

Guidance for managing COVID19 related reports of alleged misconduct

Student Progress Team (Conduct)

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1. Introduction

Collective responsibility

We are all part of one community and have a collective responsibility to comply with, and raise awareness of, the University's health and safety regulations and guidance introduced due to COVID19. We should all play an active part in the promotion of positive behaviours and take a proactive role in protecting the safety and wellbeing of ourselves and those around us while we are subject to protection measures linked to COVID19. As a community we are working together to respond to these changes, by modifying our behaviour and helping others to do so.

All reports of alleged misconduct linked to COVID19 will be taken seriously. There will naturally be a period of time when those on campus are familiarising themselves with new signage and guidelines, and the responses to allegations of misconduct will take this into account. Patrol Officers will have authority to issue Covid Cautions to students who are not following the COVID19 requirements and increasing resourcing in the Student Progress Team (Conduct) will ensure there is capacity to respond to, and resolve, reported allegations promptly.

For more information please see *Process for dealing with COVID19 related incidents of alleged misconduct*.

The purpose of this document

This document outlines how the Code of Student Conduct will be applied when reviewing reports of alleged misconduct linked to student non-compliance with the University's health and safety regulations and guidance introduced due to COVID19. It sets out some of the specific behaviours that may constitute a breach of the Code (see section *Breaches and Penalties*), the relevant regulations and guidance on standardised and consistent penalties that may be applied.

It is intended to guide colleagues who may be reporting or managing reports of student non-compliance. This may include Student Progress Team (Conduct), Security, ResLife, Accommodation and Students' Union as well as academic and professional services colleagues across our community. The guidance seeks to provide reassurance to the wider University community about the process by which reports of misconduct will be managed.

We are dealing with unprecedented circumstances and will likely move between different levels of protection measures over time, as requirements are relaxed or reintroduced depending on the progress of the pandemic. As such, the guidance will be updated during the course of the pandemic as required.

Students' responsibilities and expected standards of behaviour

On registering all students signed the COVID19 Social Contract Agreement which states that failure to follow the requirements outlined in the COVID19 student agreement may result in action being taken in accordance with the 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.

Reporting allegations of misconduct

Reports of alleged misconduct linked to COVID19 may be submitted via Report and Support, Campus Security, to COVID19@essex.ac.uk or to the Student Progress Team (Conduct) directly at studentconduct@essex.ac.uk.

All reports referred to the Student Progress Team (Conduct) or received directly will be reviewed and appropriate action taken. Information on how to make a report directly to the Student Progress Team (Conduct) is available on the [Conduct webpages](#).

2. Relevant principles and regulations of the Code

The Code already enables us to take action where allegations of misconduct linked to COVID19 may occur. Examples of regulations that will cover these circumstances are as follows:

A8. Behaviour towards any member of the University which is discourteous, disrespectful or uncooperative or which interferes with or impedes any member of the University in carrying out his/her duty or proper function as such.

A9. Behaviour that is likely to cause injury or impair safety on University premises, including University owned or administered accommodation.

A11. Behaving in a manner which obstructs, frustrates or disrupts: any lecture, class or other instruction, or any laboratory work, or any examinations, authorised to be held, given or undertaken within the University; or any meeting or other function (including social or sporting activities) authorised to take place within the University; or the satisfactory conduct of the administrative work of the University or its public or official functions, activities or legal duties.

Failure to comply with sanctions imposed by a Conduct Investigator, following a proven breach of regulations, will be dealt with as per the Code, and may be subject to an escalated response – depending on the circumstances of the case.

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.

3. Process for dealing with COVID19 related incidents of alleged misconduct

Informal stage

In the first instance, we encourage a supportive approach towards students so that they understand what is expected of them, for example reminding them to wear a face covering where it is required (and they are not exempt from doing so) or reminding them of the physical distancing requirements if they are too close to you or others. Patrol Officers will also have authority to issue Covid Cautions to students who are not following the COVID19 requirements. A Covid Caution will be used to reinforce the importance of complying with the COVID19 health and safety requirements and advise students that formal action may be taken in accordance with the Code of Student Conduct if they fail to alter their behaviours.

However, a student's persistent and/or serious alleged breaches of COVID19 requirements will not be tolerated and should be reported to the Student Progress Team (Conduct) for review in accordance with the Code of Student Conduct (for more information please see *Reporting*).

Referrals under the Code should be made where there has been a serious and/or persistent breach. An example of serious behaviour might be acting in a disorderly, violent or threatening way when

asked to follow protection measures, deliberately coughing on another person or any other serious behaviours that are likely to cause injury or impair safety on University premises. A case is persistent when undesirable behaviour continues after informal advice has been given to the individual and they have been given a chance to modify their behaviour at this informal stage. Colleagues will need to exercise judgement about when that point has been reached.

