

Code of Student Conduct

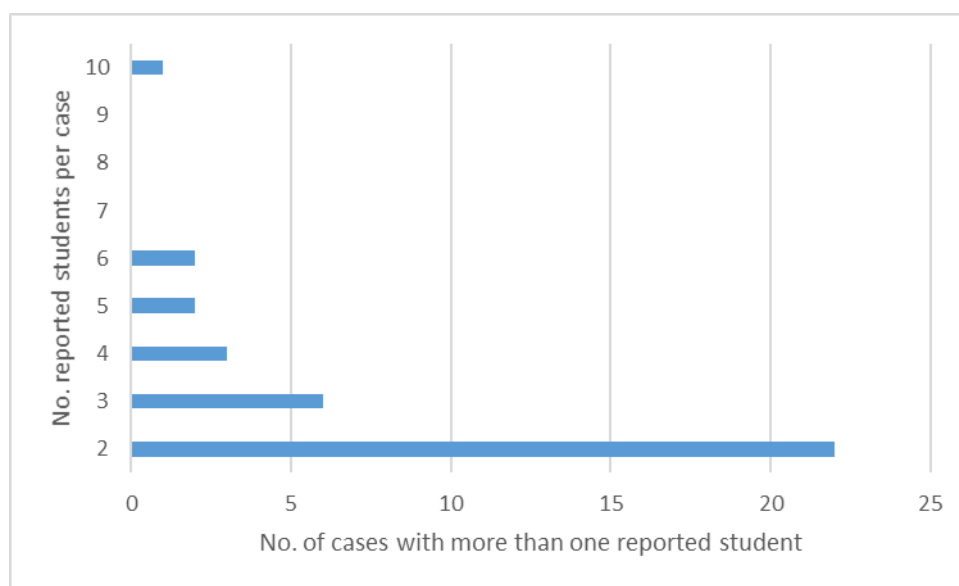
Autumn Term 2019-20

OVERVIEW OF CASES

During the period 3 October to 13 December 2019, the Student Progress Team has received 146 reports of incidences that are alleged to have breached the Student Conduct Regulations; 139 of these reports occurring at the Colchester Campus.

The majority of these cases (75%) have one reported student, however 36 cases (25% of all reported allegations) involved more than one reported student set out in Figure 1 below.

Figure 1



During the period, 3 October to 28 December 2019, Report and Support has received 92 reports; 29 (32%) anonymous and 63 (68%) requesting contact. All students who requested contact received an email offering them an opportunity to either meet with a member of staff in the Student Wellbeing and Inclusivity Service (SWIS) or receive support from them via email and/or telephone.

Not all students take-up this opportunity:

- Some students submit reports after having met with a member of the team, and so require no further contact.
- Some students already have caseworkers assigned and receive continuity of support through this service.
- Other students choose to make a report to make us aware of a situation rather than seeking support.

During the 3 October to 28 December reporting period, 38 students who used Report and Support also made direct contact with SWIS either through a one-to-one meeting or a telephone call.

As part of the work to improve links between Report and Support and the Code of Student Conduct, a change was made to the Report and Support system at the start of the academic year. This enabled students to confirm in their initial report that they wished their allegation to be referred for investigation under the Code of Student Conduct.

During the period, 3 October to 28 December 2019, 59 of the 63 students who requested contact, also requested that their report be referred.

Managers from the Student Progress Team and SWIS hold regular portfolio meetings to ensure a joined-up approach to managing cases across Report and Support and Student Conduct.

ALLEGED BREACHES

Table 1 below outlines the overall number of alleged breaches of the conduct regulations. There are 233 alleged breaches in total. These exceed the number of reported cases as some cases involve more than one student. Also, each reported student may have breached more than one regulation.

Table 1

Student Conduct Regulation	Number of cases
OFFENCES AGAINST PEOPLE	Total: 104
A1: Exhibiting disorderly, threatening, intimidating or violent behaviour.	43
A2: Any form of harassment on the grounds of, but not limited to, sexual orientation, gender identity, race, religion or belief, disability, or age.	13
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.	9
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.	2
A6: Behaving in a manner that constitutes a hate crime, and which is perceived to be motivated by hostility or prejudice.	1
A7: Creating, or causing to be created, excessive noise which causes discomfort, inconvenience or annoyance to authorised users of the University or University owned or administered accommodation.	30
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	2
A9: Behaviour that is likely to cause injury or impair safety on University premises, including University owned or administered accommodation.	4
OFFENCES RELATED TO HEALTH, SAFETY AND WELLBEING	Total: 105
B1: Possessing, using, or supplying within the University and University owned or administered accommodation any controlled drug or psychoactive substance.	42
B2: Possessing within the University and University owned or administered accommodation any offensive weapon.	4
B3: Sounding or raising of a fire alarm within the University and University owned or administered accommodation when it is unwarranted.	3
B4: Misusing fire detection equipment, fire prevention equipment or fire-fighting appliances within the University and University owned or administered accommodation.	31
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.	10
B6: The use of lighted candles, tea lights, incense sticks or any other device which has a naked flame	1
B7: Failing to comply with the University's No Smoking Policy	14
OFFENCES AGAINST PROPERTY OR THE ENVIRONMENT	Total: 16
C1: Committing theft within the University and University owned or administered accommodation.	3
C3: Causing damage to property belonging to another or unauthorised use of the 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.	13

Student Conduct Regulation	Number of cases
OTHER OFFENCES	Total: 8
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.	1
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)	1
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.	2
D11: Failing to comply with the University's policy and procedures for attendance monitoring or misuse of a student registration card or a 'Count-me-in' electronic reader in relation to attendance monitoring (https://www1.essex.ac.uk/students/courseadmin/attendance.aspx).	4

PRECAUTIONARY MEASURES IMPOSED

During the period 3 October to 13 December, 50 non-contact orders have been imposed.

