

Non-Academic Misconduct Procedure

2024-25



Edge Hill
University

Non-Academic Misconduct Procedure

Contents

Contents.....	2
Summary.....	3
Glossary of Terms.....	3
Purpose.....	4
Procedure.....	5
1. Overview.....	5
2. How we will communicate with you during the misconduct process.....	7
3. Disclosing, reporting or witnessing an incident.....	7
4. Responding to an allegation.....	9
5. Risk assessment and precautionary actions.....	10
6. Early Intervention.....	13
7. Misconduct levels.....	13
8. Cases subject to criminal or external investigation.....	24
9. Office of the Independent Adjudicator for Education (OIA).....	25
Appendix A –Student Misconduct Panel Agenda.....	26
Key to Relevant Documents.....	27
Annexes.....	27
Endmatter.....	27

Summary

This document is aimed primarily at students ('you') and details the procedure for reporting non-academic offences. It includes how the reporting and responding parties can be supported, the different stages of the process and the sanctions which may be applied.

Glossary of Terms

Balance of probability

Panels and decision-makers make their decisions on the balance of probability. That means they consider all the evidence provided and decide whether it is more likely than not that the incident occurred.

Caution

This is a low-level penalty that can be issued if we believe you have breached the Non-Academic Misconduct Procedure. It is recorded on the incident management system and held there for a specified amount of time. It means that if you repeat the offending behaviour or are found to have committed further misconduct, the incident may be escalated to a written warning, or other more serious outcome. A caution may be issued where we believe you have breached the Non-Academic Misconduct Procedure, but a serious outcome is not appropriate or required.

Conditions Notice

This is a letter/document which is sent to you following a risk assessment, and details the temporary conditions which you must abide by for the duration of any investigation.

Presenting Officer

This is the person who presents the University's case at a student misconduct panel meeting. The Presenting Officer will outline the investigation and identify the reasons why it has been referred to panel. They may call witnesses to provide evidence of the allegations made against the responding party.

Professional Statutory and Regulatory Bodies (PSRB)

These are the bodies and organisations which maintain and monitor adherence to professional standards. Some Edge Hill programmes include professional registration and must meet the professional standards of these bodies. Sometimes PSRB standards may override university regulations. If you are a student on a regulated programme, you also are required to meet these standards. This means that any misconduct logged on your record may have consequences for your future professional registration. That is, you may be excluded from or not accepted by a professional body and therefore unable to work in a particular profession.

Reporting party

This is the person or persons who report an incident or make an allegation about your behaviour. A reporting party can be anyone, including a member of the public. It may be someone who has not been directly impacted by the alleged incident, or anyone who witnessed the behaviour or incident in question.

Responding party

This is the person about whom the report is made. If an allegation is made about you, you will be notified and given the opportunity to respond.

Temporary suspension

This is a status that can be imposed on a responding party for the duration of an investigation. If you are suspended, it means you are prohibited from participating in one or more elements of your university life. These elements include your academic activities, placements, university facilities and halls of residence, teams and societies, specific buildings and university grounds or premises. The person invoking or reviewing the suspension may allow limited access to one or more of the above elements if this is deemed safe and appropriate in the circumstances.

Written warning

This is a penalty that can be issued if we believe you have breached the Non-Academic Misconduct Procedure. Written warnings are recorded on the student record system for a period of time (see below). In line with GDPR requirements, this information is available only to appropriate staff for specific reasons. A written warning may be disclosed to future employers if requested as part of a reference.

In some circumstances, a written warning could mean that you are not permitted to apply to live on campus for the duration of your studies, and you will automatically be added to the 'do not house' list. A written warning may also be considered as relevant history in any further investigations. The consequences of further misconduct include (but are not limited to) referral to a student misconduct panel and exclusion from the University.

Purpose

Expectations for students are set out in the Student Code of Conduct. We are all responsible for ensuring the University is a safe space for everyone. We expect the highest standards of conduct from our students whether on university premises, in professional placement settings, the wider community or online. This procedure will be used to investigate any allegations of behaviour of students which does not meet the standards set out in the code of conduct. It helps to maintain this level of conduct by

- outlining the support available to all parties involved in a disciplinary investigation

- helping the University fulfil its duty of care and responsibility to members of our community and defend our good name and reputation

This procedure should be read alongside other university regulations and policies. Please refer to the Key to Relevant Documents at the end of this procedure.

Procedure

1. Overview

This procedure is directed towards those students who are being investigated as a result of their conduct or behaviour – that is, **the responding student**.

There are specific sections of this procedure with relevant information for those students who have reported or witnessed the incident.

Throughout this procedure, the University may also be referred to as 'we' or 'us'.

Different university procedures determine which regulations and policies apply in individual circumstances or programmes. This means that in some cases, more than one set of regulations may apply. Where this happens, one set of regulations/one process may need to be completed or paused before another begins. However, in some circumstances more than one process may run in parallel. The University reserves the right to vary the process. Where this happens we will explain which process will be followed together with the rationale.

