



south essex college

**Code of Student  
Conduct for South Essex  
College students in  
University of Essex  
Residential  
Accommodation**

**Student Services  
August 2018**

## Introduction

This Code provides a framework for resolving complaints and dealing with incidents and allegations of misconduct relating to South Essex College students which arise within University of Essex student accommodation. This Code aims to resolve issues as efficiently and effectively as possible to assist residents in maintaining the quiet enjoyment of their accommodation, by ensuring that all residents are fully informed about the obligations and responsibilities of the University of Essex as Landlord and the resident as Tenant.

## Scope

Full-time Higher Education students, International students and Further Education students aged 18 years and over of the College can apply to occupy University of Essex student accommodation.

Each occupier of student accommodation must enter into a contract with the University of Essex before taking up occupation. The contract will set out the period that the student accommodation will be made available and the applicable charges. The contract will also set out the standard terms and conditions that the occupiers must observe and signify an agreement to abide by the [Residents' Conduct Regulations contained within this code](#).

## Permitted Occupiers

A permitted occupier is a person or persons who is permitted to live with a registered Student in that accommodation and is then named in the University's offer of student accommodation

## Behaviour of guests

Students residing in University-owned accommodation will be held responsible for the conduct of their guests and any permitted occupier and for any damage caused by their guests or permitted occupier whilst they are on the University of Essex site. Guests may only be invited in accordance with the rules and regulations of the University of Essex. No person who has been excluded by the Registrar and Secretary from any University of Essex site may be invited as a student guest.

## South Essex College relationship as a Partner Institution

Any students following a programme of study delivered at South Essex College are registered with the College and therefore come under the jurisdiction of the College's regulations for student conduct. The University of Essex as Landlord may, however, instigate legal proceedings against a student studying at the College following discussion with the Vice Principal Student Support who has overall responsibility for student conduct at South Essex College. Any breaches of the [Residents' Conduct Regulations](#) will usually be dealt with by South Essex College under the [College's Behaviour Policy](#).

# Broad Principles

## Burden of Proof

The operation of this code is not a criminal process and therefore allegations of breaches of the [Residents' Conduct Regulations](#) need not be proved 'beyond a reasonable doubt'. The standard of proof applied is the 'balance of probabilities', which means that, when assessing the evidence objectively, the view is that it is more likely than not that the allegation is true.

## Alcohol and Drug Use

The College has a zero-tolerance policy to drugs. Being under the influence of alcohol or drugs will not normally be accepted as a mitigating factor or an excuse for behaviour leading to breaches of the [Residents' Conduct Regulations](#).

## Mental Health, Illness or Disability

Where there is concern that mental health, illness or disability may have impacted or continues to impact negatively on a student's behaviour and/or conduct, the proceedings may be adjourned at any step for the matter to be considered by the Vice Principal Student Support, who will determine whether proceedings are resumed under the *Code of Student Conduct in Residential Accommodation* or any other procedure or policy as appropriate.

## Advice, Support, Representation and Guidance

All students have the right to be accompanied at any step in the procedure described in this Code by a member of the College or a representative of the Student Union, who provide independent advice, support, guidance and representation for students. Non-members of the College and legal representatives are not permitted to be present at any step of the Residents' Conduct process.

## Confidentiality

The operation of this Code seeks to protect individual confidentiality at all steps throughout the operation of these procedures and the College will seek to ensure that confidentiality is maintained. This approach will not prevent the College from disclosing information where necessary for the discharge of its duties or as required by law, nor will it prevent the College, where appropriate, from disclosing information about any outcome under this procedure. The College has a data sharing agreement with the University of Essex which you agree to when you sign your enrolment form.

## **Recording of Offences**

Records relating to South Essex College Residents' Conduct offences will be held by the Student Services Administrator (Behaviour Management & Customer Service) on a central database.

Records of South Essex College Residents' Conduct cases are destroyed six years after the termination of the student's relationship with the College.

## **Roles and Responsibilities**

Under these procedures, the following persons shall be deemed to be the authorised persons for dealing with student conduct in the residences:

### **The Residents' Support Network**

The Residents' Support Network (RSN) is an accommodation based service managed by the Deputy Director of Student Support (Residence Life), University of Essex. The aim of the RSN is to provide an environment within which students can have a positive experience of living and learning. Areas of accommodation are assigned to Residents' Assistants (RAs) who will get to know their residents, work with students to encourage communication and organise a range of social activities to promote integration. The other element is to respond to concerns and complaints that residents may have by operating an on-call rota which operates from 5pm to 9am on weekdays and at weekends.

