material and substantial to the findings;
- reviewing the penalty imposed.

D.13.11 The person hearing the disciplinary appeal shall seek to deal with the case on the basis of the documentary evidence and may, at their discretion, call a meeting to which the student is invited to present his or her disciplinary appeal in person. In such an event the student has a right to be accompanied.

D.13.12 In the case of any appeal against the outcome and decision of the disciplinary process, the decision of the Pro Vice-Chancellor or his/her designated alternate shall be final.

D.14 Appeals against a Disciplinary Decision To Expel A Student

D.14.1 A student shall have the right to appeal against any decision of a Disciplinary Panel or a decision of the Vice-Chancellor which involves expulsion (but not eviction from a Hall of Residence, which is covered under the licence agreement). All appeals must be made in writing, stating clearly the grounds for appeal to the Secretary of the Student Disciplinary Panel within ten working days of being informed of the disciplinary decision.

D.14.2 An appeal may only be based on:

- i) the emergence of substantial additional evidence or new evidence not presented or not available at the previous Disciplinary Panel;
- ii) the emergence of evidence of significant external mitigating circumstances, which for good reason, were not made known at the time;
- iii) evidence that there has been maladministration in the conduct of the Disciplinary Panel and/or its procedure relating to the specific incident of an alleged breach of the regulations;
- iv) a claim that the disciplinary decision was unreasonable in all circumstances;
- v) a claim that the penalty was excessively severe in relation to the nature of the offence.

The grounds for appeal must be made clear in the letter to the Secretary of the Disciplinary Appeals Panel.

D.15 Validity of Appeals Against the Decision to Expel A Student

The validity of grounds of appeal against a decision to expel a student will be assessed by the University Secretary and Clerk to the Board of Governors or his / her designated alternate.

After making an initial review the University Secretary and Clerk to the Board of Governors or his/her designated alternate will determine whether the student has established a *prima facie* case.

The University Secretary and Clerk to the Board of Governors will either write to the student saying there are no grounds for appeal or that a Disciplinary Appeals Panel will be convened.

If the University Secretary and Clerk to the Board of Governors or his/her designated alternate finds that a case has not been established, the

Disciplinary Appeal will be dismissed. A report will be prepared summarising the findings of the initial review and outlining the reason for the decision made. This is required for monitoring purposes. The student will be notified in writing of the outcome of the initial review and will be sent a copy of the report within twenty working days of submission of the Appeal by way of a Completion of Procedures letter. The University's procedures regarding the Disciplinary Appeal are complete at this stage.

The decision of the University Secretary and Clerk to the Board of Governors in relation to the validity of appeals against the disciplinary decision to expel is final.

In the event that a decision is taken that a Disciplinary Appeals Panel will be convened, the University Secretary and Clerk to the Board of Governors will act as Secretary to the Disciplinary Appeals Panel.

D.16 Disciplinary Appeals Panel & Procedure

D.16.1 The Disciplinary Appeals Panel will be convened by the Secretary to the Panel as soon as possible, but normally within twenty five working days of the receipt of the appeal.

D.16.2 The Secretary to the Disciplinary Appeals Panel will advise the student in writing of the time, date and place of the meeting at which the appeal is to be considered and shall normally give no less than seven days' notice.

D.16.3 The student will be informed of the procedure and their rights in writing by the Secretary. The student shall be invited to submit any further written information in support of his/her appeal. Such information shall be submitted no later than seven days in advance of the meeting of the panel.

D.16.4 The Disciplinary Appeals Panel will be made up of:

- one identified member of the Board of Governors (to act as Chair to the Disciplinary Appeals Panel) who is not a staff or student Governor;
- one member of Edge Hill's Vice-Chancellor's Office or designated alternate Senior Manager;
- one Senior Manager of Edge Hill University.

D.16.5 No-one involved in the case at any previous stage shall be a member of the Panel. The Panel shall comprise members who are not known directly to the student(s) in question.

D.16.6 The co-option of an appropriate professional shall be allowed where professional issues are implicit within the breach of the regulations and the Chair of the Panel judges the co-option to be appropriate.

D.16.7 The Disciplinary Appeals Panel shall conduct its business in accordance with the principles of natural justice. Findings shall normally be made on the balance of probabilities and decisions may be by a majority. The Chair of the Panel may vote and in addition have a casting vote.

