

Student Code of Conduct (3 Year Course and 1 Year Course Students)



1.0 Introduction

1.1 Purpose

1. The Student Code of Conduct (Disciplinary Policy) covers all Emil Dale Academy students studying on the three-year and one-year course with EDA of Bedfordshire. Students are independent adults with legal and social responsibilities and are accountable for their actions and behaviour. EDA fosters a community, which has an atmosphere of trust and respect. Students are expected to behave in a respectful and reasonable manner both on and off the campus. They should show proper concern in their behaviour for the reputation of EDA and the student body, and for its effect on their fellow students, staff, freelancers and their successors.
2. EDA is a diverse, outward looking and inclusive place to study, live and work. EDA is committed to promoting dignity, respect, tolerance and inclusion in all its activities and works to sustain an equal and safe environment in a culture of prevention of discrimination of any kind. No person (student, staff or visitor) shall be unlawfully discriminated against, either directly or indirectly, on the grounds of their perceived race, colour, ethnic or natural origin or nationality, religious or political beliefs, age, gender, transgender status, sexual orientation, marital status, disability, offending background, other personal characteristic or for any other reason.
3. EDA is committed to ensuring it provides a community which feels safe and where everyone is respected, in particular preventing and eliminating all forms of sexual misconduct, including sexual harassment, sexual violence and sexual abuse, including in a domestic context. Inappropriate behaviour is unacceptable, and EDA will support the whole community to challenge this, where it is safe for them to do so in an environment where they will be listened to and provided with the options available. Confidential support is available to ensure that individuals feel empowered and confident in disclosing.
4. EDA will support victims of, or witnesses to, any incidents, including those of bullying, harassment and assault of any kind. It is really important that incidents are reported, and specialist support is offered to students. As well as offering support, advisors have been trained to offer support for victims with reporting an incident or crime to Police and other relevant external agencies. Advice and guidance is available through the university partnership a range of sources <https://www.beds.ac.uk/student-support/> <https://www.beds.ac.uk/student-support/supportandreport/sexual-assault/>
5. All reports considered under this Code of Conduct will be assessed on the Balance of Probabilities - that is, it is more likely than not that something happened.
6. Regardless of the offence, all cases will be dealt with impartially and with discretion by trained Investigators and Provosts, and the process will be fair, independent and free from reasonable bias perception.
7. EDA recognises the sensitive nature of cases and privacy will be maintained, wherever possible. Throughout all proceedings, EDA will act in compliance with the General Data Protection Regulations. Any disclosure of information will be restricted to relevant information and conveyed only to those entitled to it for justifiable reasons. EDA will only share information internally or externally with the reporting party's express permission or in exceptional circumstances to: a) safeguard members of the EDA community and fulfil EDA's duty of care; b) discharge EDA's duties or as required by law.
8. EDA reserves the right to re-direct formal complaints into alternative policies and procedures as it sees fit.
9. Students of EDA who are subject to disciplinary action under this Policy, will be entitled to receive a Completion of Procedures letter to take their case to the University of Bedfordshire if they are dissatisfied with the outcome of the disciplinary procedures that have been applied to them.
10. Where the alleged misconduct has the potential to damage the reputation of EDA of Bedfordshire, or EDA's student body, EDA will liaise with UOB as necessary to determine the appropriate procedures to be followed. At the discretion of EDA and UB, it may be deemed appropriate for an allegation to be considered under UOB's disciplinary procedures.

1.2 Location of policy

11. This policy is available to access on EDA's website <https://www.emildale.co.uk/eda/policies.php>.

1.3

Scope

12. This policy applies to students on the three year (degree) course and one year (Cert-HE) course at EDA.

1.4 Related policies

13. Related policies are listed as below:

EDA Policies

- a) Degree and Cert HE Academic Integrity Policy
- b) Casting and Streaming Policy
- c) Reporting Uncomfortable Situations (Student-on-student) Procedure
- d) Anti-Bullying Policy
- e) Attendance Policy

UOB Policies

- a) Academic Appeals and Procedures – appealing against the outcome of academic decisions – managed by Adjudication.
 - b) Academic Discipline – relating to academic offences, for example cheating, collusion, plagiarism, work created by a third party – managed by Academic Services.
 - c) Student Code of Conduct (Disciplinary) - disciplinary offences including complaints by students about the behaviour of other students – managed by Adjudication.
 - d) Mitigating Circumstances – relating to mitigation in relation to assessments – managed by the Student Engagement and Mitigation Team (SEAM).
 - e) Harassment – complaints concerning harassment – managed by Adjudication and Human Resources.
 - f) Whistleblowing - making disclosures in the public interest – managed by Human Resources.
 - g) Complaints concerning admissions onto a course of study – managed by the Admissions Team.
14. This Complaints Policy cannot be used for any of the above purposes, although in exceptional circumstances an Academic Appeal may follow a successful Complaint.
15. If a student contacts the Principal or Owner directly, without initially following the Complaints procedure, the Complaint will be referred back to the student's Course Leader or Head of Department before escalating to Senior Management level.

3.0 Policy

What is a Disciplinary Offence?

16. A disciplinary offence or misconduct is behaviour which interferes with the proper functioning of EDA and its activities, or those who work and study at EDA, or which has the potential to damage the reputation of EDA or the student body.

Such behaviour could take place whilst engaged in EDA-related activity or not and when the alleged offence either:

- a) takes place on EDA property/land or away from EDA property/land; and/or
- b) takes place while a student is engaged in EDA-related activity (including placements and trips); and/or
- c) includes contact behaviour (whether directly on the skin or through clothes) and non-contact behaviour (e.g. exposure, invasions of privacy or causing another to engage in sexual acts); and/or
- d) occurs through electronic means including, but not limited to, internet, email, social media, chat rooms, text messages, instant messaging; and/or
- e) results in a legal or Police investigation, charge or conviction; and/or
- f) is considered to pose a risk to EDA or members of its community and/or reputational damage.

Separate regulations deal with academic offences and cases where the professional suitability of a student registered on a programme governed by professional regulations or a programme with a placement element is brought into question.

17. The following are examples of what might constitute misconduct:

- a) disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of EDA;
- b) obstruction of, or improper interference with, the activities, functions or duties of any student, staff member, freelancers, contractor or visitor to EDA;
- c) aggressive, violent, disorderly, threatening, indecent, offensive or anti-social behaviour or language whilst on EDA premises or elsewhere;
- d) falsification or misuse of EDA records, including degree, diploma or other certificates, or of EDA equipment, systems and processes;
- e) false pretences or deception relating to academic assessments and examinations;
- f) fraud, deceit or dishonesty in relation to EDA or its staff or in connection with registering as a student, being a student, holding any office at EDA or gaining a financial advantage through association with EDA;
- g) actions which might cause injury or put at risk the health or safety of people on EDA premises or whilst on EDA activities;
- h) harassment, intimidation, sexual misconduct or bullying in any form including via social media or in a domestic context of any student, member of staff, Governor, contractor or other visitor to EDA including on grounds of their perceived race, colour, ethnic or natural origin or nationality, religious or political beliefs, age, gender, transgender status, sexual orientation, marital status, disability, offending background, other personal characteristic or for any other reason;
- i) breach of the provisions of EDA's policy on Freedom of Speech or Freedom of Expression or other similar policy;
- j) the expression of any extremist views, or the provision of any material or moral support, or encouragement of support, for individuals or groups expressing extremist views, that have the potential to incite discrimination or violence by or towards others;
- k) theft, damage to or defacement of EDA property, or the property of other members and users of EDA or third parties (including accommodation providers), whether caused intentionally or recklessly;
- l) attending classes or entering any other learning environment whilst under the influence of alcohol or drugs;
- m) misuse or unauthorised use of EDA premises or items of property, including computer misuse, or breaches of EDA code on acceptable network use, or using a student ID card inappropriately, or allowing a member of the public to enter a secure area within a EDA building;
- n) failure to disclose name, student number or other relevant details, including presenting student ID card, to a staff member of EDA, when it is reasonable that such information be given;
- o) conduct which constitutes a criminal offence, which may include, but is not limited to: sexual assault/sexual misconduct, harassment, physical assault, possession of an offensive weapon, possession of any implement that is intended for use as a weapon and possession of an illegal substance on EDA premises or in any student accommodation, including that operated by a private provider, or at an event under the control of EDA or Students' Union, which affects other users of EDA or the public;

