Disciplinary Procedures – University Allocated Residences (UAR) for the 2018/19 Academic Year

1. Purpose / Objective

This document sets out the procedures for dealing with a breach of any of the Residences Local Rule by a student resident or their guest in University Allocated Residences (UARs).

The standard of proof required for breaches of any Local Rule is the ‘balance of probabilities’. When assessing any alleged breach, decision-makers must be satisfied that it is more likely than not that the breach has occurred.

This procedure has been drafted in accordance with the IIAHE’s consultation document Good Practice Framework: Disciplinary Procedures http://www.oiahe.org.uk/media/123221/gpf-disciplinary-procedures-consultation-2018.pdf

2. Scope / Reason for Issue

The procedures outlined below aims to ensure that:

- Student residents are fully aware of how breaches of The Local Rules will be addressed.
- Breaches are dealt with fairly, without bias, transparently, consistently and proportionately.
- Breaches are investigated thoroughly, confidentially and rapidly.
- Student residents have the opportunity to hear or view any evidence of any allegation, to be represented at any interviews, to present their response to any reports, that any necessary adaptations are put in place in respect of a disability or health need and to challenge any penalties.
- The impact of any breach on victims and/or witnesses is taken into account.
- All incidents, investigations and decisions are properly documented and recorded.

The procedure applies to breaches of the Residences’ Local Rules which may be found at:

http://www.bristol.ac.uk/accommodation/media/docs/policies-procedures/local-rules-community.pdf

2.1 Referral to a third party

- A breach of the Local Rules may also result in damage to University property, costs for additional cleaning or removal of prohibited items. All such actions fall within the remit of RHS facilities and should be referred to them with full details via

  North: residences-facilities-north@bristol.ac.uk 0117 42 83300
  West: residences-facilities-west@bristol.ac.uk 0117 42 83301
  East: residences-facilities-east@bristol.ac.uk 0117 42 83302
• A serious breach of the local rules may also constitute a breach of the Residence conditions. In that case the matter should be referred to the Head of Student residential Life who may recommend to the Director of Residential and Hospitality Services that a Notice to Quit be served on the student resident. The decision to serve a Notice will be at the Director’s discretion. The Residence Conditions may be found at: http://www.bristol.ac.uk/accommodation/media/docs/residence-conditions.pdf
• A serious breach of the Local Rules may also constitute a criminal offence; in this event The Village Head or Deputy Head of Residential Life should seek immediate advice from the Secretary’s Office before taking any action with the exception of possession of illegal drugs for which a separate procedure is set out in Annex B.

This procedure document is for guidance only, further advice on these procedures and the Local Rules can be obtained from the Secretary’s Office.

3. Procedure

Breaches are divided into 4 categories. Where there is a doubt or dispute as to the categorisation of a breach the decision will be made by The Village Head or Deputy Head of Residential Life.

3.1 Reporting breaches of The Local Rules

Any member of staff, student or private citizen can report a breach of the Residences Local Rules. Unless the breach is minor (see 3.2 below) staff should always report breaches by completing the appropriate incident report form. Students or private citizens can report breaches via the Student Support Centre:

North Village  Reslife-north@bristol.ac.uk  0117 42 83300
West Village  Reslife-west@bristol.ac.uk  0117 42 83301
East Village  Reslife-east@bristol.ac.uk  0117 42 83302

Reports should include the following information:

• Person or persons committing the breach, including student number(s) (where known).

• Nature, frequency, time(s), Dates(s) and location(s) of the breach(es).

• Contact details of the reporter, any witnesses or victims, and any others made aware of the breach.

Anonymous reports will only be investigated or acted upon where compelling evidence is provided that the breach has occurred.

Where necessary reports will be investigated by The Village Head or Deputy Head of Residential Life or a nominated Residential Life Adviser (see also 3.6). The Village Head or Deputy Head of Residential Life will also be responsible for identifying any reports that need to be dealt with urgently.