Please note that the Students' Union may follow their own procedures and undertake their own investigations independently of the University.

This procedure does not apply to incidents of alleged academic misconduct. Please refer to [Appendix 8 of the Academic Regulations](#) for any such incidents.

Where an investigation identifies that alleged misconduct may be a result of ill health, we may decide to apply the [Support to Study Procedure](#) instead of, or as well as this procedure.

Incidents that occur outside the University may also be dealt with under this procedure.

The Non-Academic Misconduct Procedure is not a legislative process, although in some cases it may be impacted by concurrent legislative or PSRB processes.

Advice and support is available to all students involved in this procedure, regardless of the allegation or whether they are the reporting or responding party. We strongly recommend

that you contact the [Students' Union Advice Centre](#) to discuss your case, as they can offer you free and independent advice.

We recognise that any involvement in this procedure may impact your wellbeing, so we recommend that you speak to the [Student Wellbeing team](#) for any emotional support.

Amendments or additions to this procedure shall (unless otherwise stipulated) take immediate effect.

This procedure follows the [Office of the Independent Adjudicator](#) good practice framework. The University aims to learn from cases and incidents to improve its processes and procedures. Consequently, this procedure is reviewed annually and revised every three years (see end matter of this document).

[Withdrawal or failure to comply or engage in the process](#)

If you permanently withdraw from the University when allegations have been made against you, we may continue to pursue the case and take action by imposing an appropriate sanction on you. Where appropriate, professional regulators may also continue taking action against you.

In other circumstances, if you withdraw from the University during the misconduct process and later return, we may continue to pursue the case and take action by imposing an appropriate sanction on you.

[People involved in the misconduct process](#)

We will use the following terms throughout this document:

- The person reporting the incident – the reporting party
- The person about whom the report is made – the responding party
- Any person with relevant information – the witness(es)
- The person who investigates the incident – the Investigating Officer
- The person who represents the University at a panel meeting – the Presenting Officer

The University has the right to nominate any appropriate member of staff to undertake any of the roles in this procedure.

To ensure neutrality in the misconduct process, any staff member involved in the investigation or decision making of a case must declare any conflict of interest and may be required to withdraw from the case.

2. How we will communicate with you during the misconduct process

Whether you are the reporting party, the responding party or a witness, our communication approach is the same.

We may use a variety of methods to communicate with you, including telephone, face to face, online meetings and email. Where we email you we will use your university email address. If access to your university email is removed during this process, please provide us with an alternative email address. It is your responsibility to make sure we have the right contact details for you and to check your emails regularly. We will save all correspondence relating to your misconduct case.

This procedure specifies timeframes for us and you to provide or respond to information. Sometimes circumstances beyond our control may impact on the timeframe or alter the process somehow. Where this happens we will communicate with you regularly to keep you updated and ensure you are able to access any support you require. We will also communicate such changes to the other parties involved.

3. Disclosing, reporting or witnessing an incident

This section of the procedures is directed at the **reporting** party.

If you observe, are informed of, or are adversely impacted by student conduct which may breach this procedure or the code of conduct, you should report this as soon as possible.

Teams you can report an incident to include:

- Accommodation Team via the [Student Resolution Services email address](#)
- Campus Support (security), if the incident happens outside usual working hours
- Faculty staff, including your personal tutor, academic staff member or programme leader
- [Students' Union Advice team](#) (an accredited hate crime reporting centre)
- [University Wellbeing team](#)

Members of the public may also report potential breaches to the University.

Making a disclosure

Your responsibility when making any disclosure or report relating to student conduct is to be truthful and clearly state exactly what happened in the incident you observed, were informed of or were adversely impacted by. We will give you the opportunity to be heard.

If you make a disclosure, we will explain your options so you can make an informed choice before proceeding with any further steps.

Please note, making a disclosure to the University does not mean that you have made a formal report and is not an instruction for the University to act.

We will not take any immediate action unless there is a concern about immediate safety or if we have a duty to do so under safeguarding legislation.

Making a formal report

If you decide to make a formal report, we will still discuss options with you. You can make a report in writing, or in some cases, you may be invited to meet with a relevant member of staff who will take a verbal formal report from you, that will be transcribed into a written report.

The University expects that you will not contact the responding party during the investigation. If you do, this may be considered as part of the investigation.

Whether you are directly or indirectly impacted by the potential misconduct, by making a report to the University you become a witness in any investigation. You may also be called to attend as a witness if the investigation results in a student disciplinary panel. In this instance, your responsibility will be simply to state what you witnessed as written in your statement and to answer any questions about the matter under investigation.

Counter-allegations

It is possible that during investigations, the responding student may make a counter-allegation against you or any witnesses in the case. The Investigating Officer may consider any counter-allegations on a case-by-case basis. Where this happens, both you and the responding party may be investigated.

All parties will be supported throughout this process. Unless there are compelling reasons to discount the counter-allegation before an investigation takes place, all parties will be given the opportunity to respond to any allegations or counter-allegations.