### **The Programme Partnership Manager/Head or Deputy Head of Department/Head of Student Services**

S/he is responsible for investigating alleged breaches of the [Residents' Conduct Regulations](#) and has the power to impose a range of penalties, including the payment of fines and repair/replacement costs for minor offences. More serious cases will be referred to the Head of Department for consideration as a Serious Breach of the Behaviour Policy.

## **Residents' Conduct Regulations**

The following behaviour shall normally be treated as a minor breach of the Residents' Conduct Regulations and will normally result in action being taken through a Formal Meeting under the College's Behaviour Policy (if it is a very minor breach):

1. attempting or inciting others to infringe a regulation;
2. exhibiting indecent or abusive language or behaviour in University student accommodation;
3. exhibiting disorderly behaviour in University student accommodation;
4. creating or causing to be created, excessive noise which causes discomfort, inconvenience or annoyance to authorised users of University student accommodation;
5. behaviour that is discourteous, disrespectful or uncooperative towards a member of the University;
6. committing theft of foodstuffs or other minor items within University student accommodation;
7. smoking in an area of student accommodation;
8. misusing fire prevention equipment or firefighting appliances within University student accommodation;
9. "sounding or raising a fire alarm within University student accommodation when it is unwarranted";
10. failing to immediately evacuate any part of University student accommodation, when a fire alarm sounds or returning before being told it is safe to do so by a fire officer or authorised member of the University staff;
11. interfering with, or impeding, or failing to comply with any member of the University in carrying out his/her duty or proper function within University student accommodation;
12. failing to disclose name and other relevant details to an employee of the University when it is reasonable to require that such information be given;
13. interfering with any mechanical, electrical or other services or installations within University student accommodation without the authority to do so;
14. causing actual or potential damage to, or defacement, misappropriation or unauthorised use of University student accommodation;
15. behaving in a manner within University student accommodation that amounts to harassment.

16. publishing any matter (including expressed orally or in writing, sign or visible representation, including electronically) which is threatening, abusive or insulting or constitutes harassment or makes others fear violence, including:
  - I. by printing or displaying in University student accommodation or
  - II. by publishing or distributing to any visitor or member of the University within University student accommodation;
  - III. by using in any form of meeting or gathering within University student accommodation;
17. using social media in a way that constitutes a breach of any other Residents' Conduct Regulation or the terms and conditions of the accommodation contract;
18. failing to comply with the terms and conditions of the contract for accommodation;

The following behaviour shall normally be treated as a serious breach of the Residents' Conduct Regulations which may result in conduct action being taken by the College at Serious Breach stage of the Behaviour Policy by the relevant Head of Department through a Support or Serious Breach Conference.

20. using, selling or possessing within the University student accommodation any controlled drug<sup>[1]</sup>;
21. possessing within the University student accommodation any offensive weapon<sup>[2]</sup>;
22. exhibiting threatening, intimidating or violent behaviour;
23. committing theft within the University accommodation;
24. behaviour that is likely to cause injury or impair safety on University premises;
25. interfering with or impeding, by the use of intimidation, violence, threat of violence or physical obstruction, the supply or delivery of any goods or services to the University, or interfering with or impeding the entry into the University of any lawful visitor;
26. failing to comply with a resolution previously imposed by "imposed by the Programme Partnership Manager from the student's academic department".
27. making an allegation which is deemed to be false.

## **Residents' Conduct Procedures**

The purpose of this procedure is:

1. to establish whether a particular incident(s) took place and whether a Resident was involved in that incident;

2. to establish whether a resident or an authorised guest of a resident is in breach of the Residents' Conduct Regulations;
3. to determine what action should be taken against a resident who has breached the Residents' Conduct Regulations.

## **Minor breach of Residents' Conduct Regulations**

The University of Essex will provide the Student Services Administrator (Behaviour Management & Customer Service), Head of Student Services and the relevant Programme Partnership Manager at South Essex College with incident reports when there are conduct issues in the accommodation where South Essex College students are involved. Following receipt of incident reports, the College will decide if action against a student is justified and will invoke the College's Behaviour Policy. The incident report will be sent to the relevant Student Services Administrator (Behaviour Management & Customer Service) for distribution to the relevant staff.

