



# Code of Student Conduct

**2024 - 2025**

---

Authors:	Academic Services, Student Administrative and Policy
Publication date:	1 October 2024
Amended:	3 June 2024
Review date:	2 June 2025

# Table of Contents

<b>Code of Student Conduct</b>	<b>3</b>
<hr/>	
1. Introduction	3
2. Standards of behaviour	6
3. Support	9
4. Personal Data	10
5. Roles and responsibilities	12
6. Principles	16
7. Student Conduct Procedures	20
8. Procedure for dealing with serious breaches	24
9. Student Conduct Appeals Procedure	30
Appendix 1: Student Conduct Regulations	36
Appendix 2: Criminal proceedings	47
Appendix 3: Temporary orders	49
Appendix 4: Eligibility for study abroad in cases of proven misconduct	52
Appendix 5: Flowchart	54
Appendix 6: Order of proceedings	55
Appendix 7: Glossary of terms	56

# Code of Student Conduct

## 1. Introduction

- 1.1. As a student at the University of Essex, you are expected to behave in accordance with our Code of Student Conduct. The Code sets out the standards of behaviour that we expect and the action that will be taken where behaviour falls below these standards. The Code forms part of a range of measures the University has in place to safeguard and promote a safe culture across the University community and to enable our students to realise their full potential in a safe, healthy and inclusive environment. In line with our [Student Charter](#), you will play an active part and are expected to respect all members of the University equally, regardless of their background or characteristics. If you witness or experience behaviour that does not uphold our values, you are expected to speak out and the University will listen and take action.
- 1.2. The Code applies to all students undertaking a programme of study at the University of Essex, including those who are on study abroad, or on an apprenticeship or work-based learning placement. It applies to any activities you undertake, or services and facilities that you use, as a student of the University. This includes any premises owned, leased or administered by the University, including University owned or administered accommodation. In addition, action may be taken under this Code in respect of any alleged misconduct wherever and whenever it may have taken place when it is considered necessary to protect the interests of the University and the members of our community.
- 1.3. The primary aim of the Code is to tackle allegations of misconduct by students in an integrated and supportive way, and ensure fair, effective, and timely outcomes where behaviour falls below expectations. The Code seeks to make our standards of behaviour clear to students and to reduce further incidents of misconduct.
- 1.4. In accepting a place, you agree to comply with the University's regulations, policies and procedures which include this Code of Student Conduct. This Code should be read in conjunction with other relevant policies referenced within it.
- 1.5. The Code sets out the principles on which the procedures are based, the support, advice and guidance that is available for both complainants and reported students, how we manage information about you and what happens if you make an allegation, you are a witness, or an allegation is made against you. It also sets out and explains the roles and responsibilities of certain individuals and bodies within the University who will ensure that procedures within this Code are properly applied and carried out as described.

## **Student Conduct Regulations**

- 1.6. The Student Conduct Regulations are based on the University's mission and values and describe the actions which are considered to be unacceptable behaviour. They cover offences against people, property and the environment, offences related to health, safety and wellbeing, and more general offences against the University. They are presented in full in Appendix 1, with examples of the types of penalties that may be imposed as a result of a breach.

### **Reporting an incident**

- 1.7. If you are the victim of, or witness to, an incident that you feel is a breach of the Code, you should complete an incident report form and send it to the Student Progress Team for consideration by the Conduct Investigator. The Conduct Investigator will also consider reports received directly from Report and Support; Security; Accommodation; Residence Life; Student Services Hub; your academic department; Students' Union; and emails sent directly to the Student Conduct Team from students, staff or the public.
- 1.8. Reports received anonymously will not normally be accepted, except where there are compelling reasons, supported by evidence, for the matter to be investigated. Reports submitted via a third party will not normally be accepted. However, it is recognised that some individuals may be unable to make a complaint on their own. In these circumstances, concerns or complaints brought by permitted third parties (for example, a Students' Union representative or family member) will only be accepted when the individual affected has completed a third-party authority form and the Academic Registrar (or nominee) has approved the request.

### **Consequences of breaching the Code**

- 1.9. If you are found to have breached a Student Conduct Regulation, you will receive a penalty as determined by the Conduct Investigator or Student Conduct Committee or Student Conduct Review Panel as relevant to your case. You also put at risk your eligibility to undertake study abroad or an international experience, to hold a role or position of responsibility within the University or Students' Union, or to meet the requirements of any relevant professional and statutory regulatory body relevant to your programme of study or future career.

### **Immigration status**

- 1.10. If your behaviour or evidence considered in relation to the procedures in this Code brings your immigration status into question, an immediate referral will be made to the Academic Registrar for consideration in accordance with paragraphs 7.22 - 7.29 of the University's General Regulations.

## Conferral of Degrees

1.11. During the process of an investigation, if you are the reported student and the allegation is so serious that it would normally be referred to a meeting with a Student Conduct Committee or Student Conduct Review Panel, except with the special permission of Senate, or until the investigation is complete, you will not be allowed to:

- have a degree of the University conferred upon you
- have a certificate or a diploma of the University granted to you
- attend a graduation ceremony

These exclusions will apply during the review of any appeal under this Code and whilst there are any outstanding criminal proceedings.

## Conduct in Students' Union premises or during Students' Union organised events

1.12. The University of Essex Students' Union has its own disciplinary procedures. Behaviour which may breach this Code on any Students' Union premises or during any Students' Union organised events (wherever they take place) may also constitute a breach of the Students' Union disciplinary rules. This means that a case may be dealt with both under this Code and the Students' Union disciplinary process. Where there is an allegation involving behaviours that are covered by the University's Zero Tolerance Policy, and may be a breach of Regulations A2, A3, A4, A5 A6, A13 and A14, the case will be considered by the University's Code of Student Conduct, and not the Students' Union's disciplinary procedures.

## Glossary of terms

1.13. Further information about the terminology used in this Code is provided in the Glossary of Terms in Appendix 7. You should refer to this glossary if there are any words or terms that are unclear to you. If, having referred to the glossary, you are still unclear about any aspect of this procedure, contact the [Student Progress Team](#).

1.14. If you are eligible for an award of the University of Essex following a programme of study validated by the University but delivered by a partner institution, you are registered with the relevant partner institution. You must, therefore, follow the partner's regulations for student conduct. However, if you live in University of Essex owned or administered accommodation you will be liable under this Code for misconduct occurring in University accommodation.

## 2. Standards of behaviour

- 2.1. The University expects all members of its community to uphold standards of behaviour that are in line with its values and commitment to safeguarding and promoting a safe culture across the University community, enabling all students to realise their full potential in a safe, healthy and inclusive environment. As a member of the University you have signed-up to our [Student Charter](#) in which you promise to uphold the University's values and behave in ways that strengthen and support the University community. This includes your full participation in the procedures that fall within the Code of Student Conduct, including attendance at meetings. The University celebrates diversity, challenges inequality and expects that all members of its community treat each other, and can expect to be treated, with dignity and respect.
- 2.2. As part of our commitment to supporting student development, the Code makes use of compulsory attendance at a specified workshop as one of its penalties. Workshops are used as a penalty where relevant to the offence and are intended to support student learning, reduce reoffending, and improve standards of behaviour.
- 2.3. Expected standards of behaviour are supported by a number of policies. The following are particularly relevant to this Code:

### Academic Freedom and Freedom of Speech

- The Council of the University has a series of duties under law through the Higher Education (Freedom of Speech) Act 2023 (and, until the new Act is fully in force, under Section 43 of the Education (No. 2) Act 1986) to secure and promote the importance of academic freedom and freedom of speech. These freedoms, set out in the Policy on Academic Freedom and Freedom of Speech (.pdf) are available to all members of the University and to external speakers invited to make use of University facilities.

### Zero tolerance of harassment, bullying, and hate incidents

- The University has a Zero Tolerance approach to Harassment and Bullying. This Code reflects the definitions as outlined in the University's Harassment and Bullying: Our Zero Tolerance Approach document. All cases involving behaviour relating to Regulations A2, A3, A4, A5, A6, A13 and A14, are regarded as serious. This includes antisemitism as specified by the International Holocaust Remembrance Alliance (IHRA) definition of Antisemitism. Further information is available through the University's Report & Support service.
- Sexual misconduct includes sexual harassment, sexual assault, sexual abuse and any conduct of a sexual nature that is without consent, including conduct online or through social media. Further information is available through the University's Report & Support service.

- Where there is evidence that an incident is found to be motivated by hostility or prejudice, the University may treat this as an aggravating factor in considering any appropriate action to take.
- In circumstances where an incident is reported, the University will take action in accordance with this Code, and the action will be proportionate to the circumstances of the case.

## **Equality, diversity and inclusion**

The University's approach to Equality, diversity and inclusion is supported by a policy and strategy. The University's Policy Statement on Equality, Diversity and Inclusion sets out that:

The University of Essex fosters good relations between people who share a relevant protected characteristic and those who do not, celebrates diversity, challenges inequality and is committed to nurturing an inclusive and diverse community that is open to all who have the potential to benefit from membership of it, and which ensures equality of opportunity for all its members. We expect all our campus communities, employees, workers, contractors, students, invitees and visitors to be treated, and to treat others, with dignity and respect. We have a zero-tolerance approach to discrimination, harassment and bullying. Zero tolerance means that (i) we will take action and (ii) the action will be proportionate to the circumstances of the case.

We are committed to meeting our obligations under the Equality Act 2010, which requires the University show no discrimination as required by law on account of age, disability, gender reassignment<sup>1</sup>, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. The University will always act lawfully and this may include taking action to support people with particular protected characteristics, including disability and sex. In addition to its obligations under the EA, the University shall adopt policies, practices, and procedures that define expected standards of behaviour and specify any additional characteristics, beyond those required by law, to which protection is provided, for example, in relation to political belief, social background and refugee status.

For the purposes of this Policy Statement the term 'trans' is an umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. The term 'non-binary' is an umbrella term for people whose gender identity does not sit comfortably with 'woman' or 'man'. Non-binary identities are varied and can include people who identify with some aspects of binary identities, while others reject them entirely.

---

<sup>1</sup> The University's policies, practices and procedures specifically extend to all gender identities including trans, non-binary and gender non-conforming people.

## **Alcohol and Drugs**

- The University is committed to supporting the safe and sensible use of alcohol and to the provision of clear information on alcohol, drugs and substance misuse. If you breach this Code because you were under the influence of alcohol or drugs, you will not normally be able to use this as an excuse for your behaviour. Advice and support is available.

## **Initiation Ceremonies**

- The University of Essex is committed to supporting the safe and sensible use of sports clubs and societies but opposes the use of initiation ceremonies. An initiation ceremony is defined as a ceremony during which others are made to take part in demeaning activities to gain formal access to any sports clubs, societies or any student groups, or for the awarding of an emblem or other status associated with that club, e.g. a tie, trophy or club / society / executive committee.
- In circumstances where an incident is reported of any student who is involved in an initiation ceremony and/or the planning and preparation of an initiation ceremony and/or who participates in the improper coercion or manipulation of students during a ceremony, the University will take action in accordance with this Code, and the action will be proportionate to the circumstances of the case.

## **Fitness to Practise**

- If you are registered on a course where a practical professional placement is required (including health, social work and education) you have additional responsibilities for your professional suitability as outlined in relevant regulatory and/or professional body codes of practice. Failure to meet these responsibilities can lead to your referral under the Fitness to Practise Procedure (.pdf). You will be notified on registration if your course is covered by this procedure.

## **Behaviour of guests**

As a member of the University you take responsibility for the conduct of your guests and for any excessive noise or damage caused by them while they are on the University site. If you live in University owned or administered accommodation you are responsible for the conduct of your guests and any permitted occupier and for any damage caused by them while they are on the University site.

- 2.4. Guests may be invited only in accordance with the rules and regulations of the University. You are not permitted to invite as your guest any person who has been excluded by the Registrar and Secretary from any University site.



### **3. Support**

- 3.1. You have the right to receive the support and advice of the University's and Students' Union's support services at all stages of the procedures described in this Code (whether an allegation has been made against you, or you have reported an allegation, or are a witness). This includes the Student Wellbeing and Inclusivity Service, SU Advice and, for students living in University accommodation, Residence Life.