The University reserves the right to vary the process at any stage, and we will inform you where this happens.

Supporting you

Support will be available to you at all stages of this process and this will be identified through the risk assessment process. We will keep you informed about the next steps as agreed with the Investigating Officer.

We understand your need to know the outcome of any incident you have reported and been impacted by.

We prioritise the wellbeing and safety safeguarding of all parties involved in the misconduct process and ensure compliance with current UK data protection legislation. This means we may not be able (or permitted) to fully disclose the details of an investigation outcome. However, when the case is concluded, we will provide you with enough detail to reassure you that the matter has been dealt with appropriately and in line with the University's policies and procedures.

In some cases, we may need to share your statement as part of the investigation. Where this happens, we will adhere to the guidance from the Information Commissioner's Office (ICO) and UK data protection legislation.

As the reporting party, you do not have the right to appeal the outcome of an investigation however you may make a complaint to the University. To be considered, your complaint must meet one or more of the following grounds:

- Procedural irregularity in the investigation process
- Bias or the perception of bias
- New evidence has come to light which was, for good reason, previously unavailable to the Investigating Officer and may now undermine the decision they made
- The outcome was wholly unreasonable

Please read the University's [Student Complaints Procedure](#) for more details.

4. Responding to an allegation

This section, and the remainder of this procedure, is directed at the **responding** party.

If the University is investigating a formal report made about you (the responding party), you will be notified in writing and given the opportunity to respond to the allegation. We will agree with you the most appropriate way to communicate with you during the process.

We may check university records in order to ascertain whether you have committed any previous acts of non-academic misconduct (including low level concerns and fitness to practise). Where appropriate, that information may be shared with those staff involved in the misconduct process and your faculty. The information may not be relied upon as evidence in the case being considered, however it may be taken into account as relevant history if any sanctions are issued following the investigation.

Advice and support are available to you at all stages of the disciplinary process. You can access this by contacting the [Student Wellbeing](#) team or the [Students' Union Advice Centre](#), who offer independent advice.

Counter-allegations

It is possible that during investigations, you may believe it is necessary to make a counter-allegation in relation to the reporting student or witness in the case. The Investigating Officer may consider any counter-allegations on a case-by-case basis. Where this happens, both you and the reporting party/witness may be investigated.

All parties will be supported throughout this process. Unless there are compelling reasons to discount the counter-allegation before an investigation takes place, all parties will be given the opportunity to respond to any allegations or counter-allegations.

The University reserves the right to vary the process at any stage, and we will inform you where this happens.

5. Risk assessment and precautionary actions

The University reserves the right to risk assess at any point and impose any precautionary action we consider appropriate. We dynamically risk assess situations throughout our investigations to ensure that all members of the Edge Hill community are safe. If, after receiving information about an allegation, there is a concern about risk to any party involved, the University has an obligation to consider the risk and implement measures before a full investigation can take place. Any actions taken to manage risk are known as precautionary actions.

A risk assessment may be undertaken by the Investigating Officer in the case, a senior member of staff within the department or by a panel of key senior members of staff. It considers all elements of the allegation and measures this against a number of factors. These include but are not limited to

- course of study
- accommodation
- any course placements where academic learning takes place
- what extra-curricular activities might be attended.

We will also consider any potential impact on the University's reputation, or risks to the University community.

Following a risk assessment we may implement some supportive measures. For example, we may alert relevant members of staff to important information so they can ensure your safety. Such staff may include your department, Student Services or Facilities Management.

A risk assessment could also result in precautionary actions to safeguard you or others. For example, if you live in on-campus accommodation and a risk assessment has determined that you need to be allocated a different room on campus, the Accommodation Team will

implement this as quickly as possible. If this happens to you, please refer to the [Licence Agreement for University Halls of Residence](#), which states that students do not have the right to occupy specific University accommodation. Where required, the University may allocate comparable alternative accommodation at any time, with reasonable prior written notice.

However, following a risk assessment we may issue a Conditions Notice or a Temporary Suspension Notice. If this applies to you, please remember that such action is temporary. It does not indicate that we have reached a conclusion before the investigation has commenced.

The University assesses every situation individually and where possible, reasonable notice will be given of any precautionary action imposed on you. However, on occasion we may find it necessary to take some precautionary actions immediately.

The University reserves the right and may be under an obligation, to share information without consent in circumstances where a child or adult at risk is involved (or believed to be at risk). On these occasions the University's [Safeguarding Policy and Procedure](#) will be followed. Where possible, consent will be sought, and the reporting party will be kept informed throughout the process.

Conditions Notice

Following a risk assessment, we may impose immediate conditions to ensure that a full and proper investigation can be carried out and/or to safeguard you or others while the incident is being considered. You may be:

- required to leave your accommodation on campus
- given specific arrangements for when you can attend campus
- told not to contact certain students or staff, either in person or via social media or other messaging service (directly or indirectly)
- prevented from entering some university premises, such as halls of residence, Edge Hill Sports facilities, or the Students' Union

This is not an exhaustive list of the conditions that may be imposed on you.

