

Code of Student Conduct in Residential Accommodation

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INTRODUCTION

1. This code provides a framework for resolving complaints and dealing with incidents and allegations of misconduct that arise within University-owned, managed or administered accommodation. This code aims to resolve issues as efficiently and effectively as possible to assist residents in maintaining the quiet enjoyment of their accommodation, by ensuring that all residents are fully informed about the obligations and responsibilities of the University as Landlord and the resident as Tenant.

Scope

2. Only full-time registered students at the University will be entitled to occupy student accommodation owned, managed or administered by the University and designated for student occupation. The Registrar and Secretary will have the discretion to allow part-time registered students or University or visiting staff to occupy student accommodation if that is necessary for the better operation of the accommodation, or if the accommodation is surplus to student requirements.
3. Each occupier of student accommodation must enter into a contract with the University before taking up occupation. The contract will set out the period that the student accommodation will be made available and the applicable charges (as determined by Council from time to time). The contract will also set out the standard terms and conditions that the occupiers must observe and signify an agreement to abide by the Residents' Conduct Regulations contained within this code.

Permitted Occupiers

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

Behaviour of guests

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

Partner Institutions

6. Students eligible for an award of the University of Essex following a programme of study validated by the University but delivered by a partner institution are registered with the relevant partner institution and come under the jurisdiction of the regulations for student conduct of the partner institution concerned. The University of Essex as Landlord may, however, instigate legal proceedings against a student studying at a partner institution following discussion with the person responsible for student conduct at the partner institution.

BROAD PRINCIPLES

Standard of Proof

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

Zero Tolerance to Sexual Misconduct, Harassment and Hate Crime

8. The University of Essex does not tolerate any acts of sexual misconduct, harassment, or hate crime. Zero tolerance means that (i) we will take action and (ii) the action will be proportionate to the circumstances of the case.
9. Allegations of sexual misconduct by students reported to the Proctor or Associate Proctor, including sexual assault, sexual violence, dating violence, domestic violence, or stalking are investigated and addressed following the procedures set forth in this Code.

Policy on Academic Freedom and Freedom of Speech

10. In accordance with the duties imposed upon it by Section 43 of the Education (No 2) Act 1986, the Council of the University has instituted a policy to ensure that the University can promote academic freedom and freedom of speech within the law for members of the University (including the Staff/and Students of the University) and for external speakers invited to make use of University facilities. The Policy can be found on our Governance webpages at: <https://www.essex.ac.uk/-/media/documents/about/governance/cop-freedom-of-speech.pdf>

Alcohol and Drug Use

11. Being under the influence of alcohol or drugs will not normally be accepted as a mitigating factor or an excuse for behaviour leading to breaches of the Residents' Conduct Regulations.

Mental Health, Illness or Disability

12. Where there is concern that mental health, illness or disability may have impacted or continues to impact negatively on a student's behaviour and/or conduct, the proceedings may be adjourned at any stage for the matter to be considered by the Academic Registrar, who will determine whether proceedings are resumed under either the [Fitness to Study Policy](#) (.pdf), the *Code of Student Conduct in Residential Accommodation*, the [Code of Student Conduct](#) (.pdf), the [Fitness to Practise Procedure](#) (.pdf) or any other procedure or policy as appropriate.

Advice, Support, Representation and Guidance

13. All students have the right to be accompanied at any stage in the procedure described in this Code by a student or employee of the University or a representative of SU Advice, who provide independent advice, support, guidance and representation for students. Non-members of the University and legal representatives are not permitted to be present at any stage of the Residents' Conduct process.

Essex Abroad

14. Serious breaches or repeated minor breaches of conduct are considered by Student Conduct Committees. Students sanctioned by a Student Conduct Committee are automatically prohibited from undertaking study abroad as a component of their degree programme. Minor cases considered by the Proctor are not covered by this procedure but can still result in a student being prevented from studying abroad. Students should be aware that Essex Abroad review both minor and serious acts of misconduct and may be unable to nominate students to partner institutions based on visa regulations, national laws and partner institution admissions criteria.
15. Students have a right of appeal against this automatic prohibition and may exercise this right by following the *Procedure for Dealing with Prospective Essex Abroad Students with a record of Serious Misconduct*. Students with concerns about the potential impact of a misconduct outcome should contact Essex Abroad at the earliest opportunity for advice.

