

University of Chichester

DISCIPLINARY CODE AND PROCEDURES RELATED TO STUDENTS IN HALLS OF RESIDENCE

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DISCIPLINARY CODE AND PROCEDURES RELATED TO STUDENTS IN HALLS OF RESIDENCE

1. Introduction

This Disciplinary Code and Procedures should be read together with the University's Procedures for Disciplinary Action against Students contained in the Academic Regulations. This Disciplinary Code and Procedures relate to students in Halls of Residence and are specific to the accommodation provision. They underpin the Academic Regulations, and the Academic Regulations take precedence over the residential disciplinary procedures, where applicable.

In signing the residential agreement a student agrees to be subject to the Accommodation Disciplinary Code and Procedures and applicable points of those in the Academic Regulations.

Any staff member dealing with any disciplinary matter, including the most minor misdemeanour will be required to keep a written record of the incident. Only matters leading to an informal or formal warning will be placed on the student's accommodation file and the student will be provided with a copy of the record, if requested. Normally, minor misdemeanours will not be referred to in references to future landlords, unless the student authorises a full disclosure.

Guidance on these procedures is offered by the Accommodation Office. Students are also able to seek advice offered by the Students' Union.

2. Precedence of legal processes

Where a student is the subject of prosecution, the University recognises the precedence of such legal processes over the application of the accommodation disciplinary procedures. In such cases, it is for the Director of Business Services to decide whether and when action should be taken under these procedures, with the approval of the Chief Financial Officer, in cases where alleged criminal conduct has been reported to the police and either prosecution or a decision not to prosecute has been taken.

3. Applicability

The residential disciplinary code and procedures apply to every student in University managed accommodation, registered as a student of the University, including the Student Wardens and Students' Union Sabbatical Officers.

The residential code and procedure will not normally apply to misconduct which takes place away from a University campus or at residential facilities not owned or managed by the University. Such matters will be dealt with via the University's Academic Regulations.

Initial and minor misconducts (such as noise, antisocial behaviour and minor breach of licence agreement conditions – see Appendix A) will be dealt with by the Accommodation Office via use of informal warnings. More significant, serious, grave or continued poor behaviour (defined as ‘serious’ henceforth) will be dealt with by the Accommodation Manager (or nominee i.e. the Accommodation Officer (On-Campus) or the Director of Business Services.

4. Rules on Behaviour

4.1 General Expectations

Within the University’s academic community it is expected that the highest levels of personal responsibility and mutual respect will be shown.

All students and officers of the Students’ Union are required to observe the current University rules and regulations.

4.2 Misconduct

Whilst not an exhaustive list and without prejudice to the generality of the foregoing, the following should be regarded as misconduct within the University’s accommodation, and therefore subject to these disciplinary procedures:

- (a) Obstruction or improper interference with the functions, duties or activities of any student, member of staff or other employee or contractor of the University or any authorised visitor to the University.
- (b) Conduct which unreasonably disrupts or is likely to disrupt teaching, study, examining, research or administration in the University, or which obstructs or is likely to obstruct any student in pursuit of his/her studies or the duties of any employee of the University in the performance of his/her duties.
- (c) Conduct considered to be in breach of the accepted standards of the profession for which the student is being prepared.
- (d) Violent, indecent, disorderly, threatening or offensive behaviour or language whilst on University premises or engaged in any University activity.
- (e) Fraud, deceit, deception or dishonesty in relation to the University, its staff, its contractors or students whether in connection with holding any office in the University or in relation to being a student of the University.
- (f) Action likely to cause injury or impair the safety of oneself or others on University premises.
- (g) Breach of the provisions of the University’s Equality and Diversity Policy or Policy for addressing Harassment.
- (h) Breach of the provisions of any Code or University rule or regulation which provides for breaches to constitute misconduct under this Code.
- (i) Damage to or defacement of University property or of the property of the members of the University community caused intentionally or recklessly; misappropriation of such property.

- (j) Misuse or unauthorised use of University premises or items of property.
- (k) Misuse or unauthorised use of University IT equipment and systems.
- (l) Conduct which constitutes a criminal offence where that conduct took place on University premises; or affected or concerned other members of the University community; or directly damages the good name of the University; or itself constitutes misconduct within the terms of this Code.
- (m) Behaviour which specifically brings the University into disrepute.
- (n) Failure to disclose name and other relevant details to an employee, agent or authorised person of the University in circumstances when it is reasonable to require that such information be given.
- (o) Failure to comply with a previously imposed penalty under this Code and other related procedures.
- (p) Failure to leave any of the University premises when reasonably requested to do so by an officer or employee of the University or other person duly authorised.
- (q) Excessive noise in or around the University Halls of Residence, or other University-owned residences.