These conditions will not include your suspension from the University which is dealt with separately below ('temporary suspension'). Please read the glossary for more information about what is covered by a Conditions Notice.

The details of any conditions imposed, together with the reasons for the decision, will be communicated to you as soon as is reasonably practicable. Where possible we will do this in person, however you will also receive a written copy. The Conditions Notice will be shared

with staff involved in the misconduct process and, where appropriate, with your academic department. If you are on a regulated programme, it may also link to fitness to practise procedures.

Where appropriate, we may also inform the reporting party of any relevant conditions imposed. The University expects that the reporting party will not contact you throughout an investigation. Please tell us if they do contact you, as they may be considered as part of the investigation. Similarly, we do not expect you to contact the reporting party during the investigation.

Requesting a review

You may ask for the Conditions Notice to be reviewed but must do so in writing within 10 working days of the date on the notice itself. Please submit your request for a review to the person named on the Conditions Notice.

The University will automatically review your Conditions Notice if we are notified of a material change in the circumstances of your case. We will inform you in writing of the review outcome together with the reasons for the decision within 10 working days of the decision being made.

Temporary Suspension Notice

A panel of senior managers may consider it necessary to temporarily suspend you from the University, if a risk assessment identifies the following circumstances:

- If we believe there is a serious risk to your health, safety or wellbeing, or that of others, which may only be mitigated by a suspension of studies
- If you fail to abide by the conditions imposed

If temporary suspension is necessary, we will inform you as soon as possible. We will tell you in person or by MS Teams where possible, but you will also receive the information in writing - this is known as a Temporary Suspension Notice. We will tell you the reasons for this decision and give you the opportunity to appeal.

Your temporary suspension from the University will be either for a specific period of time or until the conclusion of misconduct or (where applicable) criminal proceedings. Please refer to the glossary for details of the areas a suspension may apply to.

Appealing a temporary suspension

You have the right to appeal the decision to temporarily suspend you. You must make your appeal in writing within 10 working days of the date of the Temporary Suspension Notice. You should clearly set out the reasons for your appeal.

Your appeal will be considered by a Pro Vice-Chancellor, who will either

- Reduce the suspension and put other temporary conditions in place
- Continue or lengthen the existing temporary suspension, or
- Completely remove the temporary suspension

We will inform you in writing of the outcome within 20 days of your submission.

6. Early Intervention

In some situations, departments may take informal steps to address minor conduct or behavioural matters outside this procedure. This is also known as low level action. If the issue persists or deteriorates, the matter can be escalated and dealt with under this procedure.

Low level action may be taken within the faculty or by an appropriate member of staff. For example:

- You may be asked to produce a reflection on your behaviour
- You may be referred to mediation or support services
- If you are on a regulated programme, the faculty may decide to pursue the incident through fitness to practise procedures

7. Misconduct levels

There are three levels to the non-academic misconduct process.

Across all three levels, consideration will be given to your programme of study. For certain programmes, we may need to consult with your faculty. Please note that if you are on a regulated programme with PSRB standards, the implications of any misconduct may vary.

Once a formal report has been made to the University, an appropriate person will be identified to investigate the report (the Investigating Officer). The Investigating Officer will review the details of the report and record the incident. They will produce a summary of the nature of the allegation and outline all the material they have at that point.

The Investigating Officer may consult with other relevant staff members, to determine the next steps. Based on the information contained in the formal report, the investigation will either be managed under Misconduct Level 1 or Misconduct Level 2.

If the Investigating Officer determines that no further action is required, the case will be closed, and you will be notified.

Regardless of whether further action is required, all incidents are logged on the incident database and may be considered as relevant history in any future investigations.

Misconduct Level 1

Examples of misconduct considered at this stage include, but are not limited to

- use of inappropriate language
- failure to comply with rules or regulations, for example causing a disturbance in a lecture or smoking in non-designated areas
- possession of controlled drugs
- refusal to respond to a reasonable request by relevant university staff, for example refusing to confirm identity when requested
- other disrespectful behaviour towards staff
- causing distress to others through excessive and unacceptable levels of noise
- causing minor damage to property
- behaviour that has or has the potential to cause damage to the reputation of the University
- breach of fire safety regulations

The Investigating Officer will write to you within 10 working days of completing their initial enquiries. The letter will contain

- details of the allegations being considered, and a summary of the information gathered so far
- details of the next steps

If there is any variation to the allegations at any stage, we will notify you in writing as soon as is reasonably practicable.

You will be invited to either admit or deny the alleged misconduct and to respond to the allegations in writing.

Your written response may include any evidence in support of your case, including the details of any mitigating circumstances. You must submit your written response within 10 working days of the date of notification.

You may request to meet the Investigating Officer to discuss your case if you wish to do so. At this meeting you may be accompanied by a member of the University community (for example, an advisor from the Students' Union) for support. Please read [Role of a Student's Friend](#) for full details. In any case, you are expected to make your own representations.