The identity of the person making the report will not be disclosed to the student(s) without the reporter’s permission.

3.2 Minor breaches – category A
Category A breaches will usually include only first breaches or repeat breaches where a considerable time period has elapsed and where the student accepts responsibility for the breach.

Examples of category A breaches include:

- Failure to comply with a reasonable instruction given by a member of our staff or partnership staff (e.g. failing to produce ID card, failing to leave the residence or grounds when reasonably asked to do so, failing to stop a noise disruption when requested)
- Failure to maintain the accommodation in a reasonably clean condition
- Excessive lock outs (a guide of 5+ times)
- Publicly displaying or distributing third party promotional material
- Smoking outside, but not in the designated area (if applicable)
- Misuse (including loan of) catered hall meal card, or bus card, or providing false information relating to your student ID
- Failure to maintain bedroom accommodation and/or communal areas, in a clean, hygienic and habitable condition (including washing up in kitchens/pantries, clearing up and disposing of garbage and recycling)
- Low level noise disruption
- Undeclared overnight guest

This list is not exhaustive

3.2.1 Responding to minor breaches

Any member of residential life, security or facilities staff may issue an immediate verbal warning and a request to desist in response to a minor breach. The warning or request should be reported via the Village incident form. No further disciplinary action will be taken but The Village Head or Deputy Head of Residential Life will consider whether any additional advice or support should be offered to the student(s) concerned.

3.3 Non–mandatory breaches – category B

Non mandatory breaches will include:

- Leaving items in corridors/escape routes
- Accessing/trespassing in restricted or out of bounds areas of the Residence (e.g. rooftops, plant rooms, staff only areas etc.)
- Accidental false fire alarm evacuation
- Petty theft (for guidance only, less than £10 in value)
- Excessive noise disruption causing a nuisance/ disturbance and/or exhibiting other anti-social behaviour that affects the quality of life of other students, our staff or the local community (alcohol and non-alcohol related**) Note that in severe cases this may be a Category C offence
- Causing minor damage to our property, fixtures and fittings, including your room(s), shared kitchens, bathrooms, social spaces or any other part of the property
- The possession of a small quantity (personal use only) of a substance that is categorised, as amended, under the Psychoactive Substance misuse act, including but not limited to NO2. This includes psychoactive substances found in a student’s bedroom which they claim to
belong to another person. *(Large quantities must be referred to the University Police Officer as a suspicion of supplying)*

- Repeated similar offence(s) of a Category A offence
- Unauthorised use of property belonging to staff, other students, their guests or visitors
- Disorderly, threatening, abusive or offensive behaviour or language anywhere within residence or the grounds (including verbal abuse towards any member of University or partnership staff) Note that in serious cases this may be a Category C offence
- Inappropriate use of social networks/media in a way that impacts individuals or groups in a negative manner
- Use of premises for inappropriate commercial use
- Non-attendance at a disciplinary mandated awareness course (not a Police course). *(Course fees will apply again)*

This list is not exhaustive

3.3.1 Responding to a category B breach

In the case of a report of a category B breach The Village Head or Deputy Head of Residential Life will send an investigation of a Breach of Local Rules 1 email *(Annex A)* within 5 working days *(term time). Where the person responsible cannot be identified immediately email 1A will be sent within 5 working days *(term time). Further action will depend upon whether responsibility for the breach is accepted by the student(s)*

3.3.1a Student accepts responsibility

Where a student accepts responsibility for a breach The Village Head or Deputy Head of Residential Life will only arrange to meet them if it appears there may be a welfare issue involved or The Village Head or Deputy Head of Residential Life feels it necessary to deliver the penalty in person. Otherwise the student may be issued with a summary penalty and sent a Decision *(see Annex A)*