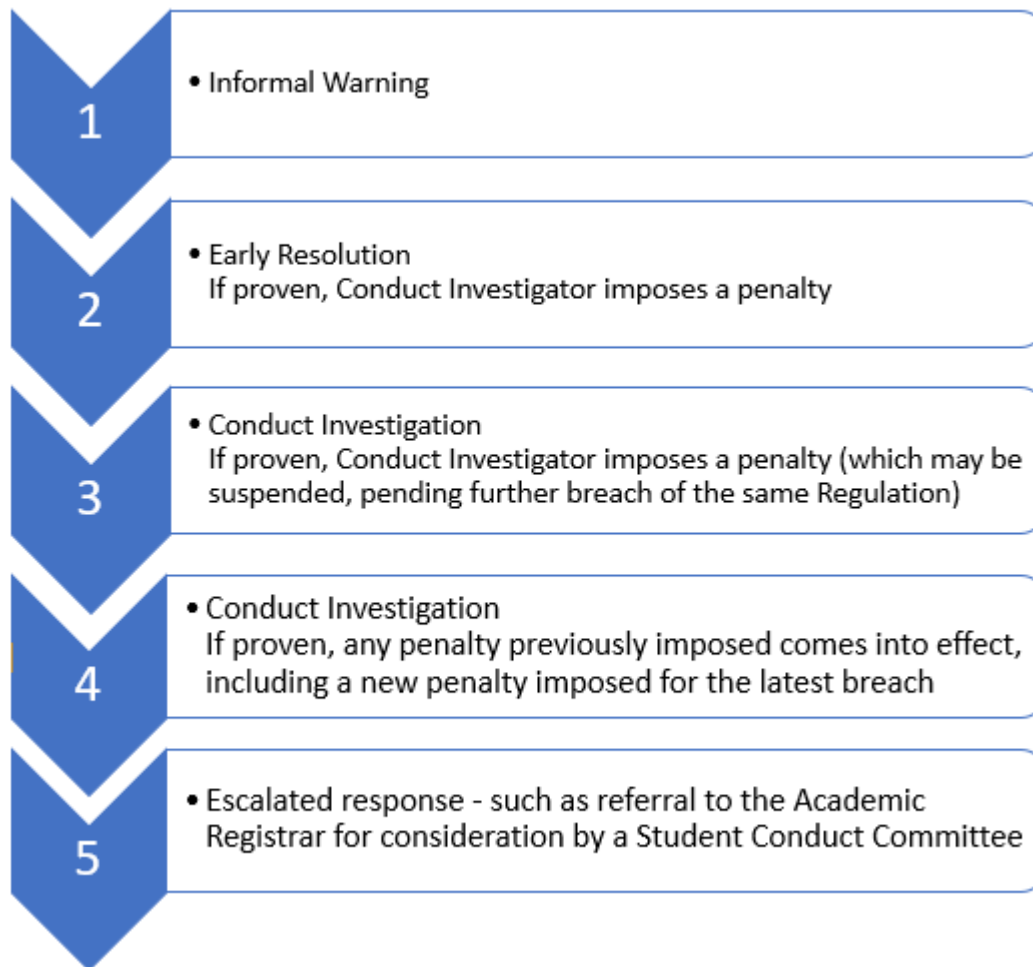
Action taken by the Conduct team

When the Student Progress Team (Conduct) receives a report of alleged misconduct, typically via COVID19@essex.ac.uk or studentconduct@essex.ac.uk, the report will be assessed by a Conduct Investigator to decide whether it constitutes a serious and/or persistent breach of the Code. In cases where this is found, the case will proceed.

All formal reports received and action taken will be held on a central database by the Student Progress Team (Conduct). In assessing the case, the Conduct Investigator will consider which stage of the Conduct process is most appropriate, depending on the circumstances of the case and a review of the central database to ascertain if previous reports have been made, what process was followed and whether the allegation was proven. In some cases, the Informal Warning or Early Resolution process may be the most appropriate route for addressing the alleged misconduct.

In other cases, the allegations will be such that – if found proven – the Reported Student may be in serious breach of the Code, for example in instances where the Reported Student or other people have been put in immediate and imminent risk of serious harm, or where Reported Students have not complied with reasonable instructions and reacted in a violent or aggressive manner.

In these circumstances the student would not be eligible for the Informal Warning or Early Resolution process and the Conduct Investigator should proceed to the appropriate stage of the Conduct process - either by applying a penalty (stage 3) or referring the case to the Academic Registrar (stage 5), depending on the circumstances of the case.