Confidentiality

16. The operation of this code seeks to protect individual confidentiality at all stages throughout the operation of these procedures and the University will seek to ensure that confidentiality is maintained. This approach will not prevent the University from disclosing information where necessary for the discharge of its duties or as required by law, nor will it prevent the University, where appropriate from disclosing information about any outcome under this procedure.

Recording of Offences

17. Records relating to Residents' Conduct offences will be held by the Student Progress Team or their nominee, on a central database and will not normally be included in the student's centrally held academic file.

18. Records of Residents' Conduct cases are destroyed six academic years after the academic year in which the incident is dealt with.

Monitoring

19. The members of academic staff, students and other staff involved in the operation of the Code of Student Conduct in residential accommodation meet at least annually to review the operation of the Code of Conduct, consistency of decisions and other related matters as well as to undertake relevant training. The Student Progress Team provides annual reports to the Student Experience Committee, the Academic Quality and Standards Committee and Education Committee in relation to conduct and recommendations are considered and made to Senate as appropriate via the Education Committee.

ROLES AND RESPONSIBILITIES

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

The Associate Proctor

21. The Associate Proctor, or their nominee, will have the power to respond to misconduct in accommodation owned or managed by the University. The Associate Proctor is an appropriate member of the University's Professional Services staff with responsibility for this area of work as part of their substantive role.

Residence Life (formerly the Residents' Support Network)

22. Residence Life is an accommodation-based service to help make sure you gain a positive experience of living and learning. There is a Residents' Assistant (RA) in each area of accommodation whose role is to get to know their residents, encourage communication and organise a range of social activities. Residence Life operates outside of office hours when other University support services are closed. The RAs also respond to concerns and complaints residents may have. As well as being able to help with various problems or concerns, the RAs also have information about other sources of help and support available on and off campus. Your RA will usually be able to assist you; however, on some occasions they may need to refer the matter to a Community Assistant or Residence Life Co-ordinator. Further information, including contact details, can be found on our website at: <https://www1.essex.ac.uk/accommodation/support/reslife.aspx>

The Proctor

23. The Proctor is a permanent member of the Professional Services. They are responsible for investigating alleged breaches of the Student Conduct Regulations and has the power to impose a range of penalties, including the payment of fines and repair/replacement costs for minor offences. More serious cases are referred by the Proctor to the Student Conduct Officer for consideration by a Student Conduct Committee and the investigating Proctor is required to attend to present the case against the student.

The Student Conduct Officer

24. The Student Conduct Officer is appointed by the Council on the recommendation of the Vice-Chancellor and is an officer of the University and fulfils a number of duties.
25. The Student Conduct Officer considers all referrals from the Proctor of serious offences and all appeals in the first instance and convenes Student Conduct Committees and Committees of Appeal as appropriate.

The Student Conduct Panel

26. The Student Conduct Panel is a pool of trained staff and student volunteers from which members of Student Conduct Committees are drawn.

SU Advice

27. SU Advice provides a 'confidential, independent and impartial' service that is not part of the University. They provide support and guidance to students throughout the process and seek to ensure that the University procedures are properly adhered to. In addition to advising students on their cases, SU Advice is also able to provide trained advisers to accompany students to

meetings with the Associate Proctor, the Proctor and Student Conduct Committees. Students are actively encouraged at every opportunity to engage with the service.

Conflict of Interest

28. 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, requiring another post holder to undertake the functions assigned to the post holder referred to in the document.

RESIDENTS' CONDUCT REGULATIONS

29. The following behaviour shall normally be treated as a minor breach of the Residents' Conduct Regulations and will normally result in action being taken by the Associate Proctor or their nominee:

- 1) Attempting or encouraging or assisting others to infringe a regulation;
- 2) exhibiting indecent or abusive language or behaviour in University student accommodation;
- 3) exhibiting disorderly behaviour in University student accommodation;
- 4) creating or causing to be created, excessive noise which causes discomfort, inconvenience or annoyance to authorised users of University student accommodation;
- 5) behaviour that is discourteous, disrespectful or uncooperative towards a member of the University;
- 6) committing theft of foodstuffs or other minor items within University student accommodation¹;
- 7) failing to comply with the University's [No Smoking Policy](#)² (.pdf);
- 8) the use of lighted candles, tea lights, incense sticks or any other device which has a naked flame without the permission of the Registrar and Secretary³;
- 9) misusing fire detection equipment, fire prevention equipment or firefighting appliances within University student accommodation;
- 10) sounding or raising of a fire alarm within University student accommodation when it is unwarranted;
- 11) failing to immediately evacuate any part of University student accommodation, when a fire alarm sounds or returning before being told it is safe to do so by a fire officer or authorised member of the University staff;
- 12) interfering with, or impeding, or failing to comply with any member of the University in carrying out their duty or proper function within University student accommodation;
- 13) failing to disclose name and other relevant details to an employee of the University when it is reasonable to require that such information be given;
- 14) interfering with any mechanical, electrical or other services or installations within University student accommodation without the authority to do so;
- 15) causing actual or potential damage to, or defacement, misappropriation or unauthorised use of University student accommodation;
- 16) behaving in a manner within University student accommodation that amounts to harassment, as defined by the University's [Harassment and Bullying: Our zero tolerance approach](#)³;
- 17) behaving in a manner which obstructs, frustrates or disrupts:
 - i. any meeting or other function (including social or sporting activities) authorised to take place within University student accommodation;
 - ii. the satisfactory conduct of the administrative work associated with the provision of University student accommodation;
- 18) publishing any matter (including expressed orally or in writing, sign or visible representation, including electronically) which is threatening, abusive or insulting or constitutes harassment or makes others fear violence, including:
 - i. by printing or displaying in University student accommodation or
 - ii. by publishing or distributing to any visitor or member of the University within University student accommodation;
 - iii. by using in any form of meeting or gathering within University student accommodation;

¹ As defined in Sections 1 to 7 of the Theft Act 1968 and relevant case law thereunder.

² The policy is available on the Human Resources policy webpage at: <https://www.essex.ac.uk/-/media/documents/directories/human-resources/no-smoking.pdf> (.pdf). The prohibition on smoking includes the use of electronic cigarettes or 'vaping'

³ The Registrar and Secretary will give permission only in exceptional circumstances, for example, where candles are used for religious purposes and where the lighting of candles is accepted practice for that form of religious worship. In no circumstances will permission be given for unattended candles or devices.

- 19) using social media in a way that constitutes a breach of any other Residents' Conduct Regulation or the terms and conditions of the accommodation contract;
- 20) failing to comply with the terms and conditions of the contract for accommodation;

The following behaviour shall normally be treated as a serious breach of the Residents' Conduct Regulations which may result in conduct action being taken by the Proctor according to the provisions of the University's [Code of Student Conduct](#) (.pdf)

- 21) using, selling or possessing within the University any controlled drug⁴;
- 22) possessing within the University any offensive weapon⁵;
- 23) exhibiting threatening, intimidating or violent behaviour;
- 24) committing theft within the University;
- 25) behaviour that is likely to cause injury or impair safety on University premises;
- 26) interfering with or impeding, by the use of intimidation, violence, threat of violence or physical obstruction, the supply or delivery of any goods or services to the University, or interfering with or impeding the entry into the University of any lawful visitor;
- 27) failing to comply with a resolution previously imposed by the Associate Proctor or their nominee;
- 28) making an allegation which is deemed to be vexatious, malicious or false.

RESIDENTS' CONDUCT PROCEDURES

30. The purpose of this procedure is:
 - 1) to establish whether a particular incident(s) took place and whether a Resident was involved in that incident;
 - 2) to establish whether a resident or an authorised guest of a resident is in breach of the Residents' Conduct Regulations;
 - 3) to determine what action should be taken against a resident who has breached the Residents' Conduct Regulations.

Minor breach of Residents' Conduct Regulations

Referral to the Associate Proctor

31. When, in the opinion of the Associate Proctor or their nominee, misconduct may have occurred within University student accommodation and action against a student is justified, they will supervise an investigation. In investigating the matter they may convene meetings to formally discuss the allegations with the subject of the complaint, the person making the complaint and any other persons involved.

Power of the Associate Proctor to impose a temporary non-contact resolution pending the outcome of an investigation

32. When, pending the outcome of a conduct investigation, in the opinion of the Associate Proctor, it is necessary for the protection of any person, property, the reputation of the University or the student themselves, the Associate Proctor may impose on any student a requirement that the student has no contact, or restricted contact, with a specified person or persons. Failing without good reason to comply with such a requirement shall amount to a breach of [Residents' Conduct Regulation 27](#).

Attendance at a meeting with the Associate Proctor

33. Meetings with the Associate Proctor or their nominee take precedence over all other academic, sporting and social engagements and attendance is mandatory during term-time. The time of the Associate Proctor or their nominee is valuable and students who fail to attend meetings unnecessarily delay investigations. Students who fail to attend a meeting with the Associate Proctor or their nominee, without good reason, will be subject to a fine of £25. Repeated failure to

⁴ As defined by the Misuse of Drugs Act 1971 and the Regulations promulgated thereunder or any legislation for the time being in force modifying or replacing the Act and substances prohibited under the Psychoactive Substances Act 2016.