#### **Students' Union (SU) Advice**

- 3.2. SU Advice is a confidential, independent and impartial service that is not part of the University. The service is for all students who are involved in the procedures described in this Code, whether you are the complainant, the reported student, or a witness. It will provide a named advisor who will meet with you and support and guide you throughout the process, and can help you prepare for meetings with the Conduct Investigator and/or with the Conduct Committee and/or Conduct Review Panel, and attend with you if you choose. They will also provide you with advice and support following the conclusion of a case, including, where applicable, information about whether you may have grounds for appeal, and support relating to any ongoing impact of any penalty imposed. They will aim to ensure that procedures are followed and that all students involved are given a fair opportunity to present their case.
- 3.3. At the point at which the Conduct Investigator initiates an investigation, they will provide the name and email address of the student(s) involved in the investigation to SU Advice who will make contact. No details of the case will be shared. You are strongly encouraged to respond to this initial contact and make use of this service at all stages of the process.

#### **Student wellbeing and inclusivity service**

- 3.4. All students involved in procedures under this Code can obtain confidential advice and assistance from the Student Wellbeing and Inclusivity Service (SWIS). If you are involved in an allegation that falls under the University's *Zero Tolerance Policy* that may result in a breach of Regulations A2, A3, A4, A5, A6, A13 and A14, at the point at which the Conduct Investigator initiates an investigation, they will provide the name and email address of the student(s) involved in the investigation to a member of SWIS who will make contact with you. No details of the case will be shared. You are strongly encouraged to respond to this contact and make the most of this service at all stages of the process.

## Residence Life

- 3.5. Residence Life is a campus service to help you gain a positive experience from living and learning. The team is formed of student-staff called Residents' Assistants (RA) who focus on community building, supporting students' transition to university life, and providing programs that enhance cultural competencies. The Residence Life program includes monthly activities, guidance on being a good neighbour, promotion of wellbeing events, and support for international students adjusting to the local community.

## 4. Personal Data

### Recording and storing your data

- 4.1. Conduct case files will be held by the Student Progress Team on a central database and will not be included in your centrally-held academic file. They will be destroyed by the Student Progress Team six academic years after the academic year in which the incident was dealt with (or latest incident if there is more than one). The conduct case file will include all evidence, including recordings of meeting, and correspondence related to the case. At the start of any meeting that forms part of an investigation or a conduct committee, you will be informed how information gathered at the meeting will be captured and held in the case file.

### Confidentiality

- 4.2. This Code aims to protect the confidentiality of all students involved in procedures described in this Code at all stages. Information about you and the details of the case will not be shared routinely, or disclosed unnecessarily, beyond those directly involved in your case, and with clear roles and responsibilities as set out in this Code. Information will not be shared routinely with, for example, teaching staff, personal tutors, and departmental professional services teams. There are however circumstances where outcomes and relevant information will be shared where it is necessary to inform a decision, or as required by law.
- 4.3. Where information is shared within the University or with the Students' Union, it will only be shared with those individuals who are responsible for decision-making, and the level of detail that is shared will be limited to what is necessary or required. For example, there may be circumstances where the detail of the case needs to be shared but on an anonymous basis or that the names of some, or all, of the parties involved need to be shared but with minimal facts about the case. In all cases, extreme care will be taken over the disclosure of any sensitive or personal information and if you have any concerns or queries about how your information will be used, you should contact the Student Progress Team. Examples of where the sharing of information within the University or with the Students' Union may be required include situations where:

- actions need to be taken by the University regarding the imposition of a temporary order, the management of any ongoing risks, or the implementation of any required actions
- the reported student is expecting to undertake a period of work-based learning in order that a decision about eligibility can be undertaken on an assessment of risk
- the reported student holds, or plans to hold, the post of Residents' Assistant or Senior Residents' Assistant in order that appropriate action may be taken in relation to suitability or eligibility
- the reported student holds a role or position of responsibility for which suitability may be affected by the outcome of a case
- the outcome of a case will have an impact on the reported student's continued engagement with Students' Union activities or attendance at Students' Union premises
- the reported student is also a member of staff, in order that appropriate action may be taken in respect of the employment contract
- the circumstances of the case need to be escalated as part of a serious incident protocol

4.4. Information will only be shared with third party organisations, for example Essex Police, in circumstances where it is necessary to safeguard the health, safety and security of members of the University community, or in accordance with any information sharing agreement.

4.5. Anonymised data and case studies will be used by the University for the purposes of reviewing performance, identifying trends, identifying service improvements and procedural changes, and interventions that could support a reduction in misconduct. They will also be used in reports that will be shared with the University community to support greater understanding and transparency of the Code. When information is used for such purposes, care will be taken in how the information is presented to ensure that it is not possible, through the details of the case, to identify any individuals involved.

4.6. All students involved in a case are expected to respect the confidentiality of others who are involved in the case. If you are involved in a student conduct case, you must not share any information about other students involved in the case beyond those individuals with roles and responsibilities in the procedure, or with a professional support role. Improper sharing of information that is confidential could result in a breach of Regulation D12.

## **Essex Abroad**

4.7. If you breach this Code and are following a programme of study that includes a compulsory study abroad component or you decide to undertake study abroad as an optional part of your course or as an international experience, the outcome of your case will be referred to Essex Abroad for

consideration in accordance with the Procedure for managing eligibility for study abroad in cases of proven misconduct as set out in [Appendix 4](#).

## **Professional misconduct**

4.8. If you break this Code and you are following a programme of study leading to a professional qualification which may be registered with a statutory and/or professional regulatory body, the outcome of your case will be referred to the relevant Department or School for consideration in accordance with the [Fitness to Practise Procedure](#) (.pdf). Conduct which affects your professional suitability may be referred for consideration in accordance with other relevant procedures.

## **Monitoring and oversight**

4.9. Individual outcomes are reviewed by the Senior Student Progress Manager for monitoring purposes. Anonymised data are reviewed termly by the Student Conduct Panel members to support learning and inform working practices. The Senior Student Progress Manager compiles reports drawing on anonymised data to provide regular assurance to Council and Senate about the effectiveness of the Code, and highlight any areas of concern and action that is being taken. To support the annual review of the Code, the Senior Student Progress Manager provides a more detailed annual report to Student Experience Committee, Education Committee, Senate, and Council. The annual report draws on aggregated data, which are used to inform any recommendations for change to the Code for implementation in the following academic year.

# **5. Roles and responsibilities**

5.1. The roles and responsibilities involved in the operation of this Code are set out below:

### **Senior Student Progress Manager**

The Senior Student Progress Manager is responsible for the processes that support the effective operation of the Code of Student Conduct. They work closely with Conduct Investigators and advise on individual cases as required. In liaison with the Conduct Investigators, Student Conduct Committee Chairs and Panel Members they compile assurance reports to Council, Senate, and its committees, in order to monitor and review practice, scrutinise data, analyse trends and make recommendations for service improvements and procedural changes. They review individual outcomes for monitoring purposes.

### **Student Progress team**

The Student Progress Team coordinates all aspects of the administration and delivery of this Code across all University campuses. All matters related to Student Conduct should be addressed to the [Student Progress Team](#) in the first instance.

## **The Conduct Investigator**

The role and functions of the Conduct Investigator are undertaken by appropriately trained individuals, appointed by the University. They have responsibility for investigating alleged breaches of this Code, including in University owned or administered accommodation, and have the power on behalf of Senate to impose a range of penalties. While each Conduct Investigator will take responsibility for their own individual cases, some cases may be referred or dealt with by more than one Conduct Investigator. More serious cases are referred to the Academic Registrar or nominee for consideration by a Student Conduct Committee or Student Conduct Review Panel. The role of the Conduct Investigator in a Student Conduct Committee or Student Conduct Review Panel is to set out the allegations of misconduct.

## **Academic Registrar**

The Academic Registrar or nominee:

- considers referrals of serious breaches from the Conduct Investigator, determines whether a Student Conduct Committee or Student Conduct Review Panel should be convened, and approves, or appoints a nominee to approve, the Committee membership
- reviews cases once criminal proceedings are complete to decide what action should be taken in accordance with the Code, as set out in [Appendix 2](#)
- determines whether a case should be suspended due to mental health, illness or disability and the appropriate Procedure to which proceedings will be subject when resumed
- determines whether temporary orders may need to be put in place, as set out in [Appendix 3](#)
- considers all appeals in the first instance and directs the Student Progress Team to convene Student Conduct Committees of Appeal as appropriate. In cases of appeal, where the Academic Registrar has prior knowledge of a case, a nominee who has had no previous involvement will be appointed
- decides whether a case should be escalated to the Registrar and Secretary. Examples of where this may be appropriate include when a case is likely to exceed the timescales set out in this Code, or as part of a serious incident protocol, for example where there is a potential risk to the health, safety or security to members of the University community

## **Registrar and Secretary**

The Registrar and Secretary:

- reviews any cases that are escalated by the Academic Registrar or nominee as part of a serious incident protocol, or due to the potential risk to the health, safety or security to members of the University community, and determines the correct course of action

- decides any adjustment to timescales for concluding a case where it is subject to a delay and as a result is likely to exceed the timescales published in the Code
- determines whether procedures that relate to an alleged breach of the Code that may also constitute a criminal offence should be suspended until criminal proceedings have been concluded, as set out in Appendix 2
- reviews representations regarding decisions to impose temporary orders, as set out in Appendix 3.
- Considers requests for internal review, following an appeal

## **Pro-Vice-Chancellor (Education)**

The Pro-Vice-Chancellor (Education) or nominee considers:

- requests for a review of a temporary exclusion that has continued for at least 4 weeks
- cases following appeal that are referred by the Registrar and Secretary for internal review

## **The Student Conduct Panel**

The Student Conduct Panel comprises:

- **Student Conduct Committee Chairs.** These are members of senior University staff who are appointed by the University's Council, on recommendation of the Senate, and whose role is to consider serious cases of alleged student misconduct, and through their role as Chair, determine and communicate the outcome to all relevant parties. They will also review requests to call witnesses, requests for specific arrangements, and information about potential conflicts of interest, ensure that procedures are followed, that decisions are fair and consistent to all parties, and appropriate support is in place. They work with other panel members and the Senior Student Progress Manager to monitor and review practice, scrutinise data, analyse trends and make recommendations for service improvements and procedural changes
- **Student Conduct Committee Members.** These are representatives from the University's staff and student community whose role is to serve on Student Conduct Committees, contribute to the decision to determine whether there has been a breach of University regulations and if so, what penalty should be imposed. They work with other panel members and the Senior Student Progress Manager to monitor and review practice, scrutinise data, analyse trends and make recommendations for service improvements and procedural changes
- **Student Conduct Review Panel Members.** These are representatives from the University's staff community whose role is to serve on Student Conduct Review Panels, contribute to the decision to determine whether there has been a breach of University regulations and if so, what penalty should be imposed. They work with other panel members and the Senior

Student Progress Manager to monitor and review practice, scrutinise data, analyse trends and make recommendations for service improvements and procedural changes

- The University will take steps, as far as possible, to ensure that the Student Conduct Panel represents the diversity of the University community, including, but not limited to, gender identity, sexual orientation and ethnicity. All Panel members undertake mandatory training to support them with their role, and are expected to maintain their knowledge through practice and through their work with other panel members. Student Panel membership will normally be made up of current registered students, but former students may be appointed, with the approval of the Academic Registrar, where necessary to support the operation of the Code

## **Student Conduct Committee and Student Conduct Review Panel**

A Student Conduct Committee consists of a Chair and two members of the Student Conduct Panel.

The members will comprise a member of staff and a current or recent student. Whilst every effort will be made to ensure there is a student member, in circumstances where no student member is available, the Committee may proceed with the Chair and one staff member. The Chair will have the casting vote.

A Student Conduct Review Panel consists of a Chair and one member of the Student Conduct Panel. The Chair will have the casting vote.

They will be selected to ensure, as far as possible, that the diversity within the student body is reflected in the composition of each Committee or Review Panel. Student Conduct Committees or Student Conduct Review Panels are convened when there is evidence of a major breach, as determined by the Academic Registrar.