The student will be required to attend a formal meeting with a member of the Management Team from the student's academic department. At the meeting a statement of the Case will be provided, to include details of the charge(s), a brief summary of the evidence and of the relevant findings, decision and penalty, and any further information which is considered to be relevant.

## **Joint meetings**

If two or more students are involved in related misconduct, the meeting may deal with the cases together.

## **Penalties**

The formal meeting will determine the severity of the breach and may deal with minor breaches regardless of whether the student admits or denies guilt. In such cases the manager will have the power, on behalf of the College, to make one or more of the following resolutions:

- I. That the allegation should be dismissed and no further action taken.
- II. To issue a formal written warning to the student.
- III. To require the student to make an apology and or restitution to parties affected by the breach of regulations.
- IV. To confiscate without compensation, any item prohibited by the terms and conditions of the Residents' Contract.
- V. To require the student to have no contact, or restricted contact, with a specified person or persons.
- VI. To impose a fine not exceeding £150 except in relation to allegations of the unwarranted sounding or raising of a fire alarm within the University, for which the College can impose a maximum fine of £500.

- VII. To require the student to pay the whole or part of the cost of repair to, or replacement value of, any property that has been damaged or stolen.
- VIII. To require a student to attend a specified course or programme and to pay a reasonable cost for such a course or programme.
- IX. To require the student to move to alternative University student accommodation with agreement from the University of Essex.
- X. To recommend to Accommodation Essex that the student should be refused University student accommodation in the future.
- XI. To exclude the student from the whole or any specified part or parts of the University student accommodation and its precincts for a defined period or periods, including suspension of any non-academic facilities.

Penalties will not last beyond the student's current programme of study. The imposition of a penalty, or part thereof, may be suspended pending any further breach of the same or other Residents' Conduct Regulations for a specified period of time.

## **Formal Notification**

Students will be formally notified in writing, of the outcome of the formal meeting and subsequent decision and advised of the procedure for submitting an appeal. All outcomes are monitored by the Student Services Administrator (Behaviour Management & Customer Service).

## **Serious or Persistent breach of Residents' Conduct Regulations Referral to the Head of Department**

If after investigation it is determined that the case is a serious breach of the Residents' Conduct Regulations or where there has previously been a series of minor offences, the case will be referred to the Head of Department for consideration under the Behaviour Policy. This does not prevent the College from referring the case to the police.

The Student Services Administrator (Behaviour Management & Customer Service) will send a written notification to the student concerned of the referral, the allegation or allegations and draw his/her attention to the College's behaviour Policy.

## **Temporary Exclusion from Accommodation**

When, in the opinion of the College, it is necessary for the protection of any person, property, the reputation of the College/University of Essex or the student him/herself, the College will request the University to require the student to leave University of Essex student accommodation or request the student to move to alternative University of Essex student accommodation pending the outcome of conduct proceedings. In such cases conduct proceedings will be initiated at the earliest opportunity. The College in conjunction with the University of Essex may not suspend or relocate a student unless the student has been given the opportunity to

make representations in person to the relevant Head of Department or the Head of Student Services. Where for any reason it appears that it is not practicable for the student to attend in person, the student will be entitled to make written representation.

## Appeals Process

### Grounds for Appeal

A student has the right of appeal under the College's Behaviour Policy although there is no right of appeal against a verbal warning. Any student who wishes to appeal should set out their reasons for appeal in writing and deliver this to the Vice Principal Student Support's PA within 7 days. See the College's Behaviour Policy for further information.

### Complaints and Compliments procedure

If you feel you have been wrongly treated please refer to the College Complaints and Compliments procedure.

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<sup>1</sup> As defined by the Misuse of Drugs Act 1971 and the Regulations promulgated thereunder or any legislation for the time being in force modifying or replacing the Act.

<sup>2</sup> as defined in the Prevention of Crime Act 1953 or, without good cause, any article as defined in Section 139 of the Criminal Justice Act 1988 and the Regulations promulgated there under or any legislation for the time being in force modifying ore replacing that Act.

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Related College Policies	<ul style="list-style-type: none"> <li>• <b>Student Behaviour Management Policy &amp; Procedure</b></li> <li>• <b>Compliments &amp; Complaints Policy</b></li> </ul>
Distribution	<b>College Intranet – all staff</b> <b>Moodle/Canvas – all students</b> <b>Websites – all stakeholders inc. parents</b>