D.17 Process of the Disciplinary Appeals Panel

D.17.1 The student will be required to attend the meeting of the Disciplinary Appeals Panel and may be accompanied by a friend. The role of the friend is to offer support to the student. Students are required to notify the Secretary of the Disciplinary Appeals Panel in advance who will be accompanying them to the meeting.

D.17.2 If a Disciplinary Appeals Panel is convened and at the time of the hearing the student does not appear, the Chair may proceed with the hearing provided notice has been given to the student and there are no grounds for believing that the student has good and proper reason not to be present.

D.17.3 The panel shall have absolute discretion to regulate its own procedures, but will normally hear the appeal as follows:

- a) The Chair of the original Disciplinary Panel will present his/her conclusions and decisions in the presence of the student.
- b) The student and / or his/her friend will present the grounds for appeal in the presence of the Chair of the original Disciplinary Panel.
- c) The Secretary to the Disciplinary Appeals Panel will maintain a record of proceedings, which are confidential. The records shall remain on the student's file unless the case is dismissed.

D.17.4 Both the Chair and student will have the right to call witnesses and cross examine them.

D.17.5 The Disciplinary Appeals Panel may question any party.

D.17.6 The Chair of the original Disciplinary Panel and the student will each be offered the opportunity to sum up.

D.17.7 The Appeals Panel will deliberate and reach its decision in private, only recalling any party:

- a) To clear points of uncertainty on evidence already given;
- b) In the case of the Chair of the original Disciplinary Panel to give advice on a part of the procedure.

If recall is necessary, all the parties shall return, notwithstanding that only one party is connected with the point giving rise to doubt.

D.17.8 The Panel may uphold the decision of the original Disciplinary Panel or uphold the appeal and substitute such other decisions as it thinks fit within those listed under 10.2 above.

D.17.9 The decision of the Disciplinary Appeals Panel shall be conveyed in writing to the student, to the Vice-Chancellor and to the Pro Vice-Chancellor for Students & External Relations, normally within seven working days by the Secretary of the Disciplinary Appeals Committee. Such notice shall be accompanied by a statement of the reasons for the decision and for any change to the penalty imposed.

D.17.10 The decision of the Disciplinary Appeals Panel may be published in circumstances deemed appropriate by the Panel.

D.17.11 All documentation relevant to the above disciplinary procedures are confidential and should only be used for the purposes of the disciplinary procedures and / or other associated professional procedures. Students are not entitled to retain papers associated with disciplinary procedures.

D.17.12 The decision of the Disciplinary Appeals Panel shall be final and a Completion of Procedures letter will be issued confirming to the student that the University's procedures have been completed.

D.18 Office of the Independent Adjudicator for Higher Education

D.18.1 Students who remain dissatisfied may refer their case to the Office of the Independent Adjudicator (OIA) for review. Referrals to the OIA are only accepted when all Edge Hill University's internal procedures have been exhausted. Further details on how to refer a matter to the OIA will be outlined in a Completion of Procedures letter which will be issued as part of the notification to the student of the outcome of the Appeal.

D.19 Serious Criminal Offences

D.19.1 Where a member of staff witnesses or is made aware of misconduct that would constitute the commission of a serious criminal offence it should **be reported immediately, in confidence, to the Director of Student Services**. In his / her absence the matter should be reported to the Directorate. The member of staff should advise the victim to seek help from Student Services. **No further action should be taken by the member of staff**. This is particularly important where the alleged offence is against a person, such as rape, (as distinct from offences against property, such as theft) where, in law, it is the victim's choice to report the matter to the Police. If there is evidence that a breach of the University's regulations may constitute the commission of a serious criminal offence, the student being investigated may be summarily suspended by the Vice-Chancellor or his / her designated alternate. In the case of such suspension, he / she will inform the Chair of the Board of Governors of the action taken, pending the outcome of the Police investigation (Refer to Sections C and D3 of these Regulations).

D.19.2 If the University is informed that a student is under arrest for alleged criminal offences the Vice-Chancellor, or his/her designated alternate, will consider suspending the student pending the outcome of Police investigations. (See Section C of these Regulations).

D.19.3 The Vice-Chancellor, or his/her designated alternate, will inform the Chair of the Board of Governors of the action taken.

D.19.4 The matter may also constitute grounds for the instigation of disciplinary proceedings pending the outcome of the Police investigation.

D.19.5 If the disciplinary procedures are invoked for an offence for which the student has already been prosecuted, the outcome and any sentence imposed by the court will be taken into account by the Disciplinary Panel.