## **Conduct Committee Secretary**

The Conduct Committee or Review Panel Secretary is a member of University professional services staff who has expertise in the Code of Student Conduct and its operating procedures. Their role is to liaise with all parties involved in a Conduct Committee or Review Panel, ensuring that paperwork is prepared and distributed in a timely way, support the Chair during the meeting, to ensure that procedures are followed, and ensure that all parties understand and discharge their responsibilities once the meeting has concluded. All Conduct Secretaries undertake mandatory training to support them with their role

## **Senate**

Senate is the University's supreme academic authority. It has responsibility for academic policy and strategy, degree regulation and awarding powers, academic regulation and student regulation including conduct. Senate delegates powers for imposing penalties in respect of the Code of Student Conduct to the Conduct Investigator, their nominee and the Student Conduct Committee or Student Conduct Review Panel.

- 5.2. Although it is intended that the named post holders will undertake these functions in the majority of cases, there may be special circumstances, including a conflict of interest, where these functions may be carried out by an appropriate nominee. In such cases, the nominee will have had any relevant training and be of appropriate seniority.

## **6.Principles**

- 6.1. Each allegation is considered on a case-by-case basis on the facts and the evidence. There is a presumption of innocence until a case has been fully considered and concluded.

### **Standard of proof**

- 6.2. The procedures set out in this Code are not a criminal process. The standard of proof applied is a 'balance of probabilities'. This means that when the evidence is reviewed, an objective assessment will be made to determine whether it is more likely than not that the alleged misconduct occurred.

### **Zero tolerance of harassment, bullying, and hate incidents**

- 6.3. Any breach of Student Conduct Regulations [A2, A3, A4, A5, A6, A13 and A14](#) are considered to be serious and following investigation will be referred to the Academic Registrar or nominee for a decision on whether to convene a Student Conduct Committee or Student Conduct Review Panel.

### **Use of temporary orders**

- 6.4. Any party involved in a case may be subject to a temporary order while an investigation is underway. A temporary order is not used as a penalty and is put in place under circumstances where it is considered to be in your best interests or when it is considered necessary to protect the interests of the University and the members of its community. More information on temporary orders is provided in [Appendix 3](#).

### **Criminal investigations and convictions**

- 6.5. The University's conduct procedures are not intended to replace criminal proceedings and if the allegation you have made may also constitute an offence under criminal law, you are encouraged to report the matter to the Police. Where the allegation constitutes a breach of this Code, the University will initiate procedures to consider the allegation in accordance with the Code. Where this Code is initiated alongside criminal proceedings, it will be kept under regular review and may be suspended if there is a clear reason to do so. Further details are set out in [Appendix 2](#).
- 6.6. You are required to notify the Academic Registrar immediately by e-mailing the [Student Progress Team](#) if you receive a formal police caution or if you are convicted in a court of law for any relevant criminal offence irrespective of whether the allegation is also being considered under the Code of



Student Conduct. Further guidance on what constitutes a relevant criminal offence can be found in [Appendix 7](#).

## **Representation and support**

- 6.7. A primary aim of the Code is to ensure that all cases are handled in a supportive way. In allocating a Conduct Investigator, the University will take account of the particular circumstances of each individual case.
- 6.8. All students involved in procedures under this Code have the right to be accompanied by a fellow student, a member of staff or a representative of SU Advice or the Students' Union at any meetings conducted as part of this Code. Whoever accompanies you must not be involved in the case. As the Code of Student Conduct is not a criminal process, legal representatives are not permitted to be present at any stage of the conduct process.
- 6.9. Any student involved in the procedure under this Code who has a confirmed disability, specific learning difficulty, and/or mental health condition may be accompanied by a member of staff from the Student Wellbeing and Inclusivity Service. You may not bring anyone to a meeting who is not a member of the University unless this has been agreed as a reasonable adjustment under the Equality Act 2010. You will be offered reasonable adjustments to assist you in any meetings. Adjustments will be relevant to your disability and/or your specific learning disability and may involve additional external support. Your representative can speak on your behalf if you might otherwise be at a disadvantage. If you think you may need a reasonable adjustment, please contact the [Student Conduct Team](#) at the earliest opportunity.

## **Mental health, illness or disability**

- 6.10. If we are concerned that mental health, illness or disability may have had (or still has) an impact on your behaviour, alleged conduct or both, any proceedings against you may be suspended at any stage. The matter will then be considered by the Academic Registrar or nominee who will make a decision on whether the proceedings are resumed under either the [Study and Wellbeing Intervention Policy and Procedure](#) (.pdf), the [Fitness to Practise Procedure](#) (.pdf), this Code or any other procedure or policy as appropriate.
- 6.11. In cases where the Academic Registrar has determined that your mental health, illness or disability had or has an impact on your behaviour, they may also consider whether you are currently fit to engage in a conduct investigation and whether sufficient measures to safeguard and support you are in place to facilitate this. In cases where there is risk to you, others or University property posed by your mental health, illness or disability, conduct cases may be suspended on those grounds until sufficient measures to safeguard and support you are in place, at which point an investigation could

resume. In some circumstances, this may include concurrent proceedings under both the Code and Study and *Wellbeing Intervention Policy and Procedure*. For example, in cases where:

- delaying conduct proceedings may cause disproportionate distress
- delaying conduct proceedings would cause risk to the safety and wellbeing of yourself, others or University property
- the students involved are fit to engage in conduct proceedings, with adequate support in place, so as to prevent delay in providing a timely outcome for all involved
- in all cases, mitigating factors are considered as part of the outcome of a case

## **Conflict of interest**

6.12. The University will take measures to minimise any risk of conflict of interest in order that the individuals involved in investigating and/or making decisions about your case will be able to operate impartially and without self-interest or prejudice.

6.13. When arranging a Student Conduct Committee, Student Conduct Review Panel or a Committee of Appeal, the Student Progress Team will take appropriate measures to minimise the risk of a possible conflict of interest. This will include ensuring that Student Conduct Panel members are drawn from a department or school which is different from yours and that they do not already know you. You should notify the Student Progress Team immediately should you become aware of a potential conflict of interest.

## **Withdrawing an allegation**

6.14. If you make an allegation which you subsequently decide to withdraw, we will contact you to discuss the circumstances surrounding your decision. The University may decide to continue with its investigations using the procedures in this Code, or to refer the matter to the Police if it is necessary to uphold the health, safety and security of members of the University community. In all circumstances, you will continue to have the right to receive the support and advice of the University's support services.

## **Communication**

6.15. During an investigation, the Conduct Investigator will keep those involved regularly informed of progress in relation to the case. For example, an investigator will contact you if there is a change in the status of your case, when your case has progressed to the next stage, or when agreed with you by the investigator. The frequency and nature of the communication will depend on the circumstances of the case and your role in it. You should contact the Student Conduct Team if you have any questions about the status of your case.

- 6.16. The complainant will be notified when the case has concluded, what information was considered, informed whether the case was substantiated and advised of any relevant penalties, where possible. You will also be informed of your right to appeal. Due to the rules around confidentiality further information cannot always be provided but may be shared on a case-by-case basis in accordance with our Data Protection responsibilities.
- 6.17. If an allegation is made against you, you will be notified of the outcome, the rationale for the decision and where applicable any potential consequences of a penalty being applied. You will have the opportunity to seek clarification from the Conduct Investigator if you are unclear about any aspect of the outcome, but this would not alter the decision. You will be informed of your right to appeal.

## **Timescales**

- 6.18. The University will aim to complete the conduct proceedings as quickly as possible and not take longer than 40 working days from the date that the reported student is informed. The University will aim to complete the appeal proceedings within 20 working days from receipt of your appeal form and supporting evidence.

While every effort will be made to comply with the timescales set out above, occasionally there will be circumstances when, for good reason, the University will need to extend the timeframe, particularly for serious and complex investigations. Where this is the case, the student will be notified and kept regularly informed of progress.

- 6.19. In exceptional circumstances, where a case needs to extend beyond these timescales, the Academic Registrar will contact the Registrar and Secretary to provide an explanation for the delay and to seek approval for a new timeframe. You will be notified and regularly kept informed of progress. Extending a case beyond these timescales shall not invalidate the outcome of the conduct proceedings and it shall not imply any right of appeal.
- 6.20. In circumstances where the Registrar and Secretary has approved the suspension of the conduct proceedings, for example, where the alleged breach may also constitute an offence under criminal law and the continuation of the conduct proceedings would prejudice any criminal proceedings, the impact on timescales will be kept under review, and you will be kept informed. Further information is in [Appendix 2](#).
- 6.21. In order to meet these timescales and ensure sufficient time is allocated to the investigation and decision-making process, it is important that all students involved in the case attend all meetings, and meet all deadlines set. If you are unable to attend, you must inform the [Student Progress Team](#) immediately and agree an alternative.
- 6.22. It is important that you attend any meetings that are arranged as part of your conduct case, including when they clash with a teaching event or other University commitment. Through avoiding delays,

such as the rescheduling of meetings, the University hopes to minimise the impact of the case on the students involved. Some cases may involve students who are subject to a temporary exclusion order at a stage where no decision on the case has been reached. It is particularly important that these cases are able to be resolved at the earliest opportunity.

## 7. Student Conduct Procedures

### Reporting allegations

- 7.1. To report a breach of the Code of Student Conduct you should complete an incident report form and send it with your evidence to the Student Progress Team. The form will be passed to a Conduct Investigator for review. The Student Progress Team will acknowledge receipt of your form within five working days. All allegations are considered seriously and action will always be taken where it is possible to do so.
- 7.2. Unless a case is defined as serious in the Code, those reporting a student to the conduct team will be required to demonstrate how they have attempted to resolve the issue informally. All reports about behaviour defined as serious within the Code will proceed straight to allocation to an investigator.

If attempts to address the issue informally have not been successful, the report may be escalated to the Conduct team. The complainant should demonstrate that:

- the incident was a breach of the Code
- that they have evidence supporting their complaint
- that they have attempted to resolve the issue informally

Once you have made a report, a member of the team will review your report and assess whether your case meets the threshold for consideration under the Code and communicate to you the outcome of this assessment. Once a report has been assessed to have met this threshold, you will be kept updated while your case is awaiting allocation to a Conduct Investigator.

If your report does not meet the threshold for referral to the Student Conduct Team you will be informed of the reasons for this and signposted to advice and support.

- 7.3. The Conduct Investigator may decide to issue an informal warning; use the Early Resolution Procedure; or carry out a formal investigation.

### Informal warning

- 7.4. If an allegation has been made against you and (a) you do not have any previous proven cases of misconduct or have cases of misconduct unrelated to the current allegation, and (b) the case is

not judged to be severe enough to merit a penalty, the Conduct Investigator may issue you with an informal warning. This has the advantage of resolving the case as quickly as possible. The use of informal warnings is limited to certain types of minor breaches (such as a breach of tapping in to show attendance at a lecture but not staying) and a record is kept. Informal warnings will not normally be used where there are repeated examples of minor misconduct.

## **Early resolution**

- 7.5. If an allegation has been made against you and you do not have any previous proven cases of serious misconduct or have previous proven minor cases of misconduct unrelated to the current allegation, you may be offered the opportunity to resolve the matter without the need for a meeting. This is called Early Resolution and can be used where the case is minor and straightforward.
- 7.6. If you are eligible for Early Resolution the Conduct Investigator will write to you and tell you about the reported allegation. You will be asked to complete a form describing your version of events, providing evidence or explanation for your actions, and confirming whether or not you admit to the breach. In order to be eligible for consideration under the Early Resolution procedure, you will need to return the form within seven working days of the date of the e-mail.
- 7.7. If you admit the allegation, the Conduct Investigator will take into account all the information you have provided when determining the penalty or penalties to impose. No further investigation will be undertaken.
- 7.8. If the allegation is found proven you will be sent the outcome of the Conduct Investigator's decision, via your Essex email, within seven working days of receipt of your form and advised of the procedure for submitting an appeal.
- 7.9. If you deny the allegation or fail to return the form by the deadline, an investigation will be conducted in accordance with the procedures set out in this Code.