The Code allows opportunities for students to redress their behaviour in light of reflection and hindsight during a conduct investigation and following the outcome of a misconduct case. As such, the escalation of repeated cases of proven misconduct is an important aspect of the Code.

Informal Warning

If an allegation has been made against a student and (a) they do not have any previous proven cases of serious misconduct (for example, proven breaches of regulation A2-A6 or serious breaches that were referred to a Student Conduct Committee), and (b) the case is not judged to be severe enough to merit a penalty, the Conduct Investigator may issue the student with an informal warning. The use of informal warnings is limited to certain types of minor breaches (see *Breaches and Penalties*) and a record is kept.

During the start of term we understand there will be a period of adjustment whilst students familiarise themselves with new guidelines. Informal warnings will be used to reinforce the importance of complying with the COVID19 health and safety requirements and affording students the opportunity to amend their behaviours to be in line with these requirements. Informal warnings will not be used where there are repeated examples of such behaviours.

Early Resolution

If an allegation has been made against a student which would merit a penalty if found proven, and the student does not have any previous proven cases of serious misconduct (for example, proven breaches of regulation A2-A6 or serious breaches that were referred to a Student Conduct

Committee), they may be offered the opportunity to resolve the matter without the need for a meeting with a Conduct Investigator. This is called Early Resolution and can be used where the case is minor and straightforward and the student intends to admit the breach.

Early resolution will not be used where there are repeated examples of such behaviours.

4. Breaches and Penalties

This section aims to assist Conduct Investigators in reaching consistent, transparent and balanced decisions when applying penalties in cases where allegations of misconduct are found to be proven following investigation. The outcome of the case is decided by the Conduct Investigator and is made on a case by case basis, taking into account all the circumstances of the case including aggravating or mitigating factors and precedent set in similar cases.

The list provided in this document is not exhaustive and may be amended in future versions of this document, taking into account the types of cases considered and the precedent set.

Examples of COVID19 related misconduct	Relevant Regulations that may have been breached <i>(Indicative, not exhaustive)</i>	Example Penalty
Behaviour such as coughing on or near another person or persons in a deliberate or persistent manner.	A1, A4, A9, D3	<p>Conduct Investigator: Fine Formal Warning Compulsory attendance at a specified workshop Non-contact order Letter of apology</p> <p>Student Conduct Committee: Letter of apology Banned from SU licensed premises Exclusion from specified parts of the University Refused University accommodation Suspended expulsion from the University Expelled from the University</p>
Offensive, including racially motivated, comments made which are related to COVID19. This may include comments directed at specific persons or groups/communities.	A1, A2, A4, A5, A6	<p>Conduct Investigator: Fine Formal Warning Compulsory attendance at a specified workshop Non-contact order Letter of apology</p> <p>Student Conduct Committee: Fine Letter of apology Non-contact order</p>

		<p>Banned from SU licensed premises Compulsory attendance at a specified workshop Moved to alternative accommodation Removal from University accommodation Refused University accommodation Suspended expulsion from the University Expelled from the University</p>
<p>Failure to follow, without good reason, any instruction given which is designed to protect the safety and wellbeing of those on campus, for example by hosting a party, not following guidance on where face coverings are required to be worn, giving directional instructions, indicating a maximum number of people permitted in an area or indicating social distancing spacing. This may include specific local arrangements not applicable on the wider campus but in place in a particular setting for the safety of the University community.</p> <p>(Please see *Note in relation to face coverings)</p>	A8, A9, A11, D7	<p>Conduct Investigator: Informal warning Early Resolution Suspended fine Fine Formal Warning Compulsory attendance at a specified workshop Letter of apology</p> <p>Student Conduct Committee: Fine Moved to alternative accommodation Removal from University accommodation Refused University accommodation Banned from SU licensed premises Suspended expulsion from the University</p>
<p>Ignoring social distancing guidelines or guidelines given in respect to social gatherings and group activities. This includes guidelines given by either the University and/or the government.</p>	A9, D3	<p>Conduct Investigator: Informal warning Early Resolution Suspended fine Fine Compulsory attendance at a specified workshop</p> <p>Student Conduct Committee: Moved to alternative accommodation Removal from University accommodation Refused University accommodation Banned from SU licensed premises Suspended expulsion from the University</p>
<p>Failure to complete the online module 'Keeping Safe on</p>	A9, A11	<p>Conduct Investigator: Informal warning</p>