- p) conviction of a criminal offence whilst a registered student of EDA of Bedfordshire, regardless of whether or not the offence was committed before commencing studies at EDA;
- q) failure to comply with a previously imposed penalty or conditions under this Code of Conduct (Disciplinary Policy);
- r) bringing EDA into disrepute.

This list is not exhaustive, and students may be considered under this Policy for any actions and behaviours which EDA considers as possible misconduct.

Who Can Report a Disciplinary Offence?

18. Any student, staff member, freelancer, contractor, visitor to EDA or member of the public may make a report of alleged misconduct about a student.

19 If a third party is making a Complaint on behalf of a student, they will need written consent from the student and a valid reason as to why the student is unable to raise a complaint themselves. Under the UK's Data Protection law, without a student's consent, the University will not be able confirm whether that person is, or was, a student at the University or investigate the complaint.

20 Alleged reports of misconduct should be addressed to the Course Leader or Head of Department in the first instance. If the Complainant cannot provide the name of the student about whom they have reported, then the Course Leader or Head of Department may take reasonable steps to identify the individual concerned if there is sufficient evidence available to enable identification.

21 EDA will not normally take disciplinary action in minor disputes between students and members of the public, other than where it believes a student's behaviour constitutes a hazard to other people or to property, puts at risk EDA's reputation or significantly contravenes standards required of a professional course.

22 A manager or staff member receiving a report of alleged misconduct under this Policy should refer the matter to the Course Leader or Head of Department who will determine whether the report is eligible for consideration under this Policy. If the report of alleged misconduct is not eligible, the Course Leader or Head of Department will advise the complainant of the reason.

23 EDA encourages individuals to put their name to any reports of alleged misconduct they make. Anonymous allegations are less easy to investigate, but may be considered at the discretion of EDA. In exercising this discretion, the factors taken into account will include:

- a) the seriousness of the issues raised;
- b) the credibility of the report; and
- c) the likelihood of confirming the allegation from attributable sources.

24 If a Complainant does not wish their identity to be disclosed to the student about whom they are complaining, EDA will endeavour to keep their identity confidential so long as it does not hinder or frustrate any investigation. However, the Complainant may need to provide a statement as part of the evidence gathering process, and, whilst any written reports will be redacted, their identity may be revealed or implied as part of the investigating process.

25 Where a Complainant does not give permission for disclosure of their identity, or it is not possible for this to be disguised, this may result in the case being closed as it may be impossible to investigate the case without disclosing or alluding to their identity.

26 If a Complainant makes an allegation that they believe to be true, which is not supported by evidence nor found to be true by a subsequent investigation, no further action will be taken and the case will be filed as having no case to answer. EDA will not consider unsubstantiated reports of alleged misconduct that it regards as vexatious or malicious. If, however, on the balance of probabilities, it is determined that a Complainant knowingly raised false or untrue allegations, then EDA may consider disciplinary action against the Complainant themselves.

27 A Complaint can be withdrawn at any point in the proceedings, but if there is sufficient evidence to establish that there is a case to answer, the case may still be investigated.

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Timescales

28 EDA will aim to complete all stages of an investigation and provide the student with an outcome as soon as possible and within three months of receiving the initial report of alleged misconduct.

A number of factors can impact the speed at which investigations can be conducted. These include Police involvement, judicial procedures and availability of relevant witnesses or evidence.

The process may take significantly longer in cases where EDA is awaiting the conclusion of a Police investigation or other external process before an outcome can be determined, or where cases are complex.

Students will be notified of any significant delays during the process.

29 A student will be given two working days' notice to attend an Investigation Interview.

30 Where possible, an Investigation Outcome should be sent to the student within 10 working days of the Investigator's decision.

31 A student has 10 working days to Appeal an Investigation Outcome, Interim Suspension or Dismissal decision via EDA of Bedfordshire's Student Code of Conduct.

Investigations and Hearings

32 The Student Code of Conduct (Disciplinary Policy) is overseen by the Senior Management Team.

33 In cases where multiple students are involved in the same incident, students may be interviewed separately and more than one Investigator may be appointed to deal with the cases, depending on the case and numbers involved.

34 Students are expected to engage with an Investigation and any subsequent meetings either on campus or through video-conferencing. It is expected that all cameras will be switched on during a meeting unless there is a technical reason why this is not possible. Telephone interviews will only be offered under exceptional circumstances and will be recorded. A written statement cannot be accepted as an alternative to engaging with an Investigation and any subsequent meetings unless the student provides valid reasons, along with appropriate evidence, as to why they cannot engage in person or through video-conferencing.

35 EDA recognises that students have academic and external commitments and will aim to take reasonable account of the personal circumstances of students in arranging interviews and meetings but it is likely that meetings will take place during normal office hours. In the event of a student being unable to attend an interview or meeting, they must contact the Investigator before the proposed time in order to seek a deferral. EDA will normally permit one deferral at the request of a student. Where a student fails to attend an Interview or meeting, or seeks to defer the meeting unreasonably, EDA may proceed in their absence.

36 A written record and in some cases, a video or audio recording, will be made of all Interviews and meetings described in this Policy.

Witnesses & Representation

37 In conducting the Investigation, EDA may invite the Complainant to meet with staff. At all such meetings, the student can be accompanied by a friend: for example, a fellow student, a member of academic staff, or a contact from outside EDA, such as a member of the family. EDA must be notified of the name and affiliation of the person concerned in advance of the meeting.

38 If the Complainant intends bringing someone from outside EDA to meetings, they must seek approval from EDA in advance. It is not normally necessary to be accompanied by a legally qualified person, but if the Complainant wishes to do this, they must first seek approval and, if so, EDA reserves the right to include a legally qualified colleague to also participate in the meeting. This may cause a delay to proceedings depending on availability of third party members.

39 Any accompanying person will not be permitted to present the case on behalf of the student, but will be in attendance to support and to clarify issues as appropriate. It is the responsibility of the student to ensure that any witnesses whom they wish to call in support of their Complaint are available for the meeting(s) and are briefed as to the arrangements.

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Health Matters

40 If an Investigator is concerned about a student's wellbeing they may refer the student to EDA and/ or EDA's support services. If it is felt that the Disciplinary process should be suspended this will be referred to Senior Management for a decision and consultation with other services.

41 EDA may consider a student's disability or mental health conditions when setting penalties. For example, if the student's conduct was linked to an underlying mental health condition, that will be under consideration when setting penalties.

42 Where mental health may have impacted on a student's behaviour, leading to misconduct, formal evidence of mental health issues will be required, for example a letter from a GP or mental health practitioner.