3.3.1b Student does not accept responsibility

Where a student does not accept responsibility or the person responsible cannot immediately be identified further investigation will be required *(see 3.6 Investigating a breach of the local rules below)*. If responsibility is established the student(s) will be invited to a disciplinary interview *(see Annex B and 3.7 below)*

3.3.2 Category B penalties

- A written reprimand;
- A caution, which means that no penalty is imposed, but if the student is found guilty of misconduct on a subsequent occasion in the following twelve months (or some other specified period), he or she will then be dealt with for both offences:
- A fine not exceeding £300 (£100 where the student accepts responsibility);
- The requirement to pay a reasonable sum by way of compensation for identified and quantified loss;
- The requirement to give and comply with a written undertaking as to future behaviour;
- The requirement to perform unpaid services for the University community to a maximum of 20 hours;
Exclusion, either permanently or for a specified period, from the use of a specified University service or facility (including specified residential facilities) to which the misconduct relates;

A requirement to attend a specified course or programme and to pay the reasonable cost as determined at the relevant time by the University;

3.4 Breaches with mandatory penalties – category C

Mandatory breaches will include:

3.4.1 Actions that endanger the student or their fellow residents - examples include:

- Leaving cooking unattended leading to the activation of smoke or fire detectors
- Evidence of use of candles, tea lights, lanterns, incense or similar banned items involving use of a naked flame
- Failing to evacuate the residence immediately or interfering in any way with an evacuation, when the fire alarm is sounding or returning to a property before being allowed to do so
- Smoking within any Residence, or allowing a guest or visitor to smoke within residence (including e-cigarettes)
- Covering smoke detectors, blocking fire exits or using unapproved items/means of holding fire doors open
- Malicious/intentional activation of fire alarms, or tampering with any fire equipment that has been provided for safety purposes, such as fire extinguishers, fire blankets, fire panels

3.4.2 Illegal drugs

Personal use and/or possession of illegal drugs or controlled substances will be deemed a breach. This includes any illegal drugs found in a student’s bedroom which they claim to belong to another person or any illegal drugs sent to and collected by the student. (Students caught in possession will be referred to the University Police Officer (see Appendix B)

3.4.3 Responding to a category C breach

In the case of a category C breach where the person responsible can be identified, The Village Head or Deputy Head of Residential Life will send an investigation of a Breach of Local Rules 2 email (Annex A) within 5 working days (term time). Where the person responsible cannot be identified immediately email 2A will be sent within 5 working days (term time). Whether or not responsibility is accepted an investigation will be carried out (see 3.6 Investigating a breach of the local rules below) to ensure that the full facts are known.

Once responsibility is established the student(s) will be invited to a disciplinary interview (see Annex B and 3.7 below)

3.4.4 Mandatory penalties

Actions that endanger the student or other residents

- Fire – requirement to attend a fire safety awareness course at their own cost plus a discretionary fine of up to £300 (£100 if student accepts responsibility)
Possession/use of illegal drugs

Refer to flow chart Annex B

3.5 Serious breaches or breaches that also constitute a criminal offence – category D

Category D breaches will include:

- Recording and/or distributing in any way, any material (audio, visual or both) for the purposes of harassing, stalking or bullying another person
- Sexual, racial or any other form of harassment or bullying of any student, member of staff or visitor
- Theft
- The sale or other trafficking of illegal drugs or controlled substances (or suspicion thereof). Such activity will be reported to the University Police Officer.
- Violent or indecent behaviour anywhere within residence or the grounds
- Assault
- Any activity posing a serious risk of harm or death to others
- Criminal damage exceeding £500 against University Property.
- Repeated similar category C breaches
- Actions which bring significant reputational damage against the University

This list is not exhaustive

3.5 Responding to Category D breaches

Category D breaches will be referred immediately to the Secretary’s Office, who will advise on further action. The student(s) will be sent a Breach of Local Rules 3 email within 5 working days (term time).