If you admit the alleged misconduct in full, the Investigating Officer will decide on the most appropriate outcome. They may also consult with a relevant university manager when determining any outcome.

If you do not admit the alleged misconduct, the Investigating Officer will decide if there is sufficient evidence to establish on the balance of probabilities whether misconduct has occurred. To assist with this decision, it may be necessary to obtain further information from witnesses or other sources identified during the formal report or in your response to the allegation(s).

Once all reasonable lines of enquiry have been made, the Investigating Officer will decide on the most appropriate outcome. They may also consult with a relevant university manager when determining any outcome.

The Investigating Officer has the discretion to vary the process set out above if they decide it is appropriate and fair to do so. This may include escalating your case under Level 2 of this procedure.

You will be notified in writing of the outcome of the investigation, within 10 working days of the decision being made. This letter will explain what information has been considered, and the reasoning behind the outcome. You can appeal the outcome of the investigation, but must do so in writing within 10 working days of the date of the outcome letter.

Level 1 outcomes

The circumstances and context of each case will be taken into account when determining the outcome of the investigation. Where appropriate, timeframes may be set for any of these outcomes. Potential outcomes include but are not limited to the following:

- a decision to take no further action in respect of the act of misconduct
- a written apology to any person or persons affected by the incident
- a requirement for you to make good at your expense, in whole or part, any damage caused by you whether alone or with others
- compulsory attendance at an appropriate workshop, or course
- referral to [Student Wellbeing](#) or mediation services
- a requirement for you to undertake a specified number of hours' service for the benefit of those affected by the incident, the University or the local community
- provision of a caution
- provision of a written warning setting out the consequences to you of any further acts of misconduct, which will remain on your record.
- inclusion on the 'do not house' list, which means you cannot live in university halls of residence
- an extension of a previous sanction
- relocation to another room on campus
- termination of your residential contract

Previous acts of misconduct (if any) may be taken into account when determining the most appropriate outcome. Please refer to the glossary for more details.

Level 1 appeal

You may appeal the outcome of the Level 1 investigation, however your appeal must be made on one or more of the following grounds:

- there was a material procedural irregularity which may have affected the outcome
- there is evidence which was not considered by the Investigating Officer which may have affected the outcome and which you could not reasonably have been expected to have submitted at the time
- the decision is not one which, given the evidence, could be reasonably sustained

If you wish to appeal the outcome of your case, you must notify the Investigating Officer in writing within 10 working days of the date of the outcome letter. You need to complete the misconduct appeal form and indicate which ground(s) you are appealing under. Please contact the [Student Casework team](#) for an appeal form.

A manager will review your ground(s) for appeal and decide if it has a real prospect of success or if there is some other compelling reason why the appeal should be considered.

We will confirm in writing whether or not your appeal will proceed. If your appeal does not progress, we will tell you the reasons for this.

If your appeal progresses, a senior manager will consider your written appeal and review the investigation, along with the outcome. They may require further information from the Investigating Officer during this review. After review/consideration, they will either

- uphold the Investigating Officer's original decision, or
- set aside the Investigating Officer's decision and substitute their own decision

The senior manager has the discretion to make a decision and/or impose a sanction that is more or less serious than that imposed by the Investigating Officer. The senior manager's decision is final.

You will be notified in writing of the decision, together with the reasons for their decision, within 10 working days of the decision being made.

Misconduct Level 2

All cases at this level will be risk assessed. Please refer to the section on risk assessment for more details.

Examples of misconduct considered at this stage include but are not limited to

- multiple or repeated incidents of minor misconduct including misuse of social media/messaging apps
- causing significant damage to property or inappropriate use of university facilities such as IT
- physical misconduct including physical violence
- sexual misconduct including indecent behaviour, sexual harassment and sexual violence
- threatening, offensive, indecent, intimidating, bullying, harassing, abusive conduct or conduct otherwise detrimental to the wellbeing of others
- conduct causing significant injury to the academic or administrative activities of the University. For example, disruption of teaching, research or examinations or the working of staff or other campus services
- behaviour that would compromise the University's integrity. This includes (but is not limited to) attempted influence or bribery of any description in order to gain a financial, academic or other advantage
- conduct which causes a nuisance (whether or not causing damage) and is detrimental to the good order or reputation of the University. For example, unreasonable or inappropriate behaviour when acting as a member of a club or society, unreasonable or inappropriate behaviour when participating in a field trip
- theft, fraud or deliberated falsification or misuse of records, including degree, diploma or certificate parchments
- false pretences or impersonation of others in connection with academic attainments or financial awards
- failure to disclose a criminal conviction when required to do so by the University or course accrediting body or regulator, for example at application stage
- conduct of a kind which may lead to or has led to conviction under criminal law
- possession or supply of controlled drugs
- malicious or vexatious allegations against another student or staff member
- behaviour that has or could cause serious damage to the reputation of the University
- persistent refusal to comply with a sanction imposed in relation to an act of misconduct or to keep people safe
- professional misconduct
- misconduct within a university sports team or society that is not investigated under Edge Hill Sport's Code of Conduct

Level 2 procedure

Where the case is considered at this level of the procedure, it will be managed and investigated by the Student Casework Professional Investigator (SCPI). The SCPI may refer the case to a Level 1 procedure if they believe this is appropriate.