43 Students who have mental health difficulties are encouraged to notify EDA about their condition at registration or at the onset of their condition, so that the relevant support is offered, for example counselling.

44 If it appears to an Investigator that a student involved in a disciplinary matter should be considered under other EDA or University policies, for example Fitness to Practice or Fitness to Study, this will be referred to Senior Management for a decision and the Disciplinary process may be suspended whilst other investigations proceed.

Criminal Matters

45 Where it is suspected that a criminal offence has been committed, EDA may refer the matter to the Police, and the complainant can choose to report the incident to the Police independently. Where the Police are investigating a particular matter, any investigation by EDA relating to the same matter will normally be suspended but is likely to recommence when the Police investigation is completed, if the student is still registered with EDA.

EDA may, exceptionally, decide to proceed with its internal disciplinary process before a Police investigation is complete. In such cases, EDA will take into consideration any new information that arises from the Police investigation.

46 In cases where a student is subject to a Police investigation, a risk assessment will be carried out in relation to any information provided by the Police.

47 Whether or not a matter results in a criminal prosecution or other form of civil reprimand, EDA may decide to pursue disciplinary action in relation to any matter brought to its attention.

In certain cases, particularly where a lengthy Police investigation is involved, which could result in the student being temporarily suspended for some time, it may be appropriate for a student to interrupt their studies and return at a later date.

48 EDA and the Police may share information about a student in order to progress either a Police investigation or an EDA disciplinary investigation. EDA may also use other means of information gathering such as web searches to collect or check information that is in the public domain regarding a student or an incident, for example social media accounts, Court listings or news reports.

Such information sharing and gathering will have due regard for the general data protection regulations and the credibility of the source.

Sexual Misconduct

49 EDA takes matters of sexual misconduct very seriously. The significant negative effects that experiencing sexual misconduct can have upon individuals is recognised and EDA will support them and other members of EDA community who have been affected by the experience. Sexual misconduct relates to a range of inappropriate and unwanted behaviours of a sexual nature and includes any conduct that is sexual, unwanted and causes distress, or that otherwise constitutes harassment, bullying or victimisation.

50 EDA will hold any individual who has committed sexual misconduct accountable. This may include facing disciplinary action, including dismissal. A report made about a student from an individual who is not a member of EDA will be considered as is reasonable or practicable.

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51 EDA does not have the legal investigatory powers of the Police and cannot determine criminal guilt beyond reasonable doubt. An internal investigation will focus exclusively on whether, on the balance of probabilities, an act of sexual misconduct breaching the Student Code of Conduct has occurred. Further information is available at Appendix 2.

52 EDA has a range of support mechanisms for any student who has been the victim of, impacted by, or accused of, sexual misconduct and which link in with this Policy and the Responding to a Report of Sexual Violence and Sexual Harassment Protocol (Appendix 3).

Appropriate signposting and information on how access support that can be provided is available on The University of Bedfordshire's website
www.beds.ac.uk/student-support/supportandreport/sexual-assault/

53 A Reporting Party can either make a Disclosure or a Report. A Disclosure means that an individual (Disclosing Party) tells a member of EDA community that they have experienced Sexual Misconduct, normally through Support and Report. A Disclosure is not a formal complaint and is therefore not considered under this Policy; further detail on Disclosure is included in EDA's Responding to a Report of Sexual Violence and Sexual Harassment Protocol (Appendix 3).

54 EDA will respect the right of the individual Disclosing or Reporting an experience to choose how to take forward a Disclosure or Report, including the decision not to pursue a formal Report further. A Disclosure is confidential and will only be shared with the express permission of the Disclosing Party. A Disclosure may remain the first and last point of contact with EDA. If a Disclosing Party decides that they wish to make a formal Report to EDA this can be done at any time and this Policy will apply. EDA recognises the importance of minimising the number of times the person making the report (Reporting Party) has to disclose an incident of sexual misconduct.

55 EDA will support anyone who makes a Disclosure or Report, regardless of their choice to do so anonymously or to whom they Disclose or Report, regardless of whether they also make a report to the Police. All parties will be listened and responded to in a safe, supportive and trusting environment, their safety and wellbeing will be prioritised and the dignity of all involved will be ensured in any investigations or Hearings. If a formal report is made, the Reporting Party will not have to face or speak with the alleged perpetrator (Responding Party); all interviews and Hearings will be conducted separately.

56 If the person reporting is under 18 or a vulnerable adult, EDA Safeguarding Policy will apply.

57 Sexual misconduct does not necessarily imply conduct that is against the law. The relevant conduct will initially be assessed, and any measures put in place will be part of EDA's broader structures for supporting students and handling non-academic misconduct. However, where the Investigator or Provost considers that the conduct may also have been a criminal offence, EDA will (after due consideration of the wishes of the Reporting Party and a risk assessment) consider whether the matter should be referred to the Police. Where it is suspected that an offence of sexual misconduct has been committed, the Reporting Party can choose to report the incident to the Police independently.

3.1 Process

58 The student should contact their Course Leader, a Head of Department, Welfare Officer or Senior Management to raise their concerns either in writing or as part of a discussion, making clear the matter that they wish to discuss and the nature of the Complaint that they wish to raise. In all cases, Senior Management will be notified of a complaint and may choose to oversee each level of a complaint raised.

59 On receipt of a report that is eligible for consideration under this Policy, the Senior Management Team will make an initial assessment of whether the report is a minor or serious misconduct. (established by categorisation in Table 1 below).

60 Consideration will also be given to any previous instances of misconduct and the Senior Management Team may review the student's disciplinary record to determine whether the aggregation of previous minor misconduct justifies the report to be treated as more serious. Depending on the level of seriousness, the Senior Management Team will decide the appropriate action, according to Table 1.

61 EDA requests that complainants do not discuss complaints publicly via social media such as Facebook, Twitter, Instagram, TikTok and/or Snapchat (and/or any other social media platforms). This can impact the complaints investigation.

Table 1 – Examples of Misconduct

| Level of seriousness | Examples of types of offence | Process |
|---|--|--|
| These lists are not exhaustive and can include other offences, which EDA deem minor or serious when reported, and outcomes. | | |
| Minor Examples include, but are not limited to, the following misconduct codes: c, d, g, m, n | <ul style="list-style-type: none"> • Anti-social behaviour such as: disruption in class, inappropriate language/behaviour, noise complaints, being rude to staff, other students or neighbouring residents • Smoking in EDA buildings • Tampering with EDA owned equipment (eg fire safety equipment) • ID offences • Not adhering to rules or guidelines set out by EDA • Kissing another person on the hand or cheek without consent where there is no sexual element or other harassment behaviours involved • Participating in any sexualised commentary about others online or in person | Written warning. A student can be issued up to two written warnings (unless for a fire safety equipment offence). Upon a third report of misconduct being reported, the case will be formally investigated under Stage One and a final written warning may be issued. Mediation may be recommended in appropriate circumstances. Students who refuse to consider mediation will need to provide adequate reasons to EDA. |
| Serious Examples include the following misconduct codes: a – r | <ul style="list-style-type: none"> • Repeated minor misconduct offences • Activity relating to a criminal offence • Bullying, harassment, assault or a physical altercation • Fraud (including fraudulent evidence submitted to support mitigation) • Tampering with EDA owned equipment (eg fire safety equipment) • Possession of an offensive weapon • Racial, Homophobic and Discriminatory activity, including through social media | Preliminary formal investigation meeting under Stage One. Formal investigation under Stage Two Disciplinary Hearing under Stage Three (see Potential Outcomes). |

| | | |
|--|--|--|
| | <ul style="list-style-type: none"> • Offensive, aggressive, threatening behaviour, including through social media, including of a sexual nature • Sexual misconduct including engaging, or attempting to engage, in a sexual act without consent, touching others inappropriately, recording or sharing intimate images or recordings of another person without their consent • Possession, use, sale or other trafficking of illegal drugs or controlled substances • Conduct which raises questions as to whether the student concerned should remain a member of the EDA Community because they pose a risk to other members of the EDA Community, or to the good order and/or reputation of EDA • Failure to comply with reasonable instructions relating to discipline issued with Senior Management's authority, including failing to engage with the Disciplinary Process, not responding to communications and/or failing to attend Disciplinary Investigations or Hearings | |
|--|--|--|