## **Formal investigation**

- 7.10. If the Conduct Investigator decides to carry out a formal investigation they will normally arrange a series of formal individual meetings to discuss the allegation with the person or persons who made the allegation and anyone else who was involved. If the alleged breach also involves criminal proceedings, this may affect the University's internal procedures. Further details are set out in [Appendix 2](#). If the allegation involves other students they may be investigated at the same time.

## **Allegations about students who are also a member of staff**

7.11. If the allegation involves a student who is also a member of staff, the Student Progress Team will notify the Director of People and Culture, as soon as the allegation is received, who will advise the Student Progress Team that either:

- the nature and content of the allegation indicates that the member of staff should be investigated in accordance with the Disciplinary Procedures for Staff, in which case any investigation into their conduct as a student, in accordance with this Code, will be suspended until the Disciplinary Procedures have been completed
- the nature and content of the allegation does not give reason to initiate Disciplinary Procedures for Staff, or that the Disciplinary procedures have previously been completed in relation to the allegation. As such, the investigation will proceed as outlined in this Code

7.12. A Conduct Investigator will not have the authority to call into question a decision previously taken under the University's Disciplinary Procedures for Staff but will be able to take into account the findings of the Disciplinary Procedures and consider this as part of their investigation.

7.13. If the Disciplinary Procedure for Staff is initiated, People and Culture will keep the complainant, reported student and the Student Progress Team updated on progress of the disciplinary proceedings.

7.14. Should an investigation in accordance with this Code establish new evidence or information that may relate to staff conduct that has not previously been considered, then the Conduct Investigator should notify People and Culture immediately and the conduct investigation will be suspended until further advice has been taken.

## **Attendance at a meeting with the Conduct Investigator**

7.15. You will either be asked to attend a pre-scheduled meeting with the Conduct Investigator or will be asked to book a suitable meeting with a Conduct Investigator. You must attend a meeting when asked to do so. It takes priority over all other term-time commitments and is critical to enabling cases to be concluded within published timescales. In arranging meetings, the Conduct Investigator will take into account periods of time when your availability may be limited and you should contact the [Student Progress Team](#) immediately if you are unable to attend.

7.16. If you do not book a meeting when asked to do so, agree an alternative time in advance or fail to attend meetings and/or engage with these procedures, the Conduct Investigator will proceed without you. This can include imposing a suitable penalty or referring the matter to the Academic Registrar or nominee for consideration by a Student Conduct Committee. A decision on whether to proceed will be made based on the circumstances of the case, ensuring the safety of members of the University community, and the interests of all parties involved.

## **Procedure for dealing with minor breaches**

7.17. On completion of the investigation, the Conduct Investigator may decide there is:

- a) insufficient evidence so no further action will be taken
- b) evidence of a minor breach resulting in a penalty imposed by the Conduct Investigator
- c) evidence to suggest that a breach of Student Conduct Regulations A2, A3, A4, A5, A6, A13 or A14 has occurred resulting in a referral to the Academic Registrar or nominee
- d) evidence to suggest that a serious breach has occurred resulting in a referral to the Academic Registrar or nominee

## **Penalties available to the Conduct Investigator**

7.18. For a minor breach the Conduct Investigator may impose one or more of the following penalties for each breach:

- a) a formal written warning
- b) a requirement that you should apologise in writing, make compensation in some way, or both, to everyone affected by your breach of the regulations
- c) confiscation without compensation of any item in your possession which is not allowed on University premises by the rules and regulations, or by the terms and conditions of your accommodation contract
- d) a requirement to have no contact, or restricted contact, with a named person or persons
- e) imposition of a fine. The Conduct Investigator may fine you up to £250. The only exception is in relation to behaviour which is likely to cause injury or impair safety on University premises where the Conduct Investigator may fine you up to £500
- f) requirement to pay the whole cost or part of the cost of repairing or replacing any property that has been damaged or stolen
- g) requirement to attend a specified workshop and to pay a reasonable cost for doing so. The payment is non-refundable
- h) requirement to move to alternative University accommodation
- a) recommendation to Accommodation Essex to be refused University accommodation in the future
- b) recommendation to the Registrar and Secretary for exclusion from the whole or any specified part or parts of the University for a defined period. When excluded from

occupancy of residential accommodation you will be served a Notice to Terminate giving you 28 days' notice to vacate your room

- c) any other action specified by the Conduct Investigator that they think is appropriate. The action will be proportionate to the severity of the breach

7.19. The penalty or penalties imposed will be determined by the facts of the case, similar previous cases, any aggravating and mitigating factors, and your conduct record. Penalties will not last beyond your programme of study. The Conduct Investigator may decide to suspend any penalty or a part of it on any reasonable terms they decide.

7.20. Sometimes it may not be possible to identify who was responsible for a breach of the regulations in a communal area of residential accommodation, even after an investigation. If so, the Conduct Investigator may decide that it is appropriate to impose a penalty on all the registered occupants of the accommodation in question.

7.21. The reported student and complainant will be informed via their Essex email of the outcome the Conduct Investigator's investigation and their decision. The reported student will be informed of any penalty and the complainant will be informed of any penalty which has a direct impact on them. They will also be informed of the procedure for submitting an appeal.

## **8. Procedure for dealing with serious breaches**

8.1. If the Conduct Investigator determines that the case is serious, it will be referred to the Academic Registrar or nominee.

8.2. If you have breached the Code previously your case may be referred to the Academic Registrar or nominee.

8.3. The reported student and complainant will be notified of the referral and the allegations made in writing, told why the referral has been made, and advised of the next step.

8.4. On receiving a referral from the Conduct Investigator, the Academic Registrar or nominee will consider the allegations. They may decide there is:

- a) insufficient evidence so no further action will be taken, or
- b) evidence of a minor breach, resulting in a referral back to the Conduct Investigator to impose a penalty or penalties, or
- c) evidence to suggest that a major breach may have occurred resulting in a referral to a Student Conduct Committee or Conduct Review Panel



## Convening a Student Conduct Review Panel

- 8.5. The Student Progress Team will tell both the reported student and complainant in writing when the case has been referred to a Student Conduct Review Panel and the reason for the referral.
- 8.6. To enable the meeting to happen in a timely way, the reported student is required to respond within five working days of the date of the email to confirm:
- a) whether or not you intend to attend to make representations in person. You are not normally required to attend the meeting, but you may wish to do so
  - b) whether or not you admit to the breach or breaches
  - c) whether you will be submitting any additional representations in writing (these should be included)
  - d) whether or not you have any objection to any of the members of the Review Panel. Your grounds for any objection must be clearly stated. The Academic Registrar or nominee will decide whether or not your objection is valid and their decision will be communicated to you in writing along with the reasons
- 8.7. If you are unable to meet this deadline, please contact the Student Progress Team at the earliest opportunity. If the reported student and one or more other students are involved in related misconduct, the Academic Registrar or nominee may decide that the cases should be considered together by the same review panel.
- 8.8. Representations for consideration by the Review Panel must be sent to the Student Progress Team at least five working days in advance of the Review Panel. The Chair of the Review Panel has the power to determine whether any representations appear irrelevant or unduly repetitive and can determine that this should not be accepted. Representations received after this deadline will only be accepted at the discretion of the Chair.

During the meeting of the Conduct Review Panel, members of the panel will review the evidence submitted by the Conduct Investigator. They will also review the representations submitted by the reported student or complainant. This will not normally include new information that has not been previously provided to your investigator, unless there is good reason why you did not do so. The panel members will review the information provided and make a determination on the outcome of the case.

This will be communicated to you in writing and you will be informed of your right to appeal.

## **Penalties available to a Student Conduct Review Panel**

- 8.9. A Student Conduct Review Panel has the power, on behalf of the Senate, to impose one or more of the following penalties for each breach:
- a) a formal written warning
  - b) a requirement that you should apologise in writing, make compensation in some way, or both, to everyone affected by your breach of the regulations
  - c) confiscation without compensation of any item in your possession which is not allowed on University premises by the rules and regulations, or by the terms and conditions of your accommodation contract
  - d) a requirement to have no contact, or restricted contact, with a named person or persons
  - e) imposition of a fine
  - f) requirement to pay the whole cost or part of the cost of repairing or replacing any property that has been damaged or stolen
  - g) requirement to attend a specified workshop and to pay a reasonable cost for doing so. The payment is non-refundable
  - h) requirement to move to alternative University accommodation
  - i) recommendation to Accommodation Essex to be refused University accommodation in the future
  - j) exclusion from the whole or any specified part or parts of the University for a defined period. When excluded from occupancy of residential accommodation you will be served a Notice to Terminate giving you 28 days' notice to vacate your room
  - k) recommendation to a Student Conduct Committee that you receive expulsion from membership of the University
  - l) any other action specified by the Student Conduct Review Panel that they think is appropriate. The action will be proportionate to the severity of the breach

## **Convening a Student Conduct Committee**

- 8.10. The Student Progress Team will tell both the reported student and complainant in writing when the case has been referred to a Student Conduct Committee and the reason for the referral. You will be told about the details of the arrangements for the Committee meeting and what will happen at the meeting.

8.11. To enable the meeting to happen in a timely way, the reported student is required to respond within five working days of the date of the e-mail to confirm:

- a) whether or not you admit to the breach or breaches
- b) whether or not you will be attending the Committee meeting, and
- c) whether or not you have any objection to any of the members of the Committee. Your grounds for any objection must be clearly stated. The Academic Registrar or nominee will decide whether or not your objection is valid and their decision will be communicated to you in writing along with the reasons

8.12. If you are unable to meet this deadline, please contact the Student Progress Team at the earliest opportunity.

8.13. If the reported student and one or more other students are involved in related misconduct, the Academic Registrar or nominee may decide that the cases should be considered together by the same Committee.

## **Attendance at Student Conduct Committees**

8.14. The reported student and complainant must attend any meeting of a Student Conduct Committee when asked to do so. It takes priority over all term-time commitments and is critical to enabling cases to be concluded within published timescales. In arranging meetings, the Student Progress Team will take into account periods of time when your availability may be limited such as examinations, undertaking placements as part of your course or other commitments deemed unavoidable. The Committee will proceed in your absence if you fail to respond to the notification you receive or if you fail to attend the meeting without good reason.

8.15. If you are the complainant or a witness called by the complainant, to ensure you feel able to be present at the Committee, you may request specific arrangements to be made, such as being located in a separate room to that of the reported student where you present your evidence by video link. If you think you may need such arrangements to be made, please contact the Student Progress Team at the earliest opportunity. All requests will be reviewed by the Committee Chair.

## **Evidence**

8.16. Evidence presented to the Committee will normally be oral, but written evidence or electronic evidence may also be submitted.

8.17. The reported student, the complainant, and the Conduct Investigator each have a responsibility to arrange for their respective witnesses to give oral evidence or to submit any written statements.

8.18. Documentary evidence for consideration by the Committee, and/or the names of any witnesses or their written statements, along with how they are related to the case, must be sent to the Student Progress Team at least five working days in advance of the Committee. The Chair of the Committee has the power to determine whether any documentary evidence and/or witnesses or their statement appears irrelevant or unduly repetitive and can determine that this should not be accepted. Where evidence is accepted by the Chair it will be circulated in advance to the Committee members, reported student and complainant. Documentary evidence and/or witnesses received after this deadline will only be accepted at the discretion of the Chair of the Committee.

8.19. During the Committee, the Chair will facilitate all questions. A witness who is not available for questioning may submit written evidence only but where there is no opportunity for questioning by the Committee, such evidence is likely to be deemed less valuable. The Committee may choose to disregard evidence from witnesses who are not prepared to have their names revealed to the Committee.

8.20. Details of the proceedings of the Committee are provided in Appendix 6.

### **Postponing a Student Conduct Committee**

8.21. The Committee may postpone a case in any of the following circumstances:

- a) to enable the reported student, complainant, and/or their representative to be present
- b) to require a certain witness or witnesses to attend for questioning
- c) if a witness fails to attend
- d) to enable the Committee to gather further evidence which is critical to the case
- e) if it believes that its proceedings are being impeded by circumstances beyond its control
- f) to allow time for the reported student and complainant, where relevant, to prepare a response to a potential alternative or additional outcome

8.22. The Committee will meet to consider a postponed case as soon as possible and not later than 20 working days after the postponement. The case does not need to be concluded at the resumed meeting.