The University does not condone excessive drinking of alcohol due to the social and health issues it can create. Students retain full responsibility for any actions deemed as misconduct whilst under the influence of alcohol or other substances possibly affecting behaviour patterns.

In extreme cases of misconduct, where it is reasonably considered that not to do so would put their own or others' welfare or wellbeing at potential risk, the Director of Business Services may, where s/he deems it to be appropriate, suspend a student from residential accommodation for a maximum of 14 calendar days, whilst the procedures detailed below are operated. This suspension may take immediate effect. If a suspension for a period of greater than 14 days is required this can only be approved by the Vice-Chancellor.

In circumstances where the alleged misconduct is sufficiently serious to warrant temporarily moving the student to alternative accommodation, the Director of Business Services may utilise this option. All displacement costs, when greater in value than rent being paid by the student, will initially be supported by the Accommodation Office, but these can be recouped from the student if subsequently found at fault, following an investigation.

The Vice-Chancellor may decide to suspend a student, from the University and therefore halls also, where their conduct is under police investigation or the subject of prosecutions, pending the outcome of the matter, for periods up to and greater than 14 days. In such cases, the suspension will be reviewed on a monthly basis and any fresh evidence will be considered at that point. The student involved shall be informed of the review process.

4.3 Cause of Damage or Loss

The University has the right to require a student or group of people responsible for the area/facility to pay for any damages or losses caused by confirmed

misconduct. Payment of such damage must be within 28 days and will be aligned with the charges listed in the current version of the Residential Handbook or via an independent quote. A proportionate administration fee can be added to the invoice for processing the work.

5. Criminal Offences

5.1 Reporting of Criminal Offences

Incidents arising in University managed accommodation will be reported to the Police by the University, unless decided otherwise by the Director of Business Services, in consultation with or with the approval of the Chief Financial Officer.

5.2 Where Misconduct is also a Criminal Offence

Conduct which constitutes a criminal offence may also constitute misconduct if that conduct:

- (a) took place on University premises, and/or;
- (b) affects or concerns other members of the University, and/or;
- (c) damages the reputation of the University, and/or;
- (d) itself constitutes misconduct within the terms of this code.

5.3 University/Criminal Offence

The following procedures apply where an alleged misconduct would also constitute an offence under the criminal law, if proved in a court of law:

- (a) Where the offence, under criminal law, is considered by the University to be not serious, action under this Code may continue but such action may be deferred, at the discretion of the Director of Business Services, pending any police investigation or prosecution.
- (b) In the case of serious offences under criminal law, no action (other than suspension from hall in the context of this procedure) pursuant to section 4.2, will be taken under this code and procedure unless the matter has been reported to the police and either prosecuted or a decision not to prosecute has been taken, at which time the Director of Business Services should decide whether disciplinary action under this Code should continue or be taken. A serious offence is deemed to be one in respect of which a custodial sentence would be given in the event that the student is found guilty of the offence.
- (c) Where a finding of misconduct is made and the student has also been sentenced by a criminal court in respect of the same facts, the court's

penalty shall be taken into consideration in determining any penalty under these procedures. This decision will lie with either the Accommodation Manager or the Director of Business Services.

- (d) If the police or the Crown Prosecution Service decide not to prosecute, the University may, exceptionally, proceed with action under these procedures depending on the reasons for the non-prosecution. The student is bound to provide the University with any relevant criminal convictions, which may be established by the University via authorised routes if the outcomes of the court actions are not disclosed.

6. Procedures

6.1 General Considerations

- (a) All disciplinary proceedings are strictly confidential between the student and the University and any representative of the student, unless legislation dictates otherwise or the student wishes to disclose information.
- (b) At the end of the disciplinary process the University reserves the right to recover any damages that the University has incurred as a result of action by the student concerned if it was established the student was at fault.
- (c) The Director of Business Services has the right to exclude the student from the Halls of Residence in accordance with the University Licence Agreement during investigation of an incident for up to 14 days, unless the suspected misconduct is related to a criminal activity. This period may be extended by the Vice-Chancellor.