62 Any student proven to have removed, damaged, interfered with or otherwise prevented the use of any system or equipment intended for the protection of life against the effects of heat or smoke from fire (to include portable fire extinguishers / fire alarm system call points, sensors etc.) or other emergency lifesaving equipment (i.e. emergency evacuation chairs) will automatically receive a written warning in the first instance which will remain on file for the full period of study. A second incident of a similar nature will automatically result in a full Hearing, where the first incident will also be reconsidered.

63 Following the initial discussion/ written report received, the Complainant will be informed of the investigation principles as below, to determine the next steps in their complaint.

64 A summary of the complaint will be sent to the Complainant who must confirm in writing that the content is correct. This will be sent within 5 working days of the initial complaint raised (note, working days are term-time, Monday to Friday. Complaints received during college breaks may take longer to be addressed). The student will also be sent the options of the investigation principles as outlined below, and they must confirm which route (either a or b at this stage) they would like to take within 10 working days of the summary being sent.

Investigation Principles

65 The investigation principles follow these stages:

- a) Student-led Informal discussion of the Complaint, with option to include the individual(s) directly involved (Stage One).
- b) Formal Investigation of the Complaint by Senior Management (Stage Two).
- c) Referral to the University of Bedfordshire Complaints Procedure and procedural steps (Stage Three).

** Notes will be taken of all meetings, regardless of stage.

Stage One

66 A meeting will be arranged, for which the student should receive at least two clear working days' notice to attend. The staff member(s) conducting the meeting may request a colleague, and the student may also be accompanied by a fellow student or a representative.

67 The best resolution may not always be a direct investigation of an individual or group, and this will be determined by Senior Management, in consultation with the complainant. Heads of Departments and/ or Course Leaders may be involved to manage and address issues at this stage to ensure this is embedded in classroom etiquette, teaching and learning.

68 Options to resolve the complaint at this stage may include:

- a) discussion within tutorial time or embedding ideas and thoughts into class-based learning.
- b) Mediation session with other parties involved

69 The outcome of stage one when dealing with a minor offence cannot be appealed, unless there is a repeated offence or evidence comes to light of a Serious offence being committed.

70 If the student complainant wishes to move beyond an informal discussion, EDA will enter the formal stages of investigation providing there is enough evidence to do so (Stage Two).

71 A record of the circumstances of the Complaint will be retained by the Department(s) or passed to the Department in the case of a Complaint against a service. This record will indicate either any action to be taken or the reason for the decision to reject the Complaint. This record will be destroyed when the student graduates or otherwise ceases to be a student of EDA.

72 EDA will keep basic details of all Complaints resolved at this level, including details of the Complainant, the nature of the Complaint and the outcome. The student too should keep a record of how they tried to resolve the issue informally. This will help inform any further correspondence or escalation of the matters raised.

73 The Formal process can take some time and should be used only if the steps above have been followed.

74 The student has 10 working days from when Informal Outcome is received to submit a Formal Complaint. This timeframe may exceptionally be waived where the student has a valid reason, with formal evidence as to why they were unable to submit the Formal Complaint on time.

74 To make a Formal Complaint, the student should complete a Formal Complaint Form (Appendix 1), accompanied by relevant evidence, and details of the steps the student has taken to resolve the Complaint informally or their reasons for not doing so, and send it to only one of either the Principal or Business, Compliance & Strategy Manager.

75 On receipt of the Formal Complaint, the Principal or Business, Compliance & Strategy Manager will determine whether it is appropriate for the Complaint to be considered under this Policy or another Policy.

76 The student will be informed of their decision within 10 working days of receipt of the Complaint.

Stage Two

77 Repeated Minor or Serious levels of misconduct that are deemed eligible by the Senior Management Team for consideration under this Policy will be subject to an initial investigation. Repeated minor reports may be treated as more serious and may also be subject to investigation.

78 Where the offence is considered as Serious, the Senior Management Team may determine that an interim suspension should be imposed on the student about whom the initial allegation has been made whilst the allegation is being investigated. Offences may enter at this level or progress through from less serious measures (see Warnings, Suspensions and Dismissals).

79 An Investigator will be appointed and may need to conduct a meeting with the Complainant, in which case a note and recording of the meeting will be taken and the student will have the right to a witness.

80 EDA would expect the Complainant to provide as much evidence and written confirmation of events as possible, in order to aid the investigation. Dates, times and location(s) will be critical to determining robustness of the investigation.

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81 The Investigator should attempt to interview all known witnesses and/or the person making the alleged misconduct report and they should be provided with an opportunity to be accompanied by a friend or representative (see Witnesses and Representation). Witnesses may include other students, members of staff, and security and accommodation team members.

82 If an incident occurs on EDA owned premises, the Investigator should always check with the security team to see if the incident was captured on CCTV and ensure the student has seen the CCTV footage.

83 At this point, the person who is alleged to have committed the offence will be notified of the alleged misconduct report against them as outlined in Table 1. Repeated Minor or Serious offences will be progressed the stage 2 process outlined below.

84 The Investigator will send a written invitation email to the student reported of an allegation, inviting them to an Interview, explaining the allegation which has been made, informing them that they may be accompanied by a friend or representative (see Witnesses and Representation), and providing an electronic link to this Policy. The student will be given at least two clear working days' notice to attend and the University will aim to take reasonable account of personal circumstances in arranging an interview. The Investigator may also supplement the email invitation by using other communication mechanisms, such as telephone, to ensure that the student receives the invitation to attend the meeting.

85 If the student reported does not engage with the investigation process, the case will proceed without their input and opportunity to be represented.

86 Students are expected to engage with an Investigation and any subsequent meetings either on campus or through video-conferencing. It is expected that all cameras will be switched on during a meeting unless there is a technical reason why this is not possible. Telephone interviews will only be offered under exceptional circumstances and will be recorded.

87 A student may admit the offence in full or part in writing; or in full or part in person at an Interview, or deny the offence. In all cases, the Investigator will draft a report of findings within 10 working days. This will also include submitting a report if an Investigation Interview does not take place for any reason. Any written statements will need to be scrutinised by the Investigator to check for discrepancies.

88 A written record of a meeting and/or written correspondence must be kept by EDA. The written or oral response will be provided to the student within 10 working days of the Complaint being raised, except where good reason can be demonstrated for requiring a longer period.

89 Following Investigation of the Complaint the Investigator will refer to an independent member of staff to review proceedings and outcomes. In the event that the independent member of staff is uncertain or unclear about the findings, they may seek advice from the Adjudication Team at the University at this stage.

90 If the independent member of staff approves the findings, then the Investigator will provide a written outcome which will be communicated to the student within 10 working days, where possible, and be copied to the students concerned, which resulted in the Complaint.