D.19.6 In circumstances where Edge Hill is requested to provide information to the Police, this will be done only in accordance with the University's protocols and on receipt of the necessary Data Protection authorisation papers from the Police.

D.20 Policy on Referral to the Police

D.20.1 Where an offence is committed against the University, the matter shall normally be reported to the Police, whether or not the culprit has been identified.

D.20.2 Where the University becomes aware of any incident/offence being committed relating to controlled drugs, such matters will always be reported to the Police.

D.20.3 Where there is another victim, but where the victim of the alleged crime does not wish the matter to be reported to the Police, but the matter has come to the University's attention, the Vice-Chancellor (or his / her designated alternate Senior Manager) shall be informed and the final decision to inform the Police on behalf of the University will rest with him/her. Where the victim of an alleged serious offence has decided not to refer the matter to the Police, only in exceptional circumstances, and after careful consideration, will the University report a matter to the Police against the wishes of the victim. The University, however, reserves the right to do this.

D.20.4 Exceptional circumstances may arise when failure to report a matter to the Police may be against the public interest or the interest of the Edge Hill Community. For example, when significant violence has been used in an alleged crime, which may subsequently put other Edge Hill members or the public at risk.

D.20.5 In certain circumstances it is a legal requirement to report incidents to the Police. For example, this is the case under the Acts of Parliament relating to the prevention of terrorism and the protection of children.

D.20.6 The University shall seek and maintain informal liaison with the Police. Advice may be sought on whether a matter is considered by the Police to be serious or not serious and whether there are compelling grounds for reporting a matter formally where the victim is opposed to such action. The University also operates to an Information Exchange Procedure between the Chief Constable of Lancashire Constabulary (the Police) and Edge Hill. (Refer also to Section D.19).

D.20.7 In a serious matter under Police investigation or awaiting trial, the University may consider taking immediate action itself under the Student Code of Behaviour & Disciplinary Procedures, for example, suspending or excluding a student until the outcome of Police or court action is known.

D.20.8 The Student Code of Behaviour and Disciplinary Procedures are contained in full in the Student Handbook and the Edge Hill Web site.

D.21 Records of Disciplinary Action

D.21.1 Any finding of misconduct against a student which incurs a disciplinary sanction shall be notified to the Director of Student Services and recorded on the student's personal file for the duration of the student's programme. Thereafter records will be disposed of in line with Academic Registry Retention Schedule for Student Records. Any finding of misconduct will be taken into account in the event of any future misconduct arising, unless otherwise specified in the disciplinary sanction notice.

D.21.2 Students on programmes, which do not lead to professional qualifications or accreditation, are required to note that some prospective employers request disclosure on disciplinary records as part of their reference procedures. In such circumstances the University will seek permission for disclosure from the individual student. If permission is refused, the University will state permission has been withheld and refer the prospective employer to the individual concerned.

D.21.3 Students on professional programmes are required to note that Edge Hill reserves the right to disclose to any third party, by whom a reference is sought, any matters on a student's record, which the University deems to be relevant. In such circumstances the student will be informed that such a reference had been provided.

Appendices to the Student Code of Behaviour and Disciplinary Procedures

Appendix 1

Definition of Terms

In the Code of Behaviour & Disciplinary Procedures for Students of Edge Hill the following definitions apply:

Authorised Officer of Edge Hill

Any member of staff of Edge Hill whose post encompasses the requisite responsibilities or who has been authorised by the relevant post holder for the purposes of specific duties.

Authorised visitors of Edge Hill

Any individual who is neither a member of staff or a student of Edge Hill, but who has been invited to visit Edge Hill by an authorised officer of the University for a specific purpose, including the conduct of work under contract.

Caution

An advisory and explanatory warning that a specific act or course of action should not be undertaken or repeated.

Designated Alternate

A person nominated by a person having responsibility within the procedures to act on his / her behalf in respect of this area of responsibility.

Edge Hill's Halls of Residence

Any residences managed by Edge Hill staff or by staff engaged under an Edge Hill Contract for which Edge Hill takes responsibility for the placement of students and the collection of rentals.

Exclusion

Exclusion involves selective restriction on attendance at or access to Edge Hill premises, activities and associated practice placements. This may include:

- i) The prohibition of a student from attendance at a specified event(s) for a specified time; and/or,
- ii) The prohibition of a student from a specified activity(ies) for a specified time;

- iii) The prohibition of a student from a specified premise(s) for a specified time;
- iv) The prohibition of a student from attendance for the purposes of study;
- v) The selective prohibition on exercising the functions or duties of any office or committee membership in Edge Hill, the exact details to be specified in writing.