<p>Campus' and/or signing the Social Agreement in a timely manner, and before accessing campus.</p>		<p>Early Resolution Suspended fine Fine Compulsory attendance at a specified workshop</p>
<p>Behaving in a manner which obstructs, frustrates or disrupts: any lecture, class or other instruction, or any laboratory work, or any examinations, authorised to be held, given or undertaken within the University; or any meeting or other function (including social or sporting activities) authorised to take place within the University; or the satisfactory conduct of the administrative work of the University or its public or official functions, activities or legal duties. This may include disrupting teaching due to refusal to wear a face covering when required or comply with distancing in a teaching space. (Please see *Note in relation to face coverings)</p>	<p>A1, A9, A11</p>	<p>Conduct Investigator: Informal warning Early Resolution Suspended fine Fine Compulsory attendance at a specified workshop</p> <p>Student Conduct Committee: Fine Compulsory attendance at a specified workshop Banned from SU licensed premises Removal from University accommodation Refused University accommodation Suspended expulsion from the University</p>
<p>Behaviour towards any member of the University which is discourteous, disrespectful or uncooperative or which interferes with or impedes any member of the University in carrying out their duty or proper function as such. This may include failure to follow a reasonable instruction given by Campus Security, a retail worker, a librarian, a Resident's Assistant or any other member of the University, or instances where a Reported Student has demonstrated a lack of patience or courtesy when waiting to access a facility on campus, for example due to queuing in respect of social</p>	<p>A1, A8, A9, A11, D7</p>	<p>Conduct Investigator: Informal warning Early Resolution Suspended fine Fine Formal Warning Letter of apology Compulsory attendance at a specified workshop</p> <p>Student Conduct Committee: Moved to alternative accommodation Removal from University accommodation Refused University accommodation Banned from SU licensed premises Suspended expulsion from the University</p>

<p>distancing. This may also refer to incidents in which the Reported Student has acted inappropriately towards a person who is not wearing a face covering due to being exempt from doing so.</p>		
<p>Failure to self isolate when symptomatic or living with those who are symptomatic when instructed to do so by government or NHS guidelines.</p>	<p>A9</p>	<p>Conduct Investigator: Fine Formal Warning Compulsory attendance at a specified workshop Non-contact order Letter of apology</p> <p>Student Conduct Committee: Moved to alternative accommodation Removal from University accommodation Refused University accommodation Banned from SU licensed premises Suspended expulsion from the University</p>
<p>Failure to report an incident, information or concern which may have ramifications of risk for the safety and wellbeing of those on campus.</p>	<p>A9</p>	<p>Conduct Investigator: Informal warning Early Resolution Suspended fine Fine Formal Warning Compulsory attendance at a specified workshop</p> <p>Student Conduct Committee: Fine Compulsory attendance at a specified workshop Suspended expulsion from the University</p>
<p>Failure to comply with instructions for the approved use and purpose of university facilities. This may include using unauthorised indoor spaces to socialise without complying with social distancing guidelines.</p>	<p>A9, D3</p>	<p>Conduct Investigator: Informal warning Early Resolution Suspended fine Fine Formal Warning Compulsory attendance at a specified workshop Letter of apology</p> <p>Student Conduct Committee: Fine Compulsory attendance at a specified</p>

		workshop Suspended expulsion from the University
Misuse of equipment designed to protect the safety and wellbeing of those in the university community. This includes misuse or theft of hand gel and gel dispensers, soap and soap dispensers, face coverings, protective screens, signage or other such equipment.	A9, A11	Conduct Investigator: Informal warning Early Resolution Suspended fine Fine Formal Warning Compulsory attendance at a specified workshop Letter of apology
Publishing material that has the effect of inhibiting, or potential to inhibit, the safety and wellbeing of others.	A9, D3	Conduct Investigator: Informal warning Early Resolution Suspended fine Fine Formal Warning Compulsory attendance at a specified workshop
Failure to comply with instructions for cleaning shared equipment in spaces where this is required.	A9, A11	Conduct Investigator: Informal warning Early Resolution Suspended fine Fine Formal Warning Compulsory attendance at a specified workshop Letter of apology Student Conduct Committee: Fine Compulsory attendance at a specified workshop Suspended expulsion from the University

***Note in relation to face coverings**

This does not include instances where someone is exempt from wearing a face covering – for example when they have a medical reason not to do so. Guidance has been developed regarding student exemption from wearing a face covering. Students who are unable to wear a face covering will be asked to contact include@essex.ac.uk. SWIS will record all known exemptions and will provide students with advice and guidance for ensuring their own and others safety, as well as providing them with an exemption badge.

Other breaches

In addition, the Student Progress Team (Conduct) may wish to pursue cases of any other behaviour that is deemed to contravene the Conduct Regulations of the Code of Student Conduct and COVID19 guidance issued by either the government or the University. This includes failure to engage in the Code of Student Conduct proceedings when requested to do so.

5. Questions

Questions with regards to the content of this document may be directed towards studentconduct@essex.ac.uk in the first instance.