91 The student will be informed of the outcome of their Complaint and if any remedy is proposed. If the outcome of the complaint at this stage is unsatisfactory to the complainant, they may wish to appeal the decision and move to Stage Three. Nonetheless, if a complaint has been categorised as Minor there may not be an option to move to stage Three. Instead, the complaint will be logged and reviewed at a point of repeat offences.

92 The response will indicate whether the Complaint has been upheld, not upheld or partially upheld and will, where appropriate, identify any action to be taken as a consequence of the outcome.

93 The Investigator can submit their report to the student upon request. Due to General Data Protection Regulations, the student cannot request to see a suitably redacted report related to any other person who has been subject to a separate Investigation Interview in relation to the incident in question
During the Investigation stage, if a student wishes to have any Mitigating Circumstances considered they must disclose this to the Investigator, together with supporting evidence.

94 Where the complaint is not upheld, the student will be notified of their right to proceed to the University of Bedfordshire complaints procedure, where the Registrar and University Secretary determines that there are grounds to investigate procedural activities up to this point.

Stage Three

95 A student may then choose to escalate their complaint to the University of Bedfordshire, and therefore must refer to the University of Bedfordshire Student Code of Conduct.

Appeals procedure

96 Only the following constitutes grounds for appeal:

- a) that the student has new and relevant material evidence or information, which could not have been made available, for valid reasons, for consideration during the process;
- b) that the decision reached was perverse in the light of the evidence presented;
- c) that the procedures were not followed properly at the Hearing or in the process leading up to it which had a material effect upon the final decision; or
- d) that the severity of the penalty imposed was unreasonable and disproportionate.

97 An appeal can only be made by a student who has been complained about.

98 The complainant can appeal to the university if they feel the process of the complaint investigation has not been suitably handled, but they cannot appeal a decision made.

Warnings, Suspensions and Dismissals

99 A record of all offences and penalties will remain on the student's record for the remainder of their period of study.

100 EDA may put in place such measures at any point in the process which are not a sanction or penalty but which EDA sees as necessary to manage the risk to the University community or its reputation or to manage the conduct of any, or all, of the parties. The reasons for such measures will be communicated to all parties.

101 In serious misconduct cases, a note will be added onto a student's record to prevent re-registration without prior consideration of previous cases.

102 In certain cases, particularly where a lengthy Police investigation is involved, which could result in the student being temporarily suspended for some time, it may be appropriate for a student to interrupt their studies and return at a later date.

103 If a student has been dismissed there is no automatic right to re-admission. Any request for re-admission will be considered by the Principal and colleagues at the University.

Warnings

104 Minor offences will be dealt with informally through warning letters by Senior Management Team. Repeated Minor or Serious offences will be progressed to the formal process.

105 A maximum of two written warnings will be issued, after which a final written warning may be issued.

106 Any student proven to have removed, damaged, interfered with or otherwise prevented the use of any system or equipment intended for the protection of life against the effects of heat or smoke from fire (to include portable fire extinguishers / fire alarm system call points, sensors etc) or other emergency lifesaving equipment (ie emergency evacuation chairs) will automatically receive a written warning in the first instance which will remain on file for the full period of study.

107 A second incident of a similar nature will automatically result in a full Hearing, where the first incident will also be reconsidered.

108 Failure to adhere to a final written warning may result in dismissal from EDA and the University Course.

Suspension

109 Where the offence is considered as Serious, the Senior Management Team may decide to temporarily suspend the student about whom the initial allegation has been made whilst the allegation is being investigated. Offences may enter at this level or progress through from less serious measures.

110 A student who is suspected of having committed a very serious disciplinary offence, or against whom a criminal charge is pending, or who is the subject of a Police investigation, may be temporarily suspended from attendance at the University campuses (including accommodation) at the Vice-Chancellor's discretion.

111 When considering a possible suspension, the University will consider the potential risk the alleged perpetrator may pose to staff and students.

112 Temporary suspension is not a sanction or penalty, but is imposed to protect the EDA community, or EDA's reputation, pending a criminal trial or Hearing, or to allow an investigation to be carried out unimpeded.

113 The Principal may impose action short of suspension, such as a requirement that a student does not visit a particular campus or building, or that they do not contact a particular individual. Failure to comply with such a restriction or a suspension would, in itself, constitute a serious disciplinary offence and would be treated as such.

114 If the Principal's decision is to suspend a student this will be notified to the student concerned, in writing by email and they may request that the suspension be removed and should submit their reasons to their Course Leader for consideration by the Principal within 10 working days. This may include representations relating to any imminent examination, assessment or other deadlines. If the student does not make contact within this timescale, the suspension will stand.

115 If a suspension is imposed, support will be provided by Student Services should a student miss deadlines, assessments or examinations.

116 A student who has been suspended will remain suspended until they receive written confirmation from the Principal that the suspension has been lifted.

117 Suspensions will be subject to review by the Principal every four weeks, except in cases where a lengthy suspension is likely, for example during a Police investigation. In this case, the suspension will be reviewed every twelve weeks or in the light of evidence available as to the progress of the case.

Dismissal

118 Recommendation for dismissal is subject to confirmation by the Principal, the University Registrar and University Secretary, and in which case the Vice-Chancellor will be consulted with to make the final decision.

119 Only the Principal and Vice-Chancellor can permanently dismiss a student, which will be communicated in writing by email, and the Principal and Vice-Chancellor may amend the proposed penalty to a lesser one if it is felt appropriate.

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120 If a decision to permanently dismiss is enacted then the University may advise other appropriate bodies of the action that it has taken, for example Student Finance England.

121 If the Principal and Vice-Chancellor recommends dismissal, a student will be notified, in writing by email. They may Appeal the decision within 10 working days, requesting that the dismissal be retracted.

122 Any Appeal should be submitted to the University through their procedures. If the student does not Appeal within this timescale, the dismissal will stand.

Mediation

123 At any point prior to Stage Three and/ or its potential conclusion, a request for mediation can be made by a Complainant.

124 Mediation will only occur with the agreement of all parties involved, and the formal Complaints Procedure will be suspended while mediation takes place.

125 The purpose of mediation is to provide a forum for reaching a decision on, or solution to, a student's Complaint, particularly where the Complaint centres on a certain member of staff or a group of staff.

126 The mediation forum consists of the student and their friend, the member of staff/ Freelancer or student who is the subject of the Complaint, the member(s) or staff responsible for the area of the EDA's activity that is the subject of the Complaint, the Principal and/ or Senior Member of Staff and a Chair appointed by the Principal from among the senior staff of EDA not previously involved in the Complaint.

127 The mediation procedure may be invoked or rejected by either the student or the University.

128 The key features of the mediation procedure are that it provides a forum for the discussion of key issues contributing to the case, and that members agree at the outset to abide by the outcomes of the discussion. From the University's perspective, the outcome of the mediation forum concludes the Complaints Procedure.

Document Review

| Version Number | Date of Issue | Review Date | Author | Changes Made/ detail |
|-----------------------|----------------------|--------------------|------------------|---|
| 01 | July 2020 | July 2021 | Sarah Moore | First issue |
| 02 | July 2024 | July 2025 | Sarah Moore | Amended to be more in-line with university processes |
| 03 | June 2025 | June 2026 | Victoria Hammond | Amended any references to Student Complaint Policy, as it is embedded within Student Code of Conduct Policy |

Appendix 1: Stage Two – Formal Student Complaint Form

Please read the Student Code of Conduct Policy before completing this form.