8.23. Where it is not possible for the same Committee members to attend the resumed meeting, the Academic Registrar or nominee may appoint a new Chair and new members. In circumstances where the Committee involves two or three changes in appointments, the Committee will start its proceedings again. If the Committee only involves one change in appointment, the meeting will continue from where it was postponed unless a request is made by the reported student or complainant to start its proceedings again.

8.24. The Student Conduct Committee will decide on the balance of probabilities whether the evidence supports a breach of regulations. If the evidence supports a breach of regulations the Student Conduct Committee may impose one or more penalties in respect of each breach. If there is insufficient evidence of a breach the case will be closed and no further action will be taken.

### **Alternative or additional outcome**

8.25. The Committee will hear and carefully consider all of the evidence presented in the case. If the Committee determines that the evidence supports a breach of another conduct regulation, the Committee may find the reported student and anyone else involved to have breached that other regulation. The Committee may postpone consideration of the case to allow time for the reported student and complainant, where relevant, to prepare their response. The Committee may impose a penalty for that breach even though it was not included in the original list of allegations in the Conduct Investigator's case against you.

8.26. The Student Conduct Committee may decide in circumstances where there has been insufficient evidence to make a finding and no penalty is imposed that it remains or becomes necessary for the safety, security and wellbeing of the members of the University to put a non-contact order in place between all parties involved in the case following the conclusion of the committee. You must comply with any such instructions issued to you. If you do not comply (without good reason), this will amount to a breach of Student Conduct Regulation D8.

### **Penalties available to a Student Conduct Committee**

8.27. A Student Conduct Committee has the power, on behalf of the Senate, to impose one or more of the following penalties for each breach:

- a) a formal written warning
- b) a requirement that you should apologise in writing, make compensation in some way, or both, to everyone affected by your breach of the regulations
- c) confiscation without compensation of any item in your possession which is not allowed on University premises by the rules and regulations, or by the terms and conditions of your accommodation contract
- d) a requirement to have no contact, or restricted contact, with a named person or persons
- e) imposition of a fine
- f) requirement to pay the whole cost or part of the cost of repairing or replacing any property that has been damaged or stolen

- a) requirement to attend a specified workshop and to pay a reasonable cost for doing so. The payment is non-refundable
- b) requirement to move to alternative University accommodation
- c) recommendation to Accommodation Essex to be refused University accommodation in the future
- d) exclusion from the whole or any specified part or parts of the University for a defined period. When excluded from occupancy of residential accommodation you will be served a Notice to Terminate giving you 28 days' notice to vacate your room
- e) expulsion from membership of the University
- f) any other action specified by the Student Conduct Committee that they think is appropriate. The action will be proportionate to the severity of the breach

8.28. The penalty or penalties imposed will be determined by the facts of the case, similar previous cases, any aggravating and mitigating factors, and your conduct record. Penalties will not last beyond your programme of study, except in the case of expulsion or in circumstances where an exclusion is put in place in accordance with Paragraph 7.15 of the General Regulations. The Committee may decide to suspend any penalty or a part of it on any reasonable terms decided by the Committee.

## **Formal notification**

8.29. The reported student and complainant will be informed separately by the Chair on the day of the Committee. The formal outcome of the Committee's decision will follow in writing. The reported student will be informed of any penalty and the complainant will be informed of any penalty which has a direct impact on them. Further information may be shared with the complainant on a case-by-case basis in accordance with our Data Protection responsibilities. The reported student and complainant will also be informed of the procedure for submitting an appeal.

# **9. Student Conduct Appeals Procedure**

## **Grounds for appeal**

9.1. If you reported an allegation, or an allegation was made against you, you have the right of appeal to the Academic Registrar or nominee against any finding, penalty or order of the Conduct Investigator, Student Conduct Review Panel or a Student Conduct Committee on one or more of the following grounds:

- a) there is new evidence, which for good reason was not previously available to the Conduct Investigator, Student Conduct Review Panel or the Student Conduct Committee, which might have materially affected the outcome
- b) the Conduct Investigator or Student Conduct Committee did not follow the procedures in this Code which disadvantaged your case
- c) there is evidence of prejudice and/or bias in the investigation and/or the decision making
- d) on the balance of probabilities, the facts of the case did not justify the decision reached
- e) the penalty imposed by the Conduct Investigator, Student Conduct Review Panel or Student Conduct Committee was disproportionate with regard to all the circumstances of the case, or not permitted under this Code

### **Written notice of appeal**

- 9.2. You may appeal by completing an Appeal Form, setting out your grounds for appeal and sending it with all supporting evidence to the Student Progress Team. You are expected to do so within ten working days of the date on the letter containing the outcome of the conduct proceedings. If circumstances beyond your control prevent you from meeting the standard time limit and that unfair treatment would result from not extending the deadline, the Academic Registrar or nominee may use discretion to accept the appeal.
- 9.3. You are strongly encouraged to contact SU Advice for advice and guidance before completing the form.

### **Notification**

- 9.4. You will be notified if the other party to a case has appealed and the grounds on which they have appealed. You will be kept informed of the progress of the appeal and whether the decision of the Conduct Investigator, Student Conduct Review Panel or Student Conduct Committee is amended.

### **Minor cases where the Conduct Investigator made the decision and imposed a penalty**

- 9.5. Upon receipt of an appeal, the Academic Registrar or nominee will decide whether or not the grounds set out in the appeal form have met the published criteria. You will be informed of the Academic Registrar or nominee's decision, within ten working days from receipt of the appeal. If the appeal has not met the published criteria and is unsuccessful, the reported student and complainant will be notified of the reasons for this in writing in the form of a Completion of Procedures letter.

- 9.6. Where the Academic Registrar or nominee determines the grounds for appeal have met the published criteria they will refer the case to a Conduct Investigator with no prior involvement in your case for review.
- 9.7. Following review, the Conduct Investigator will make one or more of the following decisions:
- a) cancel the original decision of the Conduct Investigator and any resulting penalties
  - b) confirm the original decision of the Conduct Investigator
  - c) confirm or amend a penalty, provided that the amendment is consistent with the powers of a Conduct Investigator. It should be noted that this means that penalties may be increased as well as decreased
- a) refer the appeal to a Student Conduct Committee of Appeal
- 9.8. The Academic Registrar or nominee has discretion to refer an appeal directly to a Student Conduct Committee of Appeal where the substance of the appeal is sufficiently serious and/or complex, in which case the procedure described below will apply.
- 9.9. The reported student and complainant will be informed of the outcome of the appeal within twenty working days of the receipt of the appeal.

## **Appeals against the outcome of a Student Conduct Committee or Student Conduct Review Panel**

- 9.10. Upon receipt of your appeal, the Academic Registrar or nominee will decide whether or not the grounds set out in the appeal form have met the published criteria.
- 9.11. You will be informed of the Academic Registrar or nominee's decision, within ten working days from receipt of the appeal. If the appeal has not met the published criteria and is unsuccessful, the reported student and complainant will be notified in writing in the form of a Completion of Procedures letter.
- 9.12. On referring the case to a Student Conduct Committee of Appeal, the Academic Registrar or nominee will ask the Chair of the original Student Conduct Committee, Student Conduct Review Panel or the Conduct Investigator, against whose decision the appeal is made, for a Statement of Case. This will include details of the allegation(s) on which the decision was made, a brief summary of the evidence and of the relevant findings, the decision, details of any penalty imposed, a brief comment on the reason for the findings, decision and penalty and any further information which the Conduct Investigator or Committee Chair concerned considers to be relevant.
- 9.13. Within five working days of the notification of the Academic Registrar or nominee's decision to refer the appeal to a Student Conduct Committee of Appeal, the Student Progress Team will send the



reported student and complainant a copy of the Statement of Case, details of the arrangements for the Committee meeting and information about what will happen at the meeting.

9.14. The reported student and complainant will also be told the names of the members of the Student Conduct Committee of Appeal. You must respond within five working days of the date of the e-mail to say whether or not you have any objection to any of the Committee members. Your grounds for any objection must be clearly stated. The Academic Registrar or nominee will decide whether or not your objection is well founded and will explain their decision to you.

### **Withdrawing an appeal**

9.15. You may withdraw an appeal at any point up until the outcome of the appeal is determined after which the outcome of the appeal will stand and replace the original decision. Should you wish to withdraw your appeal, please inform the Student Progress Team as soon as possible in writing.

### **Attendance at Student Conduct Committees of Appeal**

9.16. If you have submitted an appeal you are required to attend any meeting of a Student Conduct Committee of Appeal. If you fail to do so your appeal will normally be automatically withdrawn.

### **Composition of a Student Conduct Committee of Appeal**

9.17. A Student Conduct Committee of Appeal will consist of a Chair and two members of the Student Conduct Panel. They will be selected to ensure as far as possible that the diversity within the student body is reflected in the composition of each Committee. The members will comprise a member of staff and a current or recent student. In circumstances where no student member is available, the Committee may proceed with two staff members. The Chair will have the casting vote. No committee member will be from an earlier Student Conduct Committee which considered your case.

9.18. Details of the proceedings of a Committee of Appeal are set out in Appendix 6.

### **Student Conduct Committee of Appeal Resolutions**

9.19. A Student Conduct Committee of Appeal will make one or more of the following decisions:

- a) cancel the decision of the Conduct Investigator, Student Conduct Review Panel or Student Conduct Committee and any resulting penalties
- b) confirm the decision of the Conduct Investigator, Student Conduct Review Panel or Student Conduct Committee
- c) confirm or amend a penalty, provided that the amendment is consistent with the powers of the Conduct Investigator, Student Conduct Review Panel or the Student Conduct

Committee which made the original decision. It should be noted that this means that penalties may be increased as well as decreased

- 9.20. The penalty or penalties imposed will be determined by the facts of the case, similar previous cases, any aggravating and mitigating factors, and your conduct record.
- 9.21. Penalties will not last beyond your programme of study, except in the case of expulsion, or in circumstances where an exclusion is put in place in accordance with the Paragraph 7.15 of the General Regulations. The Committee may decide to suspend any penalty or a part of it on any reasonable terms decided by the Committee.
- 9.22. The reported student and complainant will be informed separately by the Chair on the day of the Committee, and in writing, of the outcome and the Committee's decision. The reported student will be informed of any amendment to the penalty and the complainant will be informed of any amendment to the penalty which has a direct impact on them. They will also be informed of the procedure for requesting an internal review.

## **Internal review**

- 9.23. Any request for review following the formal conclusion of the Student Conduct Committee of Appeal may be made on the grounds of procedural irregularity only, specifically that the Committee departed from the prescribed procedures. If you wish to request a review against the outcome on the grounds of procedural irregularity, you should write to the Registrar and Secretary within ten working days of the date of the Student Conduct Committee of Appeal meeting and send it to the Student Progress Team. You must set out in detail the evidence to support your claim that there were procedural irregularities in the process. Should the Registrar and Secretary decide that you do not have a valid reason, your request will be unsuccessful and you will be sent a Completion of Procedures letter.
- 9.24. If there is evidence to support your request for review then the case will be reviewed by the Pro-Vice-Chancellor (Education) or nominee. If the Pro-Vice-Chancellor (Education) or nominee decides that there were procedural irregularities in the process then the case will be referred to a new Student Conduct Committee of Appeal. Should the Pro-Vice-Chancellor (Education) or nominee dismiss your request you will be sent a Completion of Procedures letter.

## **External review**

- 9.25. The Office of the Independent Adjudicator for Higher Education (OIA) provides an independent scheme for the review of student complaints or appeals. When the University's internal procedures for dealing with complaints and appeals have been exhausted, the University will issue a Completion of Procedures letter. If you wish to avail yourself of the opportunity of an independent review by the

OIA you must submit your application to the OIA within 12 months of the issue of the Completion of Procedures letter. Full details of the scheme are available on request and will be enclosed with the Completion of Procedures letter.