6.2 Reporting of Misconduct

Staff or students should report all cases of misconduct to the Accommodation On-Campus Officers or nominees, the Duty Caretaker or Security staff as soon as possible after they occur and subsequently confirmed in writing. The report should contain the following information

- (a) person or persons against whom the allegation of misconduct is made.
- (b) nature and frequency of the misconduct.
- (c) time and location of the misconduct and its reporting.
- (d) names of witnesses, and where possible contact details, who observed the misconduct and/or others made aware of the misconduct.
- (e) actions taken to deter the misconduct

6.3 Investigation of the Misconduct

The Accommodation Manager or nominee shall arrange the appropriate level of investigation of the reported misconduct based upon the disciplinary matrix (see Appendix A):

- (a) Once information has been received by the Accommodation Manager or named nominee they will determine within 14 working days, which of the following disciplinary proceedings will be invoked:
 - (i) an investigation is commenced; this may lead to a Stage 1 or Stage 2 informal warning being issued if substantiated. The investigation should be carried out by a nominated member of staff of the Accommodation Office. (Stage 1 informal warnings can be issued by Staff Wardens or Housekeepers and Stage 2 informal warnings by the Accommodation Officer without the necessity of a full investigation, if the facts surrounding the incident warrant the immediate issue of such a warning);
 - (ii) formal investigation by the Accommodation Manager;
 - (iii) formal investigation by the Director of Business Services;
 - (iv) suspension of the student from University owned accommodation, pending formal investigation.
 - (v) The matter passed onto the appropriate Deputy Dean (Academic Provision) if the matter should be dealt with under the Academic Regulations.
- (b) In circumstances where either option (i) or (ii) is invoked the applicable

Accommodation Office member of staff will meet with the student to allow the student to provide counter evidence. A decision will be made by the member of staff within 3 working days, but ideally at the end of the meeting with the student.

- (c) In circumstances where option (iii) is invoked it is the responsibility of the Accommodation Manager to ensure that:
 - (i) The student is informed in writing of the alleged misconduct, the procedures which will be adopted for its investigation, the interview arrangements, and the right to be accompanied either by a (non-interested) fellow student or a representative of the Students' Union, or a member of the academic, welfare or advisory staff of the University, but not accompanied or represented by any other individual.
 - (ii) Before the interview, the name and position of any accompanying person should be advised to the Accommodation Manager or nominee who has discretion to object on grounds of involvement in the incident.
 - (iii) The facts surrounding the alleged breach are investigated by the campus specific Accommodation Officer taking into account the statements of any available witnesses. This information is to be presented to the Accommodation Manager or nominee by the Accommodation Officer as part of the interview process. The student is to be given the opportunity, at a hearing, to respond to the evidence.
 - (iv) If the student is invited to such a hearing and fails without good reason to attend, the Accommodation Manager may reach a decision in his/her absence or recommend suspension of proceedings pending compliance
- (d) The Accommodation Manager or nominee has the authority to implement any one or a combination of the following:
 - (i) No disciplinary action taken
 - (ii) Informal Stage 1 Warning- That the student receives an informal warning (Stage 1) and that a note be placed on the student's accommodation records until the end of the licence agreement giving the date of the warning and the reasons it was issued. The student shall receive a copy of that note and the consequences of further offences will be explained to him/her.
 - (iii) Informal Stage 2 Warning- That the student receives an informal warning (Stage 2) and that a note be placed on the student's accommodation records until the end of the licence agreement giving the date of the warning and the reasons it was issued. The student shall receive a copy of that note and the consequences of

- further offences will be explained to him/her.
- (iv) Order of payment to compensate damages
 - (v) Letter of Apology from the student to the impacted party
 - (vi) Written Formal Warning (at this stage the Deputy Dean (Academic Provision) will be informed that a student has reached the penultimate stage of the Accommodation Disciplinary Code and Procedures to enable the Faculty member of staff to provide any necessary guidance to the student, deemed necessary, regarding appropriate behaviour;
- (e) In circumstances where section 6.3 (a) (iii) is invoked the Director of Business Services will preside over proceedings.
- (f) In circumstances where option 6.3(a) (iii) is invoked it is the responsibility of the Director of Business Services to ensure that:
- (i) The student is informed in writing of the alleged misconduct, the procedures which will be adopted for its investigation, the interview arrangements, and the right to be accompanied either by a (non-interested) fellow student or a representative of the Students' Union, or a member of the academic, welfare or advisory staff of the University, but not accompanied or represented by any other individual.
 - (ii) Before the interview, the name and position of any accompanying person should be advised to the Director of Business Services or nominee , who has discretion to object on grounds of involvement in the incident.
 - (iii) The facts surrounding the alleged breach are investigated by the Accommodation Manager or nominee and/or Accommodation Officer taking into account the statements of any available witnesses. This information is to be presented to the Director of Business Services by the Accommodation Manager or nominee and/or Accommodation Officer. The student is to be given the opportunity, at a hearing, to respond to the evidence.
 - (iv) If the student is invited to such a hearing and fails without good reason to attend, the Director of Business Services may reach a decision in his/her absence or recommend suspension of proceedings pending compliance.
- (h) The Director of Business Services has the authority to implement one or a combination of the following:
- (i) That no disciplinary action be taken.
 - (ii) That the student receives an informal warning (Stage 1 or 2) and that a note be placed on the student's accommodation records until

the end of the licence agreement giving the date of the warning and the reasons it was issued. The student shall receive a copy of that note and the consequences of further offences will be explained to him/her.

