

Definition of a Friend and Representative in Student Governance Procedures

Responsibility for Policy:

Registrar and Chief Operating
Officer

**Responsibility for
Document Review:**

Student Governance

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RELEVANT DOCUMENTS

Academic Misconduct Policy
Student Complaints Procedure
Student Code of Behaviour and Student Disciplinary Procedures
Fitness to Practise Policy
Fitness to Study and Engage in the University Experience Policy

RELATED POLICIES & DOCUMENTS

Definition of a friend and representative in student governance procedures

Student Governance procedures (student complaints, disciplinary procedures, academic misconduct panels, fitness to practise procedures, fitness to study procedures) follow the principles of natural justice and include the right for students to be accompanied by one 'friend' at all stages of the relevant procedure, including meetings, formal investigations and hearings.

In this context, LJMU defines a friend as a person who accompanies a student to provide support, for example, an adviser from the John Moores Students' Union, a relative or a personal friend, who is with the student during proceedings. Students are responsible for making their own arrangements to have an appropriate friend in attendance at proceedings. The friend does not act as advocate for the student and the student is expected to speak on their own behalf. A friend may speak for the student where this would support the provision of reasonable adjustment under the Equality Act 2010, for example, where a student may need a British Sign Language interpreter.

A person cannot act as a friend or attend a meeting in the following scenarios:

1. Where they are subject to the same complaints, allegations or related breach of university rules and will be required to attend their own investigation meeting.
2. Where it can be demonstrated that they have the potential to gain personal advantage by them being party to the matters discussed.
3. Where they have the potential to be invited as an independent witness as part of the investigation process.
4. Or where there is any other conflict of interest.

Legal representation

Students have the right to seek legal advice and may request to be accompanied at a meeting or hearing by a legal adviser such as a solicitor or other legal professional. The university asserts that these meetings or hearings are internal proceedings and while the attendance of a legal professional is not prohibited, their attendance must normally be in the capacity of friend as defined above.

Under exceptional circumstances, the university may allow a solicitor or barrister to attend in their role as a legal professional. Such exceptions will be considered on a case-by-case basis by the Academic Registrar (or nominee), using the following criteria

- The seriousness of the allegation.
- Complexities in the evidence likely to be presented.
- The capacity of the individual to understand the case against them.
- Likely procedural challenges.
- The need for fairness in the cross-examination of evidence.

Definition of a trade union representative

The trade union representative is a union member who represents or gives advice to colleagues when they have problems at work. This may include attending formal meetings or hearings with staff. If a trade union representative attends a meeting with staff, then they do so in the capacity of supporter and adviser to the member of staff.

<https://www.gov.uk/join-trade-union/role-of-your-trade-union-rep>

JMSU advice

Students can obtain professional and independent advice from a qualified adviser at Liverpool John Moores Students' Union Advice Centre, telephone number 0151 231 4900 or email JMSUadvice@ljmu.ac.uk

Further information is available on the Liverpool John Moores Students' Union webpages at <https://www.jmsu.co.uk/advice> They will provide help and support on a range of student related matters. This may include attending formal meetings or hearings with students. If a students' union representative attends a meeting with students, then they do so in the capacity as supporter and adviser to the student.

Further advice can be obtained from StudentGovernance@ljmu.ac.uk or John Moores Students' Union at JMSUadvice@ljmu.ac.uk