All sections of this form must be completed in full and official supporting evidence must be provided.

Please sign and date the form and return to either the Business, Compliance & Strategy Manager (sarah@emildale.co.uk) or the Principal (vicky@emildale.co.uk) - Please only send to ONE of these members of staff.

Your Complaint will be delayed if you do not complete this form in full.

Your Details

| | | | |
|---------------------------------|--|-----------------------------------|--|
| Student Name | | Email Address | |
| Course Title/ Year Group | | Address for correspondence | |
| Phone Number(s) | | | |

Please answer these questions to check your Complaint is eligible for consideration

1. Has your complaint been considered at the Student-Level Informal Discussion Stage? If you answer 'no' to this question, please submit your Complaint to the member of staff or Department most directly involved with the problem or issues raised (see the complaints Process 3.1 in this policy)

YES NO

2. Are you complaining within 10 working days of receiving your Informal Outcome? You must submit your Stage One Formal Complaint to EDA within 10 working days of receiving your Informal Outcome. If your Complaint is submitted late, it will not normally be considered (see below).

YES NO

3. If you are not complaining within 10 days of receiving your Informal Outcome is there an exceptional reason for this? If Yes, please provide an explanation and evidence to support your claim.

YES NO

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.....

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.....

If you have answered 'no' to any of the above questions, it is unlikely that EDA will consider your Complaint.

If you have answered 'yes' to the above questions, it is likely that your Complaint is eligible for consideration. Please complete the rest of this form and send it to either the Business, Compliance & Strategy Manager (sarah@emildale.co.uk) or the Principal (vicky@emildale.co.uk) - Please only send to ONE of these members of staff.

Please explain your Complaint fully, giving specific dates and times where appropriate.

Please explain how you have attempted to resolve your Complaint so far, including the details of the Student-Led Informal Discussion. Please include the name of the person(s) you have dealt with and why you remain dissatisfied:

Please explain what you would like to happen to resolve your Complaint

DECLARATION

By submitting this form to the Adjudication Team I confirm that:

- I have read the Student Code of Conduct Policy and understand that my Complaint will only be considered within the terms of this Policy and EDA Regulations.
- The information I have provided on this form is true to the best of my knowledge;
- I understand that if any information I have provided is found to be false I may be subject to disciplinary proceedings.
- I agree that information about my Complaint may be gathered from within EDA by members of staff in EDA as directed by the Adjudication Team. I agree that my name and other necessary information about the Complaint may be disclosed, this is in order to investigate my Complaint properly, and to balance fairness with the rights of the person/department about whom the Complaint is made.
- I also understand and accept that the outcome of Formal Complaints must be recorded for the purposes of monitoring and analysing Complaints generally, and for reporting to Academic Board for monitoring and evaluation in terms of quality assurance as EDA is required to under the section of the QAA Code of Practice on Appeals and Complaints.

| | |
|-----------------------------------|--|
| Your Name (Block Capitals/ Typed) | |
| Signature | |
| Date | |

Appendix 2: Sexual Misconduct

- 1 Sexual misconduct can take place between individuals who know each other, are in relationship with one another, have previously engaged in consensual sexual activity and between individuals who do not know each other. Those of any gender identity, age, ethnicity/race and sexuality can commit, or be a victim of, sexual misconduct.
- 2 Sexual misconduct relates to a range of inappropriate and unwanted behaviours of a sexual nature and includes any conduct that is sexual, unwanted and causes distress, or that otherwise constitutes harassment, bullying or victimisation.
- 3 In all examples where consent is referenced, this is taken to be the legal definition of consent, i.e. a person consents, if they agree by choice and have the freedom and capacity to make that choice. (Sexual Offences Act, 2003).
- 4 When considering whether the relevant conduct was 'sexual', the Investigator or Provost will take into account and give due weight to the experience and viewpoint of the Reporting Party.
- 5 In considering whether the relevant 'conduct' constitutes misconduct, the Investigator or Provost will consider whether it was "unwanted and causes distress, or that otherwise constitutes harassment, bullying or victimisation"; in this respect, Investigator Officer or Provost will take into account and give due weight to the experience and viewpoint of the Reporting Party.
- 6 Questions about whether the person accused of 'sexual misconduct' was mistaken as to any relevant matter (i.e. whether the conduct in question was unwanted or caused distress, or whether it amounted to sexual conduct), how reasonable or otherwise such a mistake might have been, and whether there are any other plausible explanations for what happened, are matters on which the Investigator or Provost will offer the Responding Party an opportunity to explain. In accordance with University Policy, what is said will be taken into account and an opportunity will be provided to hear statements from anyone else who witnessed the relevant incident(s), all of which will be given due weight.

Definitions

Balance of Probabilities is the standard of proof, ie on the basis of the evidence available, then it more likely than not that the alleged breach occurred.

Coercion or Force includes any physical or emotional harm or threat of physical or emotional harm which would reasonably place an individual in fear of immediate or future harm, with the result that the individual is compelled to engage in a sexual act.

Complicity includes any act by a person that knowingly assists, aid and abets, promotes, or encourages any form of misconduct including sexual misconduct and violence by another individual.

Consent is the agreement to participate in a sexual act where the individual has both the freedom and capacity to make that decision willingly. Consent cannot be assumed on the basis of a previous sexual experience or previously given consent, and consent may be withdrawn at any time.

Disclosure means that an individual tells a member of the University community that they have experienced Sexual Misconduct (this is different from a formal complaint).

Disclosing Party is the person(s) who is disclosing an allegation of sexual misconduct to another individual.

Domestic abuse and coercive or controlling behaviour include incidents of controlling, coercive, threatening behaviour, violence or abuse between individuals who are, or have been, intimate partners, in a close relationship or family members. This can include, but is not limited to, psychological, physical, sexual, financial and/or emotional abuse.

Freedom/Capacity to consent cannot be given if the individual does not have the capacity to give consent. The individual has to freely and consciously engage in a sexual act. Consent is not present when submission by an unwilling participant results from the exploitation of power, or coercion or force or lacks mental capacity to consent regardless of whether there is verbal or physical resistance. An individual is deemed to be incapacitated when asleep, unconscious, semi-conscious, or in a state of intermittent Student Code of Conduct (3 Year Course and 1 Year Course)

consciousness, or any other state of unawareness that a sexual act may be occurring. Incapacitation may occur on account of an impairment of or a disturbance in the functioning of, the mind or brain (whether permanent or temporary), or as the result of alcohol or substance use. Intoxication is never a defence for committing an act of sexual misconduct, or for failing to obtain consent. If there is any doubt as to the level or extent of one's own or the other individual's incapacitation, do not engage in a sexual act.

Reporting means submitting a formal sexual misconduct complaint to the University regarding an individual's experience of sexual misconduct is an instruction for the University to take appropriate action. The complaint will allow the University to investigate the misconduct as set out in this policy and the accompanying processes.

Reporting Party is the person(s) who has made a formal complaint regarding an alleged incident of sexual misconduct.

Reporting Third Party is the person(s) who has made a formal complaint regarding an experience of sexual misconduct not relating to themselves.

Responding Party is the person(s) named in a formal complaint who is alleged to have committed an act of sexual misconduct. Revenge may constitute any words or behaviour including intimidation, threats, omissions or coercion, made in response to disclosures or reports made under this Policy. This includes the Responding Party and the Reporting Party, as well as witnesses, friends, or relatives.