- Six of these have been imposed on witnesses to incidents and the remaining 44 have been imposed equally on reported students and complainants.
- Non-contact orders are often imposed on both the reported students and complainant to ensure that both parties are treated equally and to ensure they feel safe on Campus. All non-contact orders have been imposed pending the outcome of the student conduct proceedings.

The Registrar and Secretary has imposed a temporary exclusion from the University on three reported students. Each student was excluded from all parts of the University Campus including Students' Union Venues and each case relates to allegations of sexual misconduct.

CRIMINAL PROCEEDINGS

During the period 3 October to 13 December, 16 cases that have been referred for investigation under the Code have also been reported to the Police who have, to date, concluded eight cases. The Registrar and Secretary has considered five cases where the Police have recommended that the University suspend its conduct investigation. These relate to allegations of sexual misconduct, threatening behaviour and theft. The Registrar and Secretary approved the suspension of two cases. Conduct Proceedings have been initiated in relation to the three other cases.

SUPPORT

During the period 3 October to 13 December, the Student Progress Team made 140 referrals to SU Advice of which 44 students (31%) responded to SU Advice's contact.

- Of those 44 students, 26 attended a meeting with SU Advice prior to their meeting with the Conduct Investigator or Conduct Committee.
- 18 students were accompanied to a meeting by SU Advice. Where students are involved in an allegation that may result in a breach of Regulations A2, A3, A4, A5 and A6, and the report has not been made through Report & Support, the Student Progress Team will make a referral to SWIS.
- The Student Progress Team made three referrals to SWIS. One student took up support.

TIMESCALES

Of the 146 reported allegations received, 87 cases have been concluded. Table 2 below sets out the timeframes in which these cases have been closed.

Table 2

No. working days case completed in	No. of cases closed
Under 10	32
10 – 20	28
21 – 30	27

No requests have needed to be made to the Registrar and Secretary for an extension to the timescales.

INFORMAL WARNINGS AND EARLY RESOLUTION

Informal warnings have been issued in 22 cases and Early Resolution has been used for 11 cases. These involve breaches of noise, the University's no smoking policy, the University's attendance monitoring policy, behaviour that is disorderly or likely to cause injury or impair safety, behaviour that encourages others to infringe a University regulation, and failure to provide a name to a University member of staff.

HEADLINE OPERATING DEVELOPMENTS AND IMPROVEMENTS

Work has continued on implementing the changes that have been made to the Code and developing and improving services, with a particular aim to build understanding and confidence of the University community. The University [webpages](#) have been updated to support greater transparency and understanding of the Code and new operating practices to align with the Code are being implemented. Guidance has also been developed and shared amongst specialist teams to ensure that students who report incidents that may also constitute a crime receive clear and consistent information. Information on reporting incidents for University members has been updated on the University [webpages](#).

Work has commenced on establishing the new Student Conduct Panel. Appointments have been made to the roles of Student Conduct Committee Chairs, Staff Panel Members and Student Panel Members. Arrangements to support the setting up of a community of practice that will contribute to the consistent application, monitoring and review of practice will be put in place in the Spring Term.

An additional full-time Student Conduct Manager took up their appointment on 6th January 2020.

Implementation of the new Code is being monitored by a dedicated Student Conduct Steering Group, chaired by the Registrar and Secretary. The Group has responsibility for overseeing the effective implementation of the Code and monitoring the impact, and draws on representation from the Academic Section, Human Resources, Communications and External Relations, and the Students' Union.

TRAINING

All staff with responsibilities for decision-making and for the operation of the Code will be required to undertake a new programme of mandatory training that is appropriate to their role. The programme, provided by University experts and specialist external organisations, will enable relevant individuals to develop their skills in effective questioning and evaluating evidence, and in dealing with allegations where evidence may be sensitive or personal in nature, and involve vulnerable witnesses. They will develop their knowledge and understanding of the types of behaviours that result in serious misconduct cases, and develop their knowledge of the University's own procedures and support structures. They will also be supported in developing their own personal resilience and ability to deal with sensitive issues.

Training provision has also been reviewed and revised for specialist first responders, for front-line non-specialist staff who, because of their role, may find themselves in the first line of support for students, in order that they are able to provide appropriate advice and support and correct referrals. Training to raise

awareness of these issues for the broader University staff community will be rolled out as part of the new 'How we work at Essex' training programme.

Engagement will be monitored and the effectiveness of training will be evaluated.

FUTURE REPORTING

A report providing an update and covering incidences that are reported in the Spring term will be published following the Senate meeting on 29 April 2020. An annual report will be reviewed by Student Experience Committee, Education Committee and Senate in the Summer Term.