## Appendix 1: Student Conduct Regulations

1. Below are the behaviours which shall be treated as a breach of the Student Conduct Regulations which may result in disciplinary action being taken. They are organised into following sections:
  - A offences against people
  - B offences relating to health, safety and wellbeing
  - C offences against the environment
  - D other offences
2. Opposite each Conduct Regulation is an example of the type of penalty that may be imposed by the Conduct Investigator on a student found guilty of a **first breach** of that regulation. Please note that this is **illustrative only**. The University will consider all mitigating and aggravating factors when determining the appropriate penalty or penalties to be imposed in each case. Such factors include, but are not limited to, precedent in other similar cases, elements of discrimination, instances of previous misconduct by the same student, and mitigating circumstances. A full list of the penalties which may be imposed by the Conduct Investigator is set out in the Code of Student Conduct.
3. Penalties for a **second** breach of the regulations are likely to be more severe and may be referred to the Academic Registrar or nominee to determine whether to convene a Student Conduct Review Panel or Student Conduct Committee.
4. **Serious alleged breaches** of the regulations will be referred to the Academic Registrar or nominee to determine whether to convene a Student Conduct Review Panel or Student Conduct Committee irrespective of the number of previous breaches. Any breach of Student Conduct Regulations A2, A3, A4, A5, A6, A13 and A14 is considered to be serious.
5. It necessary to uphold the health, safety and security of members of the University, the University may decide to refer an alleged breach to the Police.

The Student Conduct Review Panel or Student Conduct Committee has a greater range of penalties. Opposite some of the Conduct Regulations is an example of the type of penalty imposed by a Student Conduct Review Panel or Student Conduct Committee on a student found to have breached the regulations. A full list of the penalties which can be imposed by a Student Conduct Review Panel or Student Conduct Committee are also set out in the Code of Student Conduct.

## A. Offences against people

Student Conduct Regulation	Example Penalty
<p>A1. Exhibiting disorderly, threatening, intimidating or violent behaviour.</p>	<p><b>Conduct Investigator:</b>            Formal warning            Fine            Suspended fine pending any further breach            Compulsory attendance at a specified workshop  <b>Student Conduct Review Panel or Student Conduct Committee:</b>            Banned from SU licensed premises            Refused University accommodation            Suspended expulsion from the University            Expelled from the University  <b>Student Conduct Committee:</b>            Expelled from the University</p>
<p>A2. Unwanted behaviour which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or threatening environment for that person, as set out in the definition of harassment in the University's harassment and bullying zero tolerance approach.</p>	<p><b>Student Conduct Review Panel or Student Conduct Committee:</b>            Non-contact order            Compulsory attendance at a specified workshop            Removal from University accommodation            Banned from SU licensed premises            Refused University accommodation  <b>Student Conduct Committee:</b>            Expelled from the University</p>
<p>A3. Sexual misconduct, which includes sexual harassment, sexual assault, sexual abuse and any conduct of a sexual nature that is without consent, to include conduct online or through social media.</p>	<p><b>Student Conduct Review Panel or Student Conduct Committee:</b>            Non-contact order            Compulsory attendance at a specified workshop            Removal from University accommodation            Banned from SU licensed premises            Refused University accommodation  <b>Student Conduct Committee:</b>            Expelled from the University</p>
<p>A4. Behaviour from a person or group, directed at a person or group, that is both unwarranted and unwanted, or which may also be bullying or victimisation, as set out in the definitions in the University's harassment and bullying zero tolerance approach.</p>	<p><b>Conduct Investigator:</b>            Formal warning            Non-contact order            Letter of apology            Fine            Suspended fine pending any further breach</p>

Student Conduct Regulation	Example Penalty
	<p><b>Student Conduct Review Panel or Student Conduct Committee:</b>  Non-contact order  Exclusion from specified parts of the University  Banned from SU licensed premises  Compulsory attendance at a specified workshop  Letter of apology  Suspended expulsion pending any further breach</p> <p><b>Student Conduct Committee:</b>  Expelled from the University</p>
<p>A5. Publishing any matter (whether expressed orally or in writing, sign or visible representation, including electronically or via social media) which is threatening, abusive or insulting or which constitutes harassment or bullying.</p>	<p><b>Student Conduct Review Panel or Student Conduct Committee:</b>  Non-contact order  Letter of apology  Fine  Banned from SU licensed premises  Refused University accommodation  Suspended expulsion from the University</p> <p><b>Student Conduct Committee:</b>  Expelled from the University</p>
<p>A6. Behaving in a manner that constitutes a hate incident as defined in the University's harassment and bullying zero tolerance approach.</p>	<p><b>Student Conduct Review Panel or Student Conduct Committee:</b>  Non-contact order  Compulsory attendance at a specified workshop  Removal from University accommodation  Banned from SU licensed premises  Refused University accommodation</p> <p><b>Student Conduct Committee:</b>  Expelled from the University</p>
<p>A7. Creating, or causing to be created, excessive noise which causes nuisance, inconvenience or annoyance to authorised users of the University or University owned or administered accommodation.</p>	<p><b>Conduct Investigator:</b>  Formal warning  Fine  Suspended fine pending any further breach</p>
<p>A8. Behaviour towards any member of the University which is discourteous, disrespectful or uncooperative or which interferes with or impedes any member of</p>	<p><b>Conduct Investigator:</b>  Formal warning  Fine  Letter of apology</p>

Student Conduct Regulation	Example Penalty
<p>the University in carrying out their duty or proper function as such</p>	<p><b>Student Conduct Review Panel or Student Conduct Committee:</b>  Moved to alternative accommodation  Banned from SU licensed premises  Refused University accommodation</p>
<p>A9. Behaviour that is likely to cause injury, illness or impair safety on University premises, including University owned or administered accommodation.</p>	<p><b>Conduct Investigator:</b>  Attendance at a specified workshop  Fine  <b>Student Conduct Review Panel or Student Conduct Committee:</b>  Moved to alternative accommodation  Banned from SU licensed premises  Refused University accommodation  Suspended expulsion from the University</p>
<p>A10. 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 or University owned or administered accommodation of any lawful visitor.</p>	<p><b>Conduct Investigator:</b>  Compulsory attendance at a specified workshop  Fine  <b>Student Conduct Review Panel or Student Conduct Committee:</b>  Fine  Refused University accommodation  Suspended expulsion from the University</p>
<p>A11. Behaving in a manner which obstructs, frustrates or disrupts:</p> <ul style="list-style-type: none"> <li>■ any lecture, class or other instruction, or any laboratory work, or any examinations, authorised to be held, given or undertaken within the University, or</li> <li>■ any meeting or other function (including social or sporting activities) authorised to take place within the University, or</li> </ul> <p>the satisfactory conduct of the administrative work of the University or its public or official functions, activities or legal duties.</p>	<p><b>Conduct Investigator:</b>  Compulsory attendance at a specified workshop  Fine  <b>Student Conduct Review Panel or Student Conduct Committee:</b>  Fine  Suspended expulsion from the University</p>
<p>A12. Failing to disclose name and other relevant details to an employee of the University or the Students' Union when it is</p>	<p><b>Conduct Investigator:</b>  Fine  Formal warning  Letter of apology</p>

Student Conduct Regulation	Example Penalty
reasonable to require that such information be given.	
<p>A13. Coercive behaviour, which constitutes a continuing act, or a pattern of acts, of assault, threats, or which has the purpose or effect of intimidation or humiliation or other abuse that is used to harm, punish, or frighten.</p>	<p><b>Conduct Investigator:</b>  Letter of apology  Fine  Compulsory attendance at a specified workshop</p> <p><b>Student Conduct Review Panel or Student Conduct Committee:</b>  Non-contact order  Letter of apology  Exclusion from specified parts of the University  Banned from SU licensed premises  Refused University accommodation  Compulsory attendance at a specified workshop  Suspended expulsion pending any further breach</p> <p><b>Student Conduct Committee:</b>  Expelled from the University</p>
<p>A14. Controlling behaviour, which has the cause or effect of making a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating everyday behaviour.</p>	<p><b>Conduct Investigator:</b>  Letter of apology  Reimbursement up to value of property stolen  Fine</p> <p><b>Student Conduct Review Panel or Student Conduct Committee:</b>  Non-contact order  Letter of apology  Exclusion from specified parts of the University  Refused University accommodation  Compulsory attendance at a specified workshop  Suspended expulsion pending any further breach</p> <p><b>Student Conduct Committee:</b>  Expelled from the University</p>



## B. Offences related to health, safety and wellbeing

Student Conduct Regulation	Example Penalty
<p>B1. Possessing, using, or supplying within the University and University owned or administered accommodation any controlled drug or psychoactive substance.</p>	<p><b>Conduct Investigator:</b> Attendance at a specified workshop Fine</p> <p><b>Student Conduct Review Panel or Student Conduct Committee:</b> Banned from SU licensed premises Removal from University accommodation Refused University accommodation Suspended expulsion from the University</p> <p><b>Student Conduct Committee:</b> Expelled from the University</p>
<p>B2. Possessing within the University and University owned or administered accommodation any offensive weapon.</p>	<p><b>Conduct Investigator:</b> Compulsory attendance at a specified workshop To confiscate without compensation prohibited items</p> <p><b>Student Conduct Review Panel or Student Conduct Committee:</b> Suspended expulsion from the University</p> <p><b>Student Conduct Committee:</b> Expelled from the University</p>
<p>B3. Causing the activation of a fire alarm within the University and University owned or administered accommodation when it is unwarranted.</p>	<p><b>Conduct Investigator:</b> Fine which may be part suspended pending any further breach</p> <p><b>Student Conduct Review Panel or Student Conduct Committee:</b> Refused University accommodation Suspended expulsion pending any further breach</p>
<p>B4. Misusing fire detection equipment, fire prevention equipment or fire-fighting appliances within the University and University owned or administered accommodation.</p>	<p><b>Conduct Investigator:</b> Pay the whole cost or part of repair Compulsory attendance at a specified workshop Fine</p>
<p>B5. Failing to immediately evacuate any part of the University or University-owned or administered 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.</p>	<p><b>Conduct Investigator:</b> Formal written warning Fine</p> <p><b>Student Conduct Review Panel or Student Conduct Committee:</b> Refused University accommodation</p>

Student Conduct Regulation	Example Penalty
	Suspended expulsion pending any further breach
B6. The use of lighted candles, tea lights, incense sticks or any other device which has a naked flame without the written permission of the Registrar and Secretary.	<b>Conduct Investigator:</b> Compulsory attendance at a specified workshop Fine <b>Student Conduct Review Panel or Student Conduct Committee:</b> Refused University accommodation Suspended expulsion pending any further breach
B7. Failing to comply with the University's No Smoking Policy.	<b>Conduct Investigator:</b> Compulsory Attendance at a specified workshop Fine <b>Student Conduct Review Panel or Student Conduct Committee:</b> Refused University accommodation Suspended expulsion pending any further breach

### C. Offences against property or the environment

Student Conduct Regulation	Example Penalty
C1. Committing theft within the University and University owned or administered accommodation.	<b>Conduct Investigator:</b> Letter of apology Reimbursement up to value of property stolen Fine <b>Student Conduct Review Panel or Student Conduct Committee:</b> Refused University accommodation Suspended expulsion from the University pending any further breach
C2. Committing or attempting to commit any fraud against the University or any member of the University.	<b>Conduct Investigator:</b> Fine Suspended fine Reimbursement up to value of property stolen <b>Student Conduct Review Panel or Student Conduct Committee:</b> Suspended expulsion from the University <b>Student Conduct Committee:</b> Expelled from the University
C3. Causing damage to property belonging to another or unauthorised use of the	<b>Conduct Investigator:</b> Letter of apology

Student Conduct Regulation	Example Penalty
property of the University or its grounds, or interfering with any mechanical, electrical or other services or installations within the University and University owned or administered accommodation without the authority to do so.	Formal written warning Pay for the cost or repair or replacement to damaged property <b>Student Conduct Review Panel or Student Conduct Committee:</b> Suspended expulsion from the University pending any further breach
C4. Behaving in a manner that causes, or is likely to cause, death, unnecessary suffering, harm or distress to any species of wildlife or domesticated or semi-domesticated animal.	<b>Conduct Investigator:</b> Formal written warning Fine <b>Student Conduct Review Panel or Student Conduct Committee:</b> Suspended expulsion from the University <b>Student Conduct Committee:</b> Expelled from the University
C5. Disposing of litter inappropriately within the University and University owned or administered accommodation.	<b>Conduct Investigator:</b> Formal written warning