When a report is escalated from Level 1, the SCPI will examine the evidence provided and may request further information about the case.

The SCPI will write to you within 10 working days of completing their initial enquiries. The letter will contain:

- details of the allegations being considered, and a summary of the information gathered so far
- details of the next steps

If there is any variation to the allegations at any stage, we will notify you in writing as soon as is reasonably practicable.

You will be invited to either admit or deny the alleged misconduct by responding to the allegations in writing.

Your written response may include any evidence in support of your case, including the details of any mitigating circumstances. You must submit your written response within 10 working days of the date of notification.

In some cases, the SCPI may decide that you must meet with them to provide your response. You will be given at least 10 working days' notice of the meeting date. If you wish the meeting to take place sooner and waive the meeting notice period, you can request this by contacting the SCPI.

At this meeting you may be accompanied by a member of the University community (for example, an advisor from the Students' Union) for support. Please read [Role of a Student's Friend](#) for full details. In any case, you are expected to make your own representations.

If you admit the alleged misconduct in full, the SCPI will decide on the most appropriate outcome. They may also consult with a relevant university manager when determining any outcome.

If you do not admit the alleged misconduct, the SCPI will decide if there is sufficient evidence to establish on the balance of probabilities whether misconduct has occurred. To assist with this decision, it may be necessary to obtain further information from witnesses or other sources that have been identified during the formal report, or in your response to the allegation(s).

Once all reasonable lines of enquiry have been made, the SCPI will decide on the most appropriate outcome. They may also consult with a relevant university manager when determining any outcome.

The SCPI has the discretion to vary the procedure set out above if they decide it is appropriate and fair to do so.

You will be notified in writing of the outcome of the investigation, within 10 working days of the decision being made. This letter will explain what information has been considered, and the reasoning behind the outcome. You can appeal the outcome of the investigation, but must do so in writing within 10 working days of the date of the outcome letter.

Level 2 outcomes

The circumstances and context of each case will be taken into account when determining the most appropriate outcome. Previous acts of misconduct may also be taken into account. Where appropriate, timeframes may be set for any of these outcomes. Potential outcomes include but are not limited to the following:

- a decision to take no further action in respect of the act of misconduct
- a written apology to any person or persons affected by the incident
- a requirement for you to make good at your expense, in whole or part, any damage caused by you whether alone or with others
- compulsory attendance at an appropriate workshop or course
- referral to [Student Wellbeing](#) or mediation services
- a requirement for you to undertake a specified number of hours' service for the benefit of those affected by the incident, the University or the local community
- provision of a caution
- provision of a written warning setting out the consequences to you of any further acts of misconduct
- inclusion on the 'do not house' list, which means you cannot live in the University's halls of residence
- an extension of a previous sanction
- relocation to another room on campus
- termination of your residential contract
- imposition of a curfew or the prohibition of a student from attendance at a specified place for a specified time
- referral to a student disciplinary panel
- referral to fitness to practise proceedings where appropriate

Previous acts of misconduct (if any) may be taken into account when determining the most appropriate outcome. Please refer to the glossary for more details.

Level 2 appeal

The procedure for appeal follows the same steps as for Level 1, however the review is undertaken by a senior manager. Decisions are made and the outcome will be communicated to you by a head of department.

Misconduct Level 3: Student Misconduct Panel

If the Investigating Officer believes that a student misconduct panel is required, they will refer the case to the Student Casework team.

We will notify you in writing that your case has been referred to a panel and outline the next steps in the process.

The student misconduct panel will normally consist of one member of each of the following four groups who has not previously been involved in the misconduct investigation.

- A senior manager of the University staff (Chair)
- A senior member of academic staff
- An Edge Hill Students' Union representative
- (Where there are PSRB requirements) a non-academic member of staff or external professional representative, if appropriate

The Student Casework team will make all arrangements for the Panel to convene and will appoint a person to act as secretary to the Panel.

You will be notified in writing of the Panel arrangements at least 10 working days before the date of the meeting. The Panel will meet within 28 days of referral or as soon as is reasonably practical.

The University will endeavour to take account of your personal circumstances in arranging the time and date of the Panel meeting. However, you are expected to make yourself available to attend the hearing on any day and at any time at which you might reasonably have been expected to be in attendance at the University.

If we have provided notification of the meeting date and time and you decide not to attend the Panel meeting, it will go ahead in your absence. In exceptional cases, for example verifiable illness, we may agree to your request for the scheduled meeting to be deferred.

The Investigating Officer will be appointed to present the case on behalf of the University. The Presenting Officer may make whatever further enquiries they believe to be necessary in order to present a full case at the Panel meeting.