Right to withdraw. Following submission of a formal complaint, the Reporting Party has the right to withdraw their complaint at any stage in the procedure. However, the University may have a duty to continue its investigation and reserves the right to re-direct the complaint into the appropriate policy, for example Safeguarding Policy or Fitness to Practice Procedure.

SASH Responders are advisors who can talk in confidence about the University's procedures, how to make a complaint, support in contacting the Police and highlight what support is available. To speak to a SASH Responder go to any SiD Desk, Reception or speak to a member of Security.

Sexual harassment in the context of this Policy is defined as behaviour which makes another person feel distressed, intimidated or offended and the behaviour is of a sexual nature. A factor in considering whether behaviour amounts to sexual harassment is whether the person towards whom the behaviour is directed has actively consented to it, or if they have asked the person engaging in the behaviour to stop doing it. It may include behaviour that does not involve physical contact e.g a) Sexual comments or jokes. b) Displaying pictures, photos or drawings of a sexual nature. c) Sending inappropriate emails or other form of electronic communication with a sexual content. d) Physical behaviour (but which stops short of contact), including unwelcome sexual advances and stalking. e) Continued advances or invitations to social activities when the invitee has made it clear the advances or invitations are not welcome. If contact or violence is involved, the offence may become sexual assault.

Sexual Misconduct is any unwanted conduct of a sexual nature which occurred in person or by letter, telephone, text, email or any other electronic and/or social media. It includes, but is not limited to, the following behaviour:

- a) Engaging, or attempting to engage, in a sexual act with another individual without consent, including penetration of the anus, vagina or mouth with any body part or other object without consent.
- b) Any form of unwanted sexual touching in what may reasonably be perceived as a sexual manner without consent, for example, kissing, touching a person's clothes, stroking their hair, touching their body or deliberately rubbing or brushing up against them or standing too close to them.
- c) Conduct of a sexual nature which creates (or could create) an intimidating, hostile, degrading, humiliating, or offensive environment for others including making unwanted remarks of a sexual nature (this could take place in public spaces or as part of a group).
- d) Showing body parts to another in person or electronically in a sexually inappropriate way.
- e) Recording and/or sharing private intimate materials images or recordings of another person without their consent (i.e. those made of an individual with the understanding that they would not be shared) such as videos or photographs in

physical spaces – including the creation of imagery without the individuals’ involved consenting at any stage of that creation (e.g. “deepfakes”).

f) Arranging or participating in events, which may reasonably be assumed to cause degradation and humiliation, for example inappropriately themed social events or initiations.

g) Activities where consent has been given however, the level of sexual violence used exceeds the level of reasonableness of the implied consent e.g. BDSM.

h) Sharing or creating public sexual materials (i.e. those pornographic materials that are widely available via media outlets) in physical spaces with the intention to sexually harass or incite harassment or violence.

i) Inappropriately showing sexual organs (e.g. penis/ external genitalia) to another person, or inappropriately allowing sexual organs to be seen, in a physical space – including masturbation in a public space.

j) Making unwanted remarks that may reasonably be perceived to be of a sexual nature, for example, making sexual remarks about a person’s body, asking questions of a sexual nature, making sexual comments or innuendo or telling sexual jokes.

k) Making unwarranted and unsolicited noises to another person such as wolf-whistling or catcalling or sex-based noises such as sexual grunting or moaning. l) Repeated, unwanted and unsolicited contact of a sexual nature either in person or by telephone or text message, e-mail, social media or in any online or digital space (Note: “repeated contact” in an online space constitutes repeated unsolicited contact in one digital platform or multiple unwanted contacts in numerous digital platforms). m) Storing or viewing inappropriate material on University IT equipment.

Vexatious Reporting occurs when an individual shares allegations of sexual misconduct they know to lack a basis in fact. Examples include creating unwarranted or fictitious reports made under this or any other Policy, or a continuous refusal to accept any reasonable decisions arising from the application of the Procedures within this Policy.

Appendix 3: Responding to a Report of Sexual Violence and Sexual Harassment

Introduction

- 1 Emil Dale Academy, alongside The University of Bedfordshire, is committed to providing a safe and respectful environment where the whole community is able to study, work and live free from sexual violence and sexual harassment.
- 2 EDA takes any incidents of sexual violence or sexual harassment very seriously and is committed to handling all reports sensitively, effectively and in a timely manner.
- 3 EDA will provide emotional support to any students who have been impacted by sexual violence or sexual harassment and information and advice on how to access help.

Scope

- 4 This protocol applies to all members of the EDA community including current students, employees and visitors. Sexual violence and sexual harassment of any kind is not permitted and everyone is expected to treat all members of the community with dignity and respect.
- 5 It provides support and advice in the event of sexual violence or sexual harassment in learning or working environments, student accommodation and social activities, on and off campus.

Background

- 6 In October 2016 Universities UK (UUK) published Changing the Culture (<https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Pages/changing-the-culture-final-report.aspx>), a report setting out the findings of a taskforce that had examined violence, harassment and hate crime against women particularly prioritising issues of sexual violence and sexual harassment in higher education.
- 7 The report made a set of recommendations, which recognised that a whole university approach and a clear framework of advice and guidance was necessary for the institution.
- 8 In accordance with this framework, EDA as part of the University of Bedfordshire, has set out its commitment to:
 - Create a culture free from sexual violence and sexual harassment, where the whole community behave with respect and dignity to each other, consent and understanding boundaries are the norm and individuals affected speak up and get help
 - Take all reasonable steps to meet the University's statutory obligations to eliminate and prevent sexual violence and harassment, and address any inappropriate behaviours promptly to prevent issues from escalating
 - Where sexual violence or harassment does occur, ensure everyone knows how to seek help and appropriate support will be provided
 - Handle all allegations of sexual violence and / or harassment seriously and sensitively and investigate them promptly while protecting the individual rights of those involved, including those against whom an allegation has been made
 - Ensure any behaviours which constitute sexual violence or harassment will be treated as a serious disciplinary offence and dealt with under the Student Code of Conduct and Disciplinary Policy, or Staff Disciplinary Procedure for employees Following on from the framework of the UUK report, the Office for Students (OfS) published a Statement of Expectations (<https://www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-andprotection/prevent-and-address-harassment-and-sexual-misconduct/statement-of-expectations/>) in April 2021 for preventing and addressing harassment and sexual misconduct affecting students in higher education.

Key Definitions

- 9 Sexual violence is any unwanted or uninvited sexual act or activity. There are many different types of sexual violence and these can be psychological and/ or physical. This includes (but is not limited to) rape, sexual assault, sexual harassment, coercion, gas lighting, forced marriage, honour based violence and sexual exploitation.
- 10 Domestic abuse is an incident or pattern of incidents of controlling, coercive, threatening, degrading and violent behaviour, including sexual violence in the majority of cases by a partner or ex-partner, but can also be a family member or carer.

11 Sexual Harassment describes a range of words, behaviours and/ or conduct of a sexual nature that are unwanted and uninvited. It is often intended to or has the effect of creating an intimidating, degrading, humiliating or offensive impact. Sexual harassment does not necessarily occur face to face and can be in the form of emails, visual images, social media, text messages and image-based abuse such as revenge porn and up-skirting.

12 Consent is providing express permission for something to happen or agreeing to do something with a full awareness and understanding of the facts and without coercion.

Consent cannot be presumed but must be explicitly given each time verbally or non-verbally, and can be withdrawn at any time.

Making a disclosure

13 Students and staff are not obliged to disclose any incident of sexual violence or harassment to the EDA. However, anyone affected is encouraged to act promptly and not to feel at fault for any sexual violence or sexual harassment, or that they have to wait for a situation to be repeated or exacerbated. It is important that they should not feel they have to tolerate such behaviour and that they know EDA will provide support if, when and how they decide to take further action.