⁵ As defined in the Prevention of Crime Act 1953 or, without good cause, any article as defined in Section 139 of the Criminal Justice Act 1988 and the Regulations promulgated thereunder or any legislation for the time being in force modifying or replacing that Act.

attend meetings or unauthorised absence from a meeting will result in either the Associate Proctor or their nominee proceeding in the student's absence, including the imposition of an appropriate penalty where necessary or a direct referral of the matter to the Proctor for consideration. In order to reduce unnecessary delays to the investigation, students may attend a meeting with the Associate Proctor voluntarily during a vacation if they wish to do so and the Associate Proctor is available.

Joint Hearings

34. If two or more students are involved in related misconduct, the Associate Proctor or their nominee may at their discretion deal with the cases together.

Advice, Support, Representation and Guidance

35. All students are permitted to bring a student or employee of the University or a representative of the SU Advice to the meeting with the Associate Proctor or their nominee and are actively encouraged to do so.

Incidents in communal areas of residential accommodation

36. Where, after investigation, the Associate Proctor is satisfied that a breach of these regulations has occurred in a communal area of residential accommodation, but it has not been possible to identify the student(s) responsible for the breach, the Associate Proctor may, if they consider it appropriate in the circumstances of the case, impose an appropriate penalty on all the registered occupants of the particular accommodation.

Penalties

37. Following investigation the Associate Proctor or their nominee will determine the severity of the breach. They may deal with minor breaches regardless of whether the student admits or denies guilt. In such cases the Assistant Proctor or their nominee, has the power, on behalf of the Proctor and Senate, to make one or more of the following resolutions:
- i. That the allegation should be dismissed and no further action taken.
 - ii. To issue a formal written warning to the student.
 - iii. To require the student to make an apology and or restitution to parties affected by the breach of regulations.
 - iv. To confiscate without compensation, any item prohibited by the terms and conditions of the Residents' Contract.
 - v. To require the student to have no contact, or restricted contact, with a specified person or persons.
 - vi. To impose a fine not exceeding £150 except in relation to allegations of the unwarranted sounding or raising of a fire alarm within the University, for which the Associate Proctor (Residents' Conduct) or his/her nominee has the authority to impose a maximum fine of £500.
 - vii. To require the student to pay the whole or part of the cost of repair to, or replacement value of, any property that has been damaged or stolen.
 - viii. To require a student to attend a specified course or programme and to pay a reasonable cost for such a course or programme which shall be non-refundable in the case of a student who fails to attend without good reason.
 - ix. To require the student to move to alternative University student accommodation.
 - x. To recommend to Accommodation Essex that the student should be refused University student accommodation in the future.
 - xi. To exclude the student from the whole or any specified part or parts of the University student accommodation and its precincts for a defined period or periods, including suspension of any non-academic facilities.
 - xii. Any other proportional action specified by the Associate Proctor or their nominee as they think proper.
38. The Penalty or penalties imposed will be determined by reference to the facts of the case, precedent in similar previous cases, any aggravating and mitigating factors, and the student's conduct history. Penalties will not last beyond the student's current programme of study. The imposition of a penalty, or part thereof, may be suspended on any reasonable terms decided by the Associate Proctor.

Formal Notification

39. Students will be formally notified in writing of the outcome of the investigations and subsequent decision and advised of the procedure for submitting an appeal.
40. All outcomes are monitored by the Student Conduct Officer.

Serious or Persistent breach of Residents' Conduct Regulations

Referral to the Proctor

41. If after investigation the Associate Proctor determines that the case is a serious breach of the Residents' Conduct Regulations or where there has previously been a series of minor offences, the case will be referred to the Proctor for investigation under the University's [Code of Student Conduct](#) (.pdf). This does not prevent the Associate Proctor or their nominee from referring the case to the police.
42. The Associate Proctor will send a written notification to the student concerned, of the referral, the allegation or allegations and draw their attention to the University's [Code of Student Conduct Procedures](#) (.pdf).

Temporary Exclusion from Accommodation

43. When, in the opinion of the Proctor, it is necessary for the protection of any person, property, the reputation of the University or the student themselves, the Proctor may request the student to leave University student accommodation immediately or request the student to move to alternative University student accommodation pending the outcome of conduct proceedings. In such cases conduct proceedings will be initiated at the earliest opportunity. The Proctor may not suspend or relocate a student unless the student has been given the opportunity to make representations in person to the Proctor. Where for any reason it appears to the Proctor that it is not practicable for the student to attend in person, the student will be entitled to make written representation.