- (iii) Order of payment to compensate damages
- (iv) That the student receives a written formal warning and a note is placed on the student's accommodation records until the end of the licence agreement giving the date of the warning and the reasons for it. The student shall receive a copy of that note and the consequences of further offences will be explained to him/her.
- (v) Letter of apology from the student to the impacted party.
- (vi) That the student be suspended from Halls only on the grounds of safety and wellbeing (see 6.1(c))
- (vii) A combination of (i) to (vi) above.
- (viii) That the student should be expelled from Halls.
- (i) A record of any disciplinary action shall be placed on the student's accommodation file for the remainder of the licence agreement and may be used when prioritising residential places for the following academic year.
- (j) The usual sequence of events for official warnings is for a Stage 1 informal warning to be given followed by a Stage 2 informal warning and then a formal warning. This sequence may be over-ridden.
- (k) If a student receives a formal warning he/she will be required to sign a copy to acknowledge receipt. A formal warning will state that if the student repeats the offence or receives a further formal warning, following disciplinary proceedings involving conduct of the same nature or not, then he/she risks being expelled from the Halls of Residence.
- (l) If the student is to be issued a notice to quit then the notice to quit will not be processed until the appeal procedure, see section 7, has been completed. If the time limit for commencing an appeal under section 7.1. has expired and no appeal has been received then the Director of Business Services will refer the matter to the Accommodation Manager in order for the 'notice to quit' to be processed.

7. Appeals

7.1 Right and Notice of Appeal

A student may accept or appeal against a formal warning recommended by the Accommodation Manager or nominee, by writing to the Director of Business Services within 14 working days of the adjudication being made by the Accommodation Manager or nominees and received by the student. An appeal against the issue of a formal warning or notice to quit, recommended by the Director of Business Services must be submitted in writing, to the Chief Financial Officer within 14 days of the adjudication being made by the Director of Business Services and received by the student.

7.2 Decision of Appeal

The Chief Financial Officer may confirm, overturn or modify the decision and recommendation(s) of the Director of Business Services. In turn, the Director of Business Services may confirm, overturn or modify the decision and recommendation(s), of the Accommodation Manager. The decision of the Chief Financial Officer or Director of Business Services will be made known to the student making the appeal within 14 working days. The decision of the Chief Financial Officer is final within the University and will be indicated by the issue of a "completion of procedures" letter by the Chief Financial Officer.

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

8.1 The standard of proof that will be applied is the "balance of probabilities" test, i.e. it is more probable than not that the allegation is correct.

9. Report to the Board of Governors

Any accommodation disciplinary proceeding resulting in a 'notice to quit' being issued and any subsequent appeals will be reported to the Vice-Chancellor, Chief Financial Officer, relevant Executive Dean and Deputy Dean (Academic Provision).

Appendix A - Disciplinary Matrix

		Disciplinary Level to be adopted at the start of the disciplinary procedure and guide of outcomes, if substantiated.				
		Informal Stages		Formal Stages		
		Staff Warden or House-keeper	Accomm. Officer	Accomm. Manager or nominee	Director of Business Services	
Guide of Outcomes. Issue of;	Informal Stage 1	Noise disturbances	X			
		Refusal to clean communal areas/rooms	X			
		Not attending the H and S Induction. Not participating in an fire evacuation	X			
		Petty theft	X			
		Smoking in the residence	X			
		Minor damage	X			
		Fire door propped open	X			
	Informal Stage 2	Repeat offence of informal Stage 1 incidents.		X		
		Verbal abuse of staff/fellow student		X		
		Damage to property		X		
		Theft		X		
		Disruption of local residences		X		
		Use of illegal substances (possible formal stage)		X		
		Interfering with mail		X		
		Throwing items from windows		X		
		Falsely raising fire alarm		X		
	Formal*	Setting off fire extinguishers		X		
		Repeat offence of informal incidents			X	
		Bullying/Intimidating behaviour			X	
		Unlawful entry into student room or unauthorised area			X	
		Inciting violence			X	
	Notice to Quit	Tampering with the fire system			X	
		Repeat offence of formal incidents				X
		Assault of a student or member of staff				X
		Possession of a weapon				X
		Arson i.e. not minor accidental fire				X
Drug dealing					X	
Significant theft				X		
Serious Criminal Activities				X		

* - At this stage the Deputy Dean (Academic Provision) would be informed of outcomes of investigations. This table should not be considered as exhaustive and should only serve as a guide. Each incident should be assessed on an individual basis by the presiding member of staff who will assess each incident in an objective manner, reaching a conclusion based on the 'balance of probabilities' test.