## D. Other offences

Student Conduct Regulation	Example Penalty
D1. Infringing or attempting to infringe a regulation of the University and encouraging or assisting others to infringe a regulation of the University including encouraging or assisting another student to commit an academic offence.	<b>Conduct Investigator:</b> Formal written warning Fine Suspended fine <b>Student Conduct Review Panel or Student Conduct Committee:</b> Suspended expulsion <b>Student Conduct Committee:</b> Expelled from the University
D2. Having received a formal police caution or having been convicted in a court of law or failing to report having received a formal police caution or having been convicted in a court of law in relation to any relevant criminal offence(s).	<b>Conduct Investigator:</b> Compulsory attendance at a specified workshop Formal written warning <b>Student Conduct Review Panel or Student Conduct Committee:</b> Refused University accommodation

Student Conduct Regulation	Example Penalty
	<p>Suspended expulsion from the University pending any further breach</p> <p><b>Student Conduct Committee:</b> Expelled from the University</p>
<p>D3. Behaving in such a way as may reasonably be deemed to harm the reputation of the University of Essex or its relationship with the local or wider community and/or attracting adverse publicity.</p>	<p><b>Conduct Investigator:</b> Fine Suspended fine</p> <p><b>Student Conduct Review Panel or Student Conduct Committee:</b> Suspended expulsion from the University</p> <p><b>Student Conduct Committee:</b> Expelled from the University</p>
<p>D4. Misusing the University's name or any University record or document; or forging or falsifying any University record or document; or making any false statement either verbally or in writing in relation to any academic examination or assessment or University administrative function or service; or being party to impersonation in relation to any academic examination or assessment or University administrative function or service. This includes, but is not limited to, the use of false documentation or false statements in the process of gaining admission to the University.</p>	<p><b>Conduct Investigator:</b> Formal written warning Fine Suspended fine</p> <p><b>Student Conduct Review Panel or Student Conduct Committee:</b> Suspended expulsion from the university</p> <p><b>Student Conduct Committee:</b> Expelled from the University</p>
<p>D5. Failing to comply with the terms and conditions of the contract for accommodation.</p>	<p><b>Conduct Investigator:</b> Formal written warning Fine Suspended fine</p> <p><b>Student Conduct Review Panel or Student Conduct Committee:</b> Refused University accommodation</p>
<p>D6. Failing to comply with the 'IT Acceptable Use Policy'.</p>	<p><b>Conduct Investigator:</b> Formal written warning Fine</p> <p><b>Student Conduct Review Panel or Student Conduct Committee:</b></p>

Student Conduct Regulation	Example Penalty
	Suspended expulsion from the University pending any further breach <b>Student Conduct Committee:</b> Expelled from the University
D7. Failing to comply with any direction or restriction, imposed by the Librarian in respect of the use of Library facilities.	<b>Conduct Investigator:</b> Formal written warning Letter of apology <b>Student Conduct Review Panel or Student Conduct Committee:</b> Suspended expulsion from the University pending any further breach
D8. Failing without good reason to comply with a resolution previously imposed by the Registrar and Secretary, the Conduct Investigator, a Student Conduct Committee or a Student Conduct Committee of Appeal.	<b>Conduct Investigator:</b> Fine <b>Student Conduct Review Panel or Student Conduct Committee:</b> Suspended expulsion from the University <b>Student Conduct Committee:</b> Expelled from the University
D9. Making an allegation which is deemed to be vexatious, malicious or false.	<b>Conduct Investigator:</b> Formal written warning Letter of apology Fine <b>Student Conduct Review Panel or Student Conduct Committee:</b> Suspended expulsion from the University <b>Student Conduct Panel:</b> Expelled from the University
D10. Attempting to undermine or undermining the University's obligations in respect of UK Immigration policy.	<b>Student Conduct Review Panel or Student Conduct Committee:</b> Suspended expulsion from the University <b>Student Conduct Committee:</b> Expelled from the University
D11. Failing to comply with the University's policy and procedures for attendance monitoring or misuse of electronic attendance monitoring.	<b>Conduct Investigator:</b> Formal written warning Fine <b>Student Conduct Review Panel or Student Conduct Committee:</b> Suspended expulsion from the University pending any further breach

<b>Student Conduct Regulation</b>	<b>Example Penalty</b>
<p>D12. Any behaviour that is deemed to contravene the general principles of the Code of Student Conduct, including failure to engage in the Code of Student Conduct when requested to do so.</p>	<p><b>Conduct Investigator:</b>            Formal written warning            Letter of apology            Fine</p> <p><b>Student Conduct Review Panel or Student Conduct Committee:</b>            Suspended expulsion from the University</p> <p><b>Student Conduct Committee:</b>            Expelled from the University</p>

## Appendix 2: Criminal proceedings

1. If your alleged breach of the Code of Student Conduct may also constitute an offence under criminal law, this Appendix sets out how this affects the University's procedures.
2. The University will always initiate the conduct procedures at the earliest opportunity. Where the Code is initiated alongside criminal proceedings, it will be kept under regular review and may be suspended if there is a clear reason to do so. An example of when the procedure may be initiated and then suspended would include when the University's internal procedures risk prejudicing the criminal proceedings. When considering circumstances in which a suspension may be appropriate, the Student Progress Team will consult with the Police prior to making any recommendation to the Registrar and Secretary for decision.
3. Any decision to suspend proceedings under this Code will be kept under regular review to ensure that the period of any suspension is kept to a minimum. You will be notified if this is relevant to your case.
4. While criminal proceedings are on-going, you are obliged to keep the University informed of any progress or change in status regarding your case.
5. In circumstances where criminal proceedings have been concluded before the University procedures have been completed, the Academic Registrar or nominee will then decide what action to take. The action will include an assessment of the risk posed to the University community and take account of any caution, community resolution or penalty imposed by the criminal court. The Academic Registrar or nominee may:
  - take no further action; or
  - refer the matter to the Conduct Investigator to be dealt with according to this Code; or
  - refer the matter to a Student Conduct Committee or Student Conduct Review Panel.
6. If a court remands you in custody pending trial or sentence, or after conviction you are sentenced to prison and are absent from your studies for a period of fewer than twelve months, you will normally be required to intermit from your studies for this period. It is your responsibility to notify the Student Progress Team of the date of your release from custody. The matter will then be referred to a Student Conduct Committee or Student Conduct Review Panel. The Committee or Panel will decide whether the nature of your offence poses an on-going risk to the University community. It will also decide whether there are any outstanding matters of concern that have not been addressed by the criminal proceedings.

7. If you are remanded in custody pending trial or sentence, or after conviction you are sentenced to prison and are absent from your studies for a period of twelve months or more, you will be considered to have withdrawn from the University. Nevertheless, you may apply for readmission to the University upon your release from custody.



## **Appendix 3: Temporary orders**

1. This Appendix to the Code of Student Conduct sets out the circumstances and arrangements for temporary orders that may be imposed whilst an investigation is underway.

### **Temporary non-contact order**

2. While an investigation is taking place or in circumstances where procedures are suspended until criminal proceedings have been concluded, the Conduct Investigator may decide that the reported student and/or the complainant and/or witness should have no contact or restricted contact with certain people. You must comply with any such instructions issued to you. If you do not comply (without good reason), this will amount to a breach of Student Conduct Regulation D8.
3. In cases where an incident has been reported but the complainant is not supportive of an investigation being carried out or further action being taken, a Conduct Investigator may decide that the reported student and/or the complainant and/or witness should have no contact or restricted contact with certain people. You must comply with any such instructions issued to you. If you do not comply (without good reason), this will amount to a breach of Student Conduct Regulation D8.
4. The Conduct Investigator or Student Conduct Committee may decide in circumstances where there has been insufficient evidence to make a finding and no penalty is imposed that it remains or becomes necessary for the safety, security and wellbeing of the members of the University to put a non-contact order in place between all parties involved in the case. You must comply with any such instructions issued to you. If you do not comply (without good reason), this will amount to a breach of Student Conduct Regulation D8.

### **Temporary exclusion from University accommodation**

5. If it is relevant to the case, the Conduct Investigator may recommend to the Academic Registrar and the Accommodation Team that it is necessary for you to move to alternative University student accommodation immediately while the investigation continues. This decision will be taken where, following risk assessment, the Conduct Investigator considers that there is an immediate potential risk to the health, safety or wellbeing of those involved in the case and/or members of the University community.

## **Temporary exclusions from the University pending a conduct outcome or criminal trial**

6. If an allegation has been made against you or you are subject to criminal proceedings, the Academic Registrar may, on the recommendation of the Conduct Investigator, exclude you from the University pending the outcome of the Code of Student Conduct procedures.
7. Temporary exclusion pending the outcome of the procedures is not used as a penalty. The power to exclude is designed to protect the interests of the University and the members of its community, including you. It will be used only where the Academic Registrar believes that it is in the best interests of you or any other member of the University community. The reasons for the decision will be recorded in writing and you will be notified of them. The decision will also be shared with other parties involved in your case, where this is appropriate, and with other members of the University or Students' Union, where this is required to manage ongoing risks.
8. Exclusion means that your attendance at, or access to, the University will be restricted on a selective basis as set out in the exclusion order. It may also mean that if you have any functions or duties as an officer or committee member in the University or Students' Union, you will not be able to carry them out. The exact details will be specified in writing to you.
9. The Academic Registrar may temporarily exclude you with immediate effect. If you have been temporarily excluded, you may make representations in person or in writing to the Registrar and Secretary. Any representations should relate to the terms of the temporary exclusion, not the substance of the case. You must do so within five working days of the date of the letter notifying you of the temporary exclusion or as soon as possible afterwards, provided there is good reason why you were prevented from meeting the deadline. If you attend in person you may take someone with you, either a fellow student or a University of Essex staff member or a representative from SU Advice.
10. A decision to exclude you temporarily will be kept under review by the Conduct Investigator. Any significant changes in the circumstances of your case will be reported to the Academic Registrar. If your disciplinary hearing or criminal proceedings are delayed and the exclusion has continued for at least four weeks, you may request a review of the decision by contacting the [Student Progress Team](#). A review will be conducted by the Pro-Vice-Chancellor (Education) and you will be given the opportunity to submit written representations and to make representations in person. Should the exclusion continue after the review, it will be reviewed every four weeks by the Conduct Investigator until a disciplinary hearing or criminal trial takes place. If things change in the interim or if you ask for it, an independent review will be carried out.

11. If you breach an order it will be regarded as a breach of Student Conduct Regulation D8. This may result in an immediate referral to a Student Conduct Committee which may issue an appropriate penalty according to its powers.