RESIDENTS' CONDUCT APPEALS PROCESS

Grounds for Appeal

44. A student has the right of appeal to the Student Conduct Officer, against any resolution of the Associate Proctor) or their nominee on one or more of the following grounds:
 - A. That there is evidence now available which for good reason was not previously available, which might have materially affected the outcome; or
 - B. That the Associate Proctor or their nominee departed from the Residents' Conduct Procedures in a manner that may be prejudicial to the interests of the accused student; or
 - C. That on balance of probabilities, the facts of the case do not warrant the decision that the student has breached conduct regulations; or
 - D. That the penalty imposed by the Associate Proctor or their nominee was unreasonable with regard to all the circumstances of the case.

Written Notice of Appeal

45. A student may exercise their right to appeal by completing an Appeal Form, setting out concisely the grounds for appeal and sending it to the Student Progress Team within ten working days of the date on the letter containing the official notification of the outcome of conduct proceedings. The Student Conduct Officer has absolute discretion to extend this submission deadline to 20 working days from the date on the official outcome letter, providing that the student is able to show to the satisfaction of the Student Conduct Officer, that circumstances beyond their control prevented the standard time limit being adhered to and that injustice would result from adhering to it.
46. Upon receipt of an appeal, the Student Conduct Officer will review all the evidence in the case and determine whether or not the grounds set out in the appeal form have merit or should be dismissed. If the appeal is dismissed the student will be notified in writing normally within 15 working days from the date of receipt of the appeal.

47. Where the Student Conduct Officer determines that the finding(s) of guilt are **not justified** by the evidence or that the Associate Proctor departed from the Residents' Conduct Procedures in a manner that may be prejudicial to the interests of the accused student (grounds of appeal A, B, and/or C) the Student Conduct Officer will void the finding(s) of guilt, dismiss the charge(s) against the student and any penalty or penalties imposed will be revoked. Where the appeal has been made under ground of appeal A (new evidence) the Student Conduct Officer may at their sole discretion convene a Student Conduct Committee of Appeal to adjudicate the appeal. The student will be informed of the Student Conduct Officer's decision normally within 15 working days from the date of receipt of the appeal.
48. Where the Student Conduct Officer determines that the finding(s) of guilt are **justified** by the evidence but that the penalty/penalties imposed by the Associate Proctor or their nominee are unduly harsh, the Student Conduct Officer will refer the case back to the Associate Proctor or their nominee, setting out their reasons and instructing the Associate Proctor or their nominee to reconsider the penalty/penalties in light of the Student Conduct Officer's reasoning. If the Associate Proctor or their nominee accepts the Student Conduct Officer's reasoning the Associate Proctor or their nominee will impose an alternative (lesser) penalty. If the Associate Proctor or their nominee does not accept the Student Conduct Officer's reasoning and believes that the original penalty/penalties should be maintained the case will be automatically referred to a Student Conduct Committee of Appeal. The student will be informed of the Student Conduct Officer's decision normally within 15 working days from receipt of the appeal.

Convening a Student Conduct Committee of Appeal

49. On referring the case to a Conduct Committee of Appeal the Student Conduct Officer will request from the Associate Proctor or their nominee, against whose decision the appeal is made, a Statement of the Case. This Statement will include details of the charge or charges in respect of 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 as to the reason for such findings, decision and penalty and any further information which the Associate Proctor or their nominee, considers to be relevant.
50. Within 15 days of the notification of the Student Conduct Officer's decision to refer the appeal to a Student Conduct Committee of Appeal, the Student Progress Team will provide the student with a copy of the Statement of Case, details of the practical arrangements for the appeal hearing and the names of members of the Student Conduct Committee of Appeal, together with a reply slip which must be returned to the Student Progress Team, within five working days of the date of the letter. The student has the right to object to any member of the proposed Conduct Committee of Appeal and the grounds for any objection must be clearly stated and the Student Conduct Office.

Withdrawing an Appeal

51. The student may, within five days of the despatch of the Statement of the Case by the Student Conduct Officer, withdraw the appeal. A student who fails to withdraw the appeal within this period must proceed with it unless the Student Conduct Committee of Appeal gives permission for its withdrawal.