You may be accompanied by a supporter. Please read [Role of a Student's Friend](#) for full details of who may fulfil this role but note that the Student Casework team may make exceptions where appropriate. You must inform the Student Casework team of the identity of your supporter at least five working days before the meeting.

At least five working days before the meeting, you should provide the Student Casework team with a copy of all documentation you intend to rely upon at the meeting. You should also inform the Student Casework team of the name(s) of any witness(es) you have arranged to give evidence at the meeting. You are responsible for contacting any witnesses you wish to give evidence on your behalf and for making arrangements for those witnesses to attend the hearing.

At least five working days before the meeting, you will receive a copy of all the documentation the Presenting Officer intends to rely upon at the meeting. You will be informed of the name(s) of any witness(es) that the Presenting Officer has arranged to give evidence at the meeting.

Neither you nor the University may compel or put a witness under duress to provide a statement or attend the meeting.

The Chair of the panel has the discretion to request additional information, and to adjourn, postpone or halt a meeting. Any additional information or evidence obtained by the panel shall be disclosed to you and the Presenting Officer as soon as is reasonably practicable.

Level 3 outcomes

The circumstances and context of each case will be taken into account when determining the outcome. Previous acts of misconduct may also be taken into account. Potential outcomes include but are not limited to the following:

- a decision to take no further action
- a written apology to any person or persons affected by the incident
- a requirement for you to make good at your own expense, in whole or part, any damage to property caused by you whether alone or with others
- compulsory attendance at an appropriate workshop or course
- referral to [Student Wellbeing](#) or mediation services
- requirement for you to undertake a specified number of hours' service for the benefit of those affected by the incident, the University or the local community
- provision of a caution
- inclusion on the 'do not house' list, which means you cannot live in university halls of residence
- provision of a written warning setting out the consequences of any further acts of misconduct

- termination of your residential contract
- exclusion for a specified period of time from academic activities and/or from all or parts of the University facilities, grounds or premises
- permanent exclusion from the University

Any recommendations for permanent exclusion will be ratified by the Vice Chancellor.

The Panel may take any of your previous acts of misconduct into account when determining which outcome is the most appropriate. Where appropriate, timeframes may be set for any of these outcomes.

The Panel has discretion to suspend an outcome against your future good behaviour for a period they will determine. If no further misconduct is committed during the good behaviour period, the suspended outcome will not be brought into effect. If there is further misconduct, the Panel may reconvene and impose an additional outcome for the subsequent misconduct as well as bringing the suspended outcome into effect.

If you fail to comply in whole or in part with any decision of the Panel, your non-compliance may be referred back to a student misconduct panel and may be treated as a further incident of misconduct. The Panel is entitled to change the outcome(s) already imposed on you in a further meeting.

Please note, where a panel is reconvened, the University reserves the right to vary panel members if required (for example, due to absence or availability).

Appeal

You may appeal the decision of the student misconduct panel, however your appeal must be made on one or more of the following grounds:

- there was a material procedural irregularity which may have affected the outcome
- there is evidence which was not considered by the Investigating Officer which may have affected the outcome and which you could not reasonably have been expected to have submitted at the time
- the decision is not one which, given the evidence, could be reasonably sustained

If you decide to appeal, you must notify the Head of Student Casework in within 10 working days of the date of the outcome letter. You need to complete the misconduct appeal form and indicate which ground(s) you are appealing under. Please contact the [Student Casework team](#) for an appeal form.

A member of the Vice-Chancellor's Directorate Group who has had no previous involvement with your case will review the written appeal and decide if it has a real prospect of success

or if there is some other compelling reason why the appeal should be considered. Your appeal will then either

- be referred back to the original panel. This happens when the only ground of appeal is that there is evidence that was not considered by the panel which may have affected the outcome and which you could not reasonably have been expected to have submitted at the time of the hearing, or
- be referred to a student misconduct appeal committee

If it is decided that the appeal has no real prospect of success or that there is no other compelling reason why the appeal should be considered, then the decision of the student misconduct panel will stand.

If your appeal is referred back to the original panel, the panel members will consider all the original documentation plus the additional evidence provided. In exceptional circumstances, the Chair may decide to reconvene a panel meeting and you may be recalled to attend.

We will notify you in writing of the Panel's decision within 10 working days of the decision being made. This letter will include the reasons for the decision.

The Student Misconduct Appeal Committee

The Appeal Committee will consist of one member from each of the following groups who has not previously been involved in the misconduct process:

- One member of the Board of Governors who is not a staff or student governor (Chair)
- The Deputy Vice-Chancellor or a member of the Vice-Chancellor's Directorate Group
- A senior manager of the University staff
- An Edge Hill Students' Union representative

The Appeal Committee will usually carry out a review of the case based on the documentation only, and you will not be required to attend. However, the Chair of the Appeal Committee has the discretion to re-hear the case if they decide it is appropriate to do so. In such cases, the Chair will determine how the hearing shall be conducted.

The Student Casework team will make all arrangements for the panel to convene and will appoint a person to act as secretary to the Student Misconduct Appeal Committee.