14 Where it is considered that there is an immediate danger to the personal safety of any person, this should be reported immediately to the police on 999.

15 Any student who has been victim or witness to an incident, or has any concerns regarding sexual violence or sexual harassment, can access support through various channels:

- Visit any Reception or Student Information Desk (SiD) on campus
- Contact Student Support on 01234 793333 (Bedford), or through the Student Information Desk (SiD) on 0300 300 0042 (Luton and other sites)
- Seek advice or discuss the matter in the first instance with a personal tutor, lecturer or other staff member with whom they feel comfortable
- Make a report via Support and Report – supportandreport@beds.ac.uk
- Call Security on 0800 389 8455 (24/7 emergency number) A staff member who has been victim or witness to an incident, or has concerns regarding sexual violence or sexual harassment, can access support through the following channels:
 - Contact their designated HR Advisor
 - Seek advice or discuss the matter in the first instance with their line manager or a colleague, or anyone whom they feel comfortable; this may include a trade union representative
 - Make a report via Support and Report – supportandreport@beds.ac.uk
 - Call Security on 0800 389 8455 (24/7 emergency number)

The student or staff member will be referred to a SASH (Sexual Assault & Sexual Harassment) Responder, who will be able to provide immediate guidance and support (during office hours). SASH (Sexual Assault & Sexual Harassment) Responders

16 The University of Bedfordshire has specialist, trained SASH (Sexual Assault & Sexual Harassment) Responders who can provide information and advice in a safe and confidential space, to any student or staff member who is victim or witness of sexual violence or sexual harassment.

17 Anyone reporting an allegation will be treated with dignity and respect, and given time to disclose their circumstances at their own pace and only if they are comfortable to do so. The SASH Responder will not push for details, make assumptions or act without consent. They are there to listen and provide information to the individual about their rights and the options open to them.

18 Deciding whether or not to report an incident to the police can be a difficult decision to make and an individual may need time to think about this option, especially if they are feeling distressed or in a state of shock. The SASH Responder can provide advice about the relevant time frames and the preservation of forensic evidence, to report the incident immediately or at a later date.

19 If an individual does not want to report the incident but would like the police to be made aware that it has occurred, the SASH Responder can assist them to report it anonymously. The University will respect the decision of the individual and any information about the incident will not be shared beyond relevant staff without consent – unless any persons are at significant risk.

20 Accessing emotional support Being the victim of sexual violence and sexual harassment is a very distressing experience and individuals can often react differently.

21 It is not unusual for feelings to change from day to day and there can be a delay between the incident and an emotional reaction.

22 Students who are experiencing a reaction to an incident, no matter how much later, can seek help from their GP, counsellors or voluntary sector agencies. They should not feel they have to cope on their own.

23 EDA has lead safeguarding officers and a Welfare Office, as well as the University has specialist teams available to provide advice, support and counselling: Student Engagement team student.engagement@beds.ac.uk

24 The University of Bedfordshire has Student Engagement Advisors who give independent and confidential advice, and can refer students to other Specialist Support teams, including Counselling, Mental Health Support and Chaplaincy. Counselling Service Luton & other sites counselling@beds.ac.uk Bedford counsellingbedford@beds.ac.uk Mental Health Support Luton, Bedford & other sites mentalhealth@beds.ac.uk Community & Faith Centre Luton, Bedford & other sites chaplaincy@beds.ac.uk Beds SU Advice Service Luton, Bedford & other sites be.supported@beds.ac.uk Staff can access support from Human Resources and/or the Employee Assistance Programme (EAP) on the Freephone helpline 0800 328 1437, or through the website www.employeeassistance.org.uk using the access code 'UoB'. They can also contact the Chaplaincy on chaplaincy@beds.ac.uk

25 Students and staff can also seek support from a number of external agencies:

26 Local Services Emerald Centre (SARC) www.emeraldcentre.org

The Emerald Centre Sexual Assault Referral Centre (SARC) is available 24/7 and offers confidential support and practical help to anyone in Bedfordshire and Luton who has experienced sexual abuse. Tel: 01234 842750 (9am to 5pm) / 0330 223 0099 (out of hours) info@emeraldcentre.org Victim Support Bedfordshire www.victimsupport.org.uk Victim Support provides emotional and practical help to people who have been affected by any crime, including sexual violence and domestic abuse. Tel: 0808 1689 111 Independent Domestic Violence Advisor (IDVA); Victim Support Provide domestic abuse support services across Bedfordshire, with IDVA services in Luton, Bedford and based at Bedford Hospital. www.victimsupport.org.uk/resources/bedfordshire/ Tel: 01582 488777 (Luton), 01234 763785 (Bedford)

27 The Hope Programme www.hopeprogramme.com

The Hope Programme offers a helpline, emotional support and counselling to men, women, boys and girls over 10 years old who have suffered rape and sexual violence. Tel: 0300 365 1045 Signpost Hub www.signpostforbedfordshire Free and confidential advice and emotional/ practical support to help victims impacted by crime across Bedfordshire to cope and recover. Tel: 0800 0282887 National helplines The Survivors Trust (TST) www.thesurvivorstrust.org The Survivors Trust is a UK-wide national umbrella agency for 141 specialist organisations for support for the impact of rape, sexual violence and childhood sexual abuse. Tel: 0808 801 0818 Women's Aid www.womensaid.org.uk A 24hr Freephone National Domestic Violence Helpline is run in partnership between Women's Aid and Refuge by fully trained female support workers and volunteers.

28 Men's Advice Line www.mensadvice.org.uk

Men's Advice Line is a confidential helpline for men experiencing domestic violence and abuse, which offers practical advice, information and emotional support. Tel: 0808 801 0327 27

Escalating a reported incident (internal) If a student decides to make a formal report or complaint of sexual violence or sexual harassment against another member of the University community, they need to inform the Adjudication Team (adjudication@beds.ac.uk), in accordance with the guidance in the Student Code of Conduct Policy and Procedures. The SASH Student Code of Conduct (3 Year Course and 1 Year Course)

Responder can provide assistance to escalate their concerns. A staff member can escalate any concerns regarding sexual violence or sexual harassment against another member of the University community through Human Resources. Both students and staff can also report an incident via supportandreport@beds.ac.uk, for appropriate escalation. All reports will be taken seriously and will be investigated in accordance with the guidance in the relevant policy, with due consideration to all parties. The reporting party will be kept informed by the Adjudication Team or Human Resources as appropriate. If the individual decides to pursue a police complaint and a police investigation is commenced, the University will consider whether an internal investigation is required or, if already underway, whether the internal investigation should be paused whilst the police investigation is undertaken.

29 Adjustments may be required during this time period to protect EDA, the University and the individual(s) involved. Examples may include:

- For students, this may involve a change of accommodation for one or both individuals, a recommendation of interruption of studies, separating students involved in the learning environment etc and/or removal of a student from campus
- For staff members, this could include temporary redeployment, amending work duties and/or relocation to a different work location and paid suspension from work Full consideration will be given to the facts and circumstances of each particular case when considering how and when investigations should be undertaken, any necessary adjustments and any disciplinary or other sanctions. Further information on the steps involved once a report has been escalated to the Adjudication Team or Human Resources can be found in the relevant policy:
- Student Code of Conduct and Disciplinary Policy & Procedures
- Staff Disciplinary Procedure