Attendance at Student Conduct Committees of Appeal

52. Students are required to attend any meeting of a Student Conduct Committee of Appeal. Students who fail to attend a Student Conduct Committee of Appeal without good reason will be subject to a fine and the appeal will automatically be dismissed.

Advice, Support, Representation and Guidance

53. All students are permitted to bring a student or employee of the University or a representative of SU Advice to help them in presenting their appeal to the Committee and are actively encouraged to do so.

Composition of a Student Conduct Committee of Appeal

54. A Student Conduct Committee of Appeal will consist of two appointed members of the Student Conduct Panel (who shall constitute the quorum) and one student member of the University selected from a pool of trained student volunteers. One of the two appointed academic members

of the Committee will act as Chair of the proceedings and will have an additional casting vote upon a tie. No member of the Student Conduct Committee of Appeal will be from the same Department/School/Centre as the student subject to proceedings.

Order of Proceedings

55. The order of proceedings for a Student Conduct Committee of Appeal will normally be as follows:
- a. Introduction of those present;
 - b. The Chair determines on what grounds the student is appealing and which charges/penalties are being appealed;
 - c. The Associate Proctor or their nominee sets out their view regarding their original resolution;
 - d. The student presents the case for the appeal and is present with their representative whenever oral evidence is being heard by the Committee;
 - e. The Committee has the opportunity to question both the Associate Proctor or their nominee and the student;
 - f. Either party may call witnesses who shall attend only to present their evidence and to answer any questions that the Committee or the other party may put to them through the Chair. Once their evidence has been heard and there are no more questions, witnesses are required to withdraw;
 - g. The Associate Proctor or their nominee and student are invited to provide a final summary;
 - h. The Associate Proctor or their nominee and the student withdraw whilst the Panel reach their verdict upon guilt where this is being appealed;
 - i. The Associate Proctor or their nominee and the student return for the delivery of the verdict upon guilt where this is being appealed;
 - j. If the Committee confirms the decision to find the student guilty of a breach of the Conduct Regulations, the student is given the opportunity to put forward a case for mitigation of penalty;
 - k. The Associate Proctor or their nominee informs the Committee of any previous breaches of the Residents' Conduct Regulations;
 - l. The Associate Proctor or their nominee and the student withdraw whilst the Committee consider whether the penalty under appeal appropriate;
 - m. The decision of the Committee is then presented orally to the student.

Student Conduct Committee of Appeal Resolutions

56. A Conduct Committee of Appeal will make one or more of the following resolutions:
- a. Rescind the resolution of the Associate Proctor) or their nominee, that the student be found guilty and that any consequential penalties should also be rescinded;
 - b. Confirm that the student be found guilty;
 - c. Either confirm or amend a penalty issued by Associate Proctor or their nominee, provided that any amendment is consistent with the powers of the Associate Proctor or their nominee that made the original resolution. It should be noted that this means that penalties may be increased as well as decreased.

Procedural Irregularity

57. Any appeal 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. A student who wishes to appeal against the outcome of these procedures on the grounds of procedural irregularity should write to the Academic Registrar within 20 working days of the date of the Student Conduct Committee of Appeal hearing, setting out in detail the nature of the evidence to support the claim that there were procedural irregularities in the process. If *prima facie* there is evidence to support the claim then the case will be reviewed by the Pro-Vice-Chancellor (Education). If the Pro-Vice-Chancellor determines that there were procedural irregularities in the process then the case will be referred to a new Student Conduct Committee of Appeal.

The Office of the Independent Adjudicator (OIA)

58. 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. Students wishing to avail themselves of the opportunity of an independent review by the OIA must submit their application to the OIA within twelve

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.

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Questions and queries	studentconduct@essex.ac.uk
Related policies	<ul style="list-style-type: none"> ■ Code of Student Conduct .pdf) ■ IT Acceptable Use Policy (.pdf) ■ No Smoking Policy (.pdf) ■ Academic Freedom and Freedom of Speech (.pdf) ■ Fitness to Study Policy (pdf) ■ Fitness to Practise Procedure (.pdf) ■ Zero tolerance of harassment and bullying (.pdf) ■ Student membership and DBS policy(.pdf) ■ Attendance guidance for students ■ Students - The Code of Student Conduct ■ Student membership and DBS policy (.pdf)
Supersedes	Code of Student Conduct 2017-18
Superseded by	Not Applicable

Further information

- [Charter, Statutes and Ordinances](#)
- [University Regulations](#)
- [Students - The Code of Student Conduct](#)
- [Office of the Independent Adjudicator](#)