In such cases the procedures outlined in this document may then be suspended, pending a decision under the Student Disciplinary Regulations. See: [http://www.bristol.ac.uk/media-library/sites/secretary/documents/student-rules-and-regs/student-disciplinary-regulations.pdf](http://www.bristol.ac.uk/media-library/sites/secretary/documents/student-rules-and-regs/student-disciplinary-regulations.pdf)

3.6 Investigating reports of a breach of The Local Rules

The Village Head or Deputy Head of Residential Life may investigate a report of a breach themselves or delegate this responsibility to a Residential Life Adviser as appropriate. The investigator should not be the same person as the reporter. Investigations will be carried out as quickly as possible in order to avoid placing students under unnecessary stress and in any case within 20 working days (term time).

Investigation of a report may include:

- Accessing CCTV footage using the procedures laid down by the University or their partners
- Interviewing witnesses, note that witnesses should not be promised confidentiality
- Interviewing the student responsible
- Checking the student’s academic, health or disability records
Any actions should be clearly recorded, being careful to avoid including unnecessary sensitive information. Any additional evidence collected must be passed to the student(s) under investigation prior to interview.

3.7 Disciplinary interviews

The student(s) will be an to a disciplinary meeting (Invitation - see Annex A)
The disciplinary meeting will be chaired by The Village Head or Deputy Head of Residential Life plus at least one other member of residential life staff excluding senior residents. The panel should consist of staff who have not previously been involved in reporting or investigating the incident.

A note of the proceedings will be taken.

Where more than one student is being interviewed they may be seen together or, if separately they should be seen by the same members of staff wherever possible. Note that decisions should be made on the balance of probabilities. Although the “balance of probabilities” standard is lower than “beyond reasonable doubt”, decisions must still be supported by evidence. The standard is higher than simply believing that something is likely to have happened.

At the interview The Village Head or Deputy Head of Residential Life will ensure the student has an opportunity to:

- Challenge any evidence
- Be represented or accompanied by a friend
- Present their version of events, explain their motivation and express remorse
- Explain any mitigating factors
- Make suggestions for modifying their future behaviour

The Village Head or Deputy Head of Residential Life will inquire into the student’s general welfare, academic progress and financial situation in order to inform any decision made. If, during the course of the interview any allegations are made against another student or member of staff they will be noted and investigated under the appropriate procedures.

Wherever possible The Village Head or Deputy Head of Residential Life will give a decision at the interview together with reasons for the decision demonstrating that they have taken all the evidence, the surrounding circumstances and the student’s representations into account. The Village Head or Deputy Head of Residential Life will explain any penalties being imposed and the student’s right to appeal. The Village Head or Deputy Head of Residential Life will ensure that there is broad consistency in the imposition of penalties for similar breaches. The decision will be confirmed in writing (see Annex A).

3.8 Recording

Breaches of the Local Rules and penalties will be held on the student’s residential record. They will also be anonymised and recorded centrally so that:

- Any trends in breaches of the Local Rules can be identified and explored
- Consistency in the application of penalties can be verified
- The penalties being applied are proportionate to the breaches.
4. Responsibility for the Operation of these Procedures
All residential life staff under the direction of the Head of Student Residential Life.

5. Applicable to:
All students (who also have responsibility for their guests) in University allocated residences.

6. Definitions / Descriptions

7. Related Documentation

University of Bristol Residence Conditions
http://www.bristol.ac.uk/accommodation/media/docs/residence-conditions.pdf

Residences Local Rules
http://www.bristol.ac.uk/accommodation/procedures/

8. Distribution
All residential life staff
Accommodation Managers
Partnership Manager (Accommodation Office)
University Secretary’s Office (on behalf of Pro Vice Chancellor)
Head of Student Residential Life
Director of Student Services
Director of Residential and Hospitality Services
Head of Accommodation Services
Students’ Union
Deputy Registrar
Annex A Communications

1 Breach of Local Rules (1, 1A, 2, 2A)

The email must:

- Be written in plain English
- Allow the student to fully understand the details of any report
- Allow the student to fully understand which rule(s) have been broken
- Allow the student to fully understand the procedure that will be followed in dealing with any report
- Allow the student to fully understand the possible penalties for the reported breach
- Explain how the student can respond giving a reasonable deadline
- Give the student an opportunity to accept or deny responsibility
- Provide the student with any evidence

2 Invitation to interview

In addition to the above the email must:

- Set a time, date and location for the interview, note that except in very serious cases a minimum of 7 days’ notice must be given
- Give details of who will be attending the interview (job titles) from the residential life team.
- Confirm the student’s right to representation or to be accompanied
- Give details of where the student can obtain support and advice.
- Request details of any adjustments to the location or interview process required because of a student’s disability or health need
- Include any evidence not already sent to the student.

3 Decision

The email must:

- Set out the findings of the interview panel with reasons
- Set out the decision of the interview panel with reasons
- Explain the process by which the student can appeal
- In the case of a fine allow the student to make representations as to the affordability of the fine which may result in an agreement that the student can pay in instalments or a reduction in the fine.
- Include an explanation of any additional consequences such as an impact on fitness to practice.
Annex B: Process for dealing with drug (illegal and legal) related offences

Avon and Somerset Constabulary have a Drug Education Programme (DEP) which allows for first offences of possession of Cannabis and personal use of any other Class (A, B, C) drug to attend the Drug Education Programme.

If students are caught in the possession of illegal drugs within Residences they will be referred to the University Police Officer as an outcome of the disciplinary meeting with a Head/Deputy Head of Residential Life. Students who are under the influence of illegal drugs, but not in possession will be seen by the Head/Deputy Head of Residential Life and referred on a drug awareness course at their own cost.

The stages of dealing with Cannabis offences by the University Police Officer, for personal use only, are as follows

- **Step 1 – Drugs Education Programme** (police record retained; no criminal conviction)
- **Step 2 – Fixed Penalty Notice** (on the spot fine is £90; police record retained; no criminal conviction)
- **Step 3 – Arrest / Voluntary Police Interview** (Could lead to criminal conviction or official police caution)

*It is important to note that it is at the discretion of the police officer investigating the matter to determine what level of outcome is most appropriate (i.e. depending on quantity, class of drugs found, circumstances, personal history relating to drugs/crime, other aggravating/mitigating factors). If the circumstances are necessary, then an officer can go straight to Step 3.*

The Stages of dealing with Class A

1. First Offence = DEP course, no criminal record but will show on an enhanced DBS check
2. Second Offence= Arrest and charged to Court or Report for Summons to Court, if found guilty will have criminal record.

If a student is sent on a DEP course, this will not create any criminal record for them, but it will still appear on an enhanced DBS check. There is no charge to the student for attending the DEP with Avon and Somerset Constabulary, however the student will receive a fine as per the penalty Matrix in Appendix A. If a student fails to attend the course, the University Police Officer will be notified and the student will be summoned to court.

If there is any evidence that a student is supplying, or has intent to supply then the Police Officer can’t offer the DEP programme. The student may be arrested or reported for summons for the offence.

It is the University’s pastoral team’s responsibility, through drug and alcohol awareness training, to remind all students in Residences that sharing drugs is considered supply under the legal definition.

With regards to NO2, and other ‘legal highs’, the Police have no ‘powers’ under the Psychoactive Substances Act, unless a student is supplying, as the act does not hold any penalties for personal use, however the Residences Disciplinary Procedures (UAR) will apply.

Students caught with, or receiving through the post large quantities of NO2 canisters could be referred to the University Police Officer for consideration of penalty under the Psychoactive Substances Act [http://www.legislation.gov.uk/ukpga/2016/2/section/10/enacted](http://www.legislation.gov.uk/ukpga/2016/2/section/10/enacted).