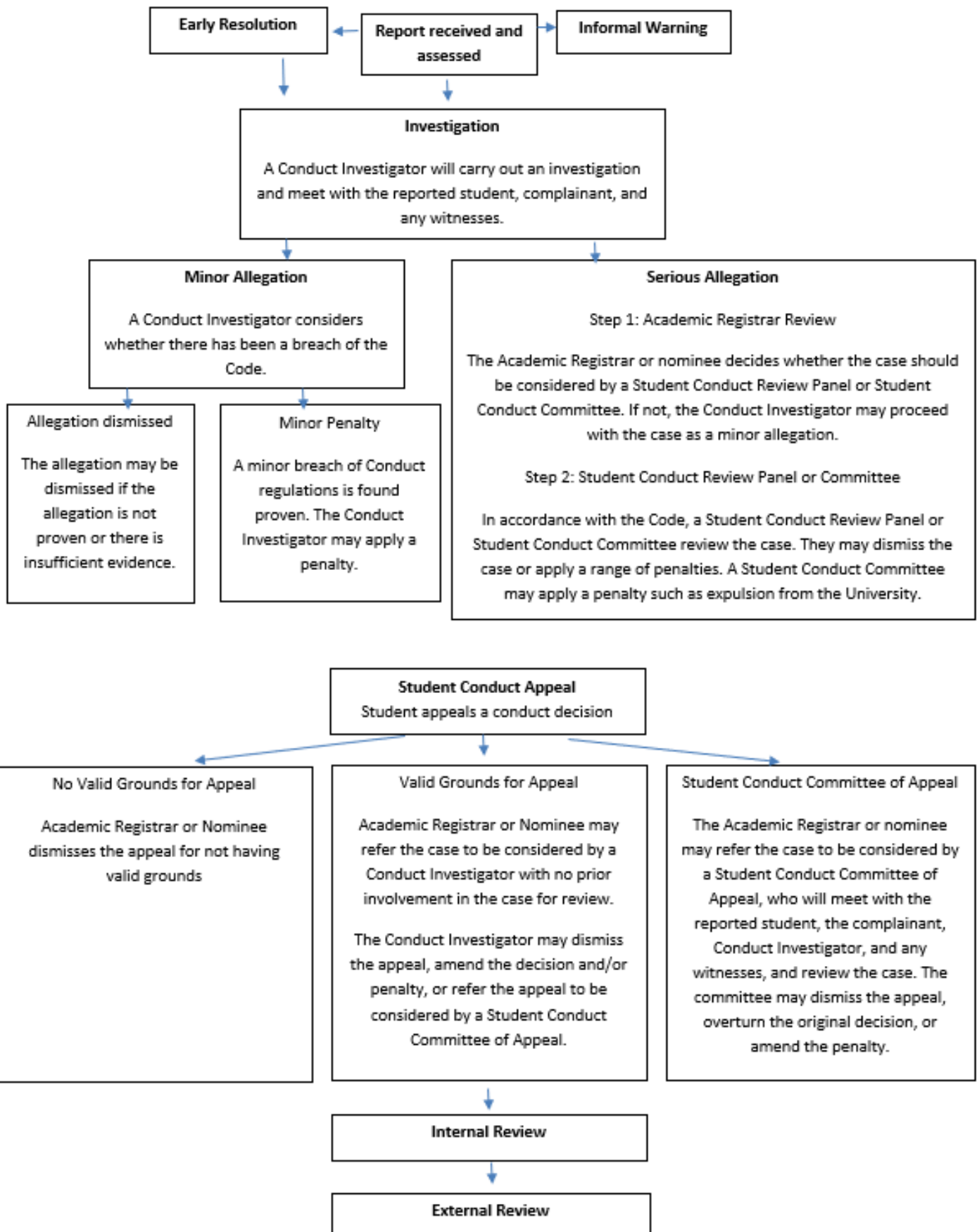
## **Appendix 4: Eligibility for study abroad in cases of proven misconduct**

1. If you are registered on a course with study abroad, or wish to take a period of study abroad or an international experience whilst at the University of Essex, the Essex Abroad Team will work with you to facilitate this. However, if you breach a student conduct regulation, you may put a risk your eligibility to do so. This is because your misconduct may have an impact on the University's reputation, and affect your eligibility governed by the rules and regulations of the country and/or partner institution where you are intending to study.
2. This Appendix sets out the procedure that is followed if you are registered for a course with study abroad, or decide that you would like to undertake a period of study abroad or an international experience and have breached the Code of Student Conduct.
3. The outcome and any relevant information will be shared with Essex Abroad.
4. The Essex Abroad Manager (or nominee) will assess your case based on a risk assessment. If your case is straight-forward and has no impact on your study abroad choices, they will write to you to confirm that you remain eligible for study abroad and that no changes are required to current arrangements.
5. If your case is more complex and could have an impact on your study abroad choices, the Essex Abroad Manager (or nominee) will invite you to attend a meeting to discuss your case. Failure to attend such a meeting may result in the decision being made in your absence. Possible outcomes could be:
  - a) there is no impact on your study abroad choices and you continue to be eligible without making any changes
  - b) you can continue to be eligible for study abroad but with some restrictions, such as country or choice of institution. You will be provided with details of the restrictions and offered advice on alternative options
  - c) you are no longer eligible for study abroad
6. You will receive written confirmation of the outcome of your case and advised on your right to appeal. If the outcome of your case has an impact on your programme of study, your department will also be notified.
7. All students will have a right to appeal on the following grounds:

- that there is evidence now available, which for good reason was not previously available, which might have materially affected the outcome
- that the decision made was unreasonable with regard to all the circumstances of the case
- that there was a procedural irregularity in the operation of the procedure to consider continued eligibility for study abroad.

To initiate an appeal, you will need to complete an appeal form setting out concisely the grounds for appeal and sending it to the Essex Abroad Team within ten working days of the date of the outcome letter. The appeal will be considered by the Academic Registrar or nominee and their decision is final. Notification of the outcome of the appeal will be provided in 30 calendar days.

## Appendix 5: Flowchart



## Appendix 6: Order of proceedings

1. The order of proceedings for a Student Conduct Committee and Committee of Appeal will normally be as follows:
  - a) the Chair welcomes everyone present and sets out the purpose of the meeting
  - b) the Conduct Investigator sets out the allegations of misconduct, summarising the information they have gathered and concluding that there may have been a breach of Conduct Regulations. The Chair facilitates any questions around points of clarification
  - c) the complainant (where applicable) will make their statement and ask any witnesses to join the meeting. The Chair will facilitate any questions
  - d) the reported student will make their statement and ask any witnesses to join the meeting. The Chair will facilitate any questions
  - e) all present are given the opportunity to summarise their information
  - f) the complainant (where applicable), reported student, and Conduct Investigator will then leave, and the Committee reaches its decision on whether there has been a breach of conduct regulations in private
  - g) if the Committee find the case proven, the reported student and Conduct Investigator will be asked back into the room. The reported student will be invited to inform the Committee of any mitigation and the Conduct Investigator will outline if there have been any previous proven allegations of misconduct
  - h) the Committee reaches its decision on which penalty or penalties to impose in private
  - i) when the final outcome and any penalty (where applicable) has been determined, the Chair communicates the decision, in person, separately to the reported student and complainant
2. The Committee Secretary will be present throughout the above proceedings.
3. Proceedings will be adapted to accommodate any approved alternative arrangements for the complainant and/or witnesses, such as being located in a separate room to present evidence by video link.

## Appendix 7: Glossary of terms

Term	Definition
Aggravating factors	Factors which made your offence more serious or less excusable.
Allegation	An assertion, especially relating to wrongdoing or misconduct on somebody's part, which has yet to be proved or supported by evidence.
Acquit, acquitted	To declare officially that somebody is not guilty of a charge.
Balance of probabilities	A standard of proof in which a decision is made following an objective assessment of the evidence whether it is more likely than not that an alleged incident occurred.
Confiscation	To have the authority to take or seize someone's possessions or property.
Conflict of interest	A conflict between the personal interests or loyalty of an individual and the functions that they carry out that could result in them pre-judging a case.
Consent	<p>Someone consents to sexual activity when they agree, by choice, and have the freedom and capacity to make that choice. For example, this means that someone cannot give their consent when they are:</p> <ul style="list-style-type: none"> <li>■ scared or threatened</li> <li>■ bullied or pressurised</li> <li>■ incapacitated due to drink or drugs</li> <li>■ asleep or unconscious</li> </ul> <p>Asleep or unconscious. Consent cannot be assumed on the basis of a previous sexual experience or previously given consent. Consent must be given explicitly every time sexual activity occurs. Consent may be given to one sort of sexual activity but not another and can be withdrawn at any time.</p>
Convicted	Found guilty of a crime in a court of law.



Term	Definition
Compensation	Something awarded to someone in recognition of loss or suffering or injury, which may or may not be financial.
Complainant	The individual who has been impacted by an incident.
Criminal proceedings	A term used in the Code when a criminal investigation is being conducted by the police into an alleged offence or when the police have concluded their investigation and subsequent Court proceedings are taking place.
Deliberations	Long and careful consideration of something; formal or official discussion or debate.
Expel, expulsion	Expulsion from the University is compulsory permanent withdrawal from the University and means that the student is no longer eligible to be registered for a programme of study or a component of a programme of study; or to be awarded a degree or exit award from the University or to live in University Accommodation. Earned credits which have already been ratified by a Board of Examiners can be recorded on a transcript. A student expelled as a result of conduct proceedings shall have no right to a refund.
Impede	To interfere with the movement, progress, or development of something or somebody.
Infringe	To fail to obey a law or regulation.
Malicious	Making an allegation on insufficient grounds with the purpose of causing harm or damage.
Misconduct	Unacceptable or inappropriate behaviour.
Mitigating factors	Factors which made your offence less serious or more excusable.
Noise Nuisance	Noise nuisance occurs when noise significantly and unreasonably impacts your quality of life and can be assessed by considering: intensity, time of day, frequency, duration, how reasonable it is, how many people are affected. The investigator may also take into account the necessity or benefit of the activity causing noise, or how controllable or preventable the activity causing noise is.
Nominee	A person who has designated authority to act on someone else's behalf.

Term	Definition
Offensive Weapon	An Offensive weapon is an object that is made, adapted or altered in some way for the purpose of causing injury or damage, which has no practical purpose in the normal world, or any objects which are carried for the purpose of causing injury or damage.
Office of the Independent Adjudicator (OIA)	An independent body set up to review student complaints about Higher Education Providers in England and Wales. It provides students with the opportunity of an independent review of their complaint or appeal once the University's internal procedures have been followed and completed.
Permitted occupier	A person or persons permitted to live with a registered Student in that accommodation and is named in the University's offer of student accommodation.
Police caution	A formal warning given by the Police to a person who has admitted that they are guilty of a minor crime.
Prosecute	Take legal action against somebody.
Relevant Criminal Offence	<p>An offence that:</p> <ul style="list-style-type: none"> <li>■ is committed against any member of the University</li> <li>■ is committed against the University more broadly or its grounds or buildings</li> <li>■ is committed whilst engaged on any University or Students' Union related activity (whether academic, sporting, social or other)</li> <li>■ may reasonably be considered to harm the reputation of the University or its relationship with the local or wider community and/or which may attract adverse publicity</li> <li>■ involves any kind of violence including threatening behaviour, offences concerning the intention to harm, or offences which resulted in actual bodily physical harm</li> <li>■ involves sexual violence, harassment or hate crime, including offences listed in the Sexual Offences Act 2003</li> </ul>

Term	Definition
	<ul style="list-style-type: none"> <li>■ involves unlawfully supplying controlled drugs or psychoactive substances</li> <li>■ involves firearms, knives or offensive weapons</li> <li>■ is listed in the Terrorism Act 2006</li> <li>■ involves arson</li> <li>■ for students enrolled on courses where a practical professional placement is required (including health, social work and education), the term relevant criminal offence extends to all criminal proceedings, cautions or convictions as required by the relevant regulator and/or professional body codes of practice.</li> </ul>
Reported student	The student who is alleged to have breached the Conduct Regulations.
Suspend	Defer or delay taking action. This may relate to action under the procedures or the application of a penalty.
University Premises	Any buildings or grounds owned, leased or administered by the University on any of its Campuses, including University owned or administered accommodation.
Witness	A witness is a term used in the Code to refer to a third party who is not the complainant or reported student. Witnesses provide additional information in support of a conduct investigation. This does not necessarily require a witness to have been present at the time of the incident, but where witnesses can provide evidence that is relevant to the case this will be considered as part of an investigation and conduct outcome.
Vexatious	Making an allegation on insufficient grounds and with the intention of causing annoyance to the person who is reported to have breached the Conduct Regulations.
Working Day	Monday to Friday when the University is open. The University is normally open throughout the year, except for a closure period between Christmas and New Year. A working day does not include English bank holidays.

## Document Control Panel

Field	Description
<b>Title</b>	Code of Student Conduct 2024-25
<b>Policy Classification</b>	Regulations
<b>Security Classification</b>	Open
<b>Security Rationale</b>	Not applicable
<b>Policy Manager Role</b>	Senior Student Progress Manager
<b>Nominated Contact</b>	studentconduct@essex.ac.uk
<b>Responsible UoE Section</b>	Academic Section
<b>Approval Body</b>	Senate
<b>Signed Off Date</b>	26 June 2024
<b>Publication Status</b>	Published
<b>Published Date</b>	1 October 2023
<b>Last Review Date</b>	3 June 2024
<b>Minimum Review Frequency</b>	Annually
<b>Review Date</b>	2 June 2025
<b>UoE Identifier</b>	0108

If you require this document in an alternative format, such as braille, please contact the nominated contact at [studentconduct@essex.ac.uk](mailto:studentconduct@essex.ac.uk).