Only the Vice-Chancellor or designated alternate Senior Manager has the power to exclude students.

Expulsion

Expulsion is the permanent total disbaring / eviction of the student from the University, its premises and activities, including those of all practice placements and partner Institutions. It constitutes the termination of the student's course.

Only the Vice-Chancellor or designated alternate Senior Manager has the power to expel students.

Gross Misconduct

Any breach of behaviour which has the potential to be regarded as a breach of criminal law.

Any breach of behaviour relating to the pursuit of the expected standard of professional or vocational bodies awarding qualifications to students relating to the care, welfare and education of the public.

Any repeated acts of misconduct which have been proven.

University

Defined as Edge Hill and shall encompass all activities, property and assets under the formal authority of the Board of Governors, including property occupied by Edge Hill Students' Union and assets purchased by the Students' Union from public funds.

Manager

Any Dean of Faculty, Head of Subject, Director of Service, Head of Accommodation Services for Edge Hill Halls of Residence, or other senior member of Edge Hill staff nominated by the Vice-Chancellor to conduct enquiries within the Student Code of Behaviour & Disciplinary Procedures. Any incident within Edge Hill's Halls of Residence will be dealt with by the Head of Accommodation Services in the first instance.

Members of Edge Hill staff

Any full-time or part-time member of staff of Edge Hill.

Misconduct

Any breach of the rules of behaviour outlined in the Student Code of Behaviour will be construed as misconduct. The rules of behaviour outlined, are not exhaustive.

Premises

Any premises owned, occupied or managed by Edge Hill, including premises occupied by the Students' Union and Edge Hill's Halls of Residence, and associated placement premises.

Sanction

A penalty or course of action imposed under the procedures.

Student

Any registered student of Edge Hill or any sabbatical officer of Edge Hill's Students' Union.

Suspension

Suspension involves the total prohibition on attendance at or access to the University's premises and activities, including practice placements and partner institutions, for a specified period of time.

Suspension is not a Sanction. It is a temporary measure taken in response to an allegation or concern. It is not intended to be judgemental or punitive, but rather to facilitate an investigation into the issues raised. It is used so that evidence germane to an instance of serious concern or serious alleged breach of the Regulations is not prejudiced, on either side, or where the Edge Hill community or students involved could be at risk, pending further investigations.

Only the Vice-Chancellor or designated alternate Senior Manager has the power to suspend students.

Appendix 2

Supplementary Codes of Behaviour

The following codes of conduct are separate and in addition to this Student Code of Behaviour:

Code	Area Responsible
Code of Practice for Working in Microbiology	Science
Code of Practice for Safe Working in Science	Science
Codes of Practice for: <ul style="list-style-type: none"> - Use of small boats and inflatables - Tree climbing and the use of ladders and scaffolding - Procedure in the event of an accident in the field - Working with animals - Mountains and uplands - The Sea Shore - Agricultural Land - Terrestrial Habitats - Freshwater - Pathogenic Organisms 	Science
Complaints Procedures	Student Services
Conditions of Hire for Sporting Edge	Sporting Edge
Control of Substances Hazardous to Health (COSHH) Regulations Science	Science
Data Protection and Freedom of Information Procedures	Strategic Planning & Policy Unit
Staff and Student Equipment Loan Procedures and Conditions	Learning Services
Faculty of Education's Code of Professional Conduct for Initial Teacher Training Trainees	Education
Faculty of Health's Code of Professional Conduct	Health
Fieldwork Code of Practice	Geography
Guidance Notes for Swimming Pool Hire	Sporting Edge
Halls of Residence Licence Agreement	Student Services
Provisions and Policies Relating to Confidential Information	IT Services / Various
Regulations Governing the Use of the Learning Resources Centres	Learning Services
Provisions and Policies Relating to Information Security	IT Services / Various

IT Acceptable Use Policy (encompassing JANET AUP) governing all computing, internet, email and social network systems	IT Services
Regulations for Membership of Edge Hill University Club	Edge Hill University Club
Rules on Car Parking on University Premises	Facilities Management
Safety in the Laboratory	Geography
Student ICT Acceptable Use Policy encompassing JANET Acceptable Use Policy governing internet and email systems	IT Services / Learning Services
TV Studio Safety	Learning Services
Terms and Conditions for Membership of Sporting Edge	Sporting Edge
Use of the Gym Sports	Sports Studies