The Appeal Committee will meet within 28 days of the referral or as soon as is reasonably practical.

The Chair of the original misconduct panel will be given a copy of your appeal and the opportunity to respond. Their response may include a request for the provision of documents.

At least 10 working days before the Appeal Committee meeting, you will receive a copy of all documentation which the Chair of the original misconduct panel submitted to the Appeal Committee.

If you wish to respond to the information and documentation provided you should submit this to the Head of Student Casework at least five working days before the meeting.

Decisions of the Appeal Committee shall be reached by a simple majority vote of the members.

The Appeal Committee may

- confirm, set aside or vary any finding of misconduct by the student misconduct panel and/or
- confirm, set aside, increase, decrease or vary any sanction/s imposed by the student misconduct panel

You will be notified in writing of the Appeal Committee's decision, together with the reasons for the decision, within 10 working days of the decision being made.

The decision of the Appeal Committee will be final and a completion of procedures letter will be issued, confirming that the University's internal procedures have been completed.

If you are the reporting party

We understand your need to know the outcome of any incident you have reported and been impacted by.

We prioritise the wellbeing and safety safeguarding of all parties involved in the misconduct process and ensure compliance with current UK data protection legislation. This means we may not be able (or permitted) to fully disclose the details of an investigation outcome.

However, we will provide you with enough detail to reassure you that the matter has been dealt with appropriately and in line with the University's policies and procedures.

8. Cases subject to criminal or external investigation

Where a criminal investigation is being undertaken in relation to an incident, the University may suspend the misconduct process (at any stage) until the criminal investigation and any

legal proceedings have been concluded. You are required to keep the University informed of progress during a criminal investigation.

A conviction in a criminal court will be taken as conclusive evidence that the offence has occurred and no further investigation of the facts will be required. The University may still take action under this procedure and/or may refer the case for consideration under Appendix 18 - Operation of Panels for Criminal Investigations and Convictions.

Where a decision is taken by the police or the Crown Prosecution Service not to pursue a criminal case against you, or where you have been acquitted of a criminal offence, the University will consider your behaviour under this procedure and may still take misconduct action.

Please note, non-disclosure of an existing criminal investigation/conviction before beginning a programme of study with us breaches this procedure. The level of disclosure you need to make will depend on the nature of the conviction, whether it is spent or unspent, and the type of course you are studying on.

If you are on a professionally regulated course, you may also be required to confirm your good character on an annual basis. However, you must disclose any new criminal investigations or convictions during your period of study and not wait for the annual declaration. Failing to do this means you are breaching these and any associated professional regulations. This may have serious consequences for your career.

9. Office of the Independent Adjudicator for Education (OIA)

When you have exhausted the University's internal procedures and received a completion of procedures letter to that effect, you may take your complaint to the OIA. Please visit the [OIA website](#) for full details of the scheme. We recommend you also seek advice from the [Students' Union Advice Centre](#).

Appendix A – Student Misconduct Panel Agenda

The meeting will usually proceed as follows:

- The panel members and regulations secretary will meet to discuss matters of process
- You (the responding party) and the Presenting Officer will join the hearing
- The Presenting Officer will outline the University's case. You and the panel members will be given an opportunity to ask the Presenting Officer questions
- You will outline your case in response to the Presenting Officer. The Presenting Officer and the panel members will be given the opportunity to ask you questions
- The Presenting Officer will call any witnesses that the University wishes to rely upon and may ask each witness questions. The witness may read out their statement to the panel. You and the panel members may ask each witness questions. Your questions must be directed to the Chair
- You may call any witnesses you wish to rely upon and may ask each witness questions. The Presenting Officer and panel members may ask each witness questions
- You, the Presenting Officer and all witnesses leave the room while the panel members consider the evidence
- You and the Presenting Officer may be invited to return to the meeting to respond to any final questions from panel members. You and the Presenting Officer are each invited to make a closing statement
- The panel will decide if there is sufficient evidence to establish on the balance of probabilities whether misconduct occurred and will determine the outcome
- Decisions of the student misconduct panel will be reached by a simple majority vote of the members
- You will be notified in writing of the panel's decision and details of any sanctions imposed, together with the reasons for the decisions. You will also be notified of your right to appeal the decision within 10 working days of the date of the outcome letter

Key to Relevant Documents

Documents most commonly linked to this misconduct procedure include

- [Bullying, Harassment and Hate Crime Policy](#)
- [Domestic Abuse Policy](#)
- [Team Edge Hill Sports Clubs Code of Conduct](#)
- [Fitness to Practise Procedures](#)
- [Sexual Misconduct Policy](#)
- [Student Charter](#)
- [Support to Study Procedure](#)
- various codes of conduct of professional, statutory and regulatory bodies (PSRBs)

Annexes

Endmatter

Title	Non-Academic Misconduct Procedure
Policy Owner	Director of Governance and Assurance
Policy Manager	Head of Student Casework
Approved by	Academic Board
Date of Approval	July 2024
Date for Review	July 2025