

17 May 2012

Request for amendment to the Code of Practice on Discipline in Residences

Purpose of Paper

1. APRC is asked to **consider**, and if thought appropriate, **approve** a number of revisions to the Code of Practice on Discipline in Residences as summarised in this paper and included in full in Appendix 1, to take effect from the academic session 2012/13. The existing Code of Practice is attached in Appendix 2 for comparison purposes.

Proposal Outline

2. That the Code of Practice on Discipline in Residences (hereafter referred to as “the Code of Practice”) is amended to correlate the current process in accordance with Regulation 8 – initial procedure and to remove the ‘Accommodation Discipline Committee’ stage. The current Code of Practice also refers to outdated regulations that need to be updated.

Background and Consultation

3. This amendment was requested by Student Conduct and Appeals. It is clear that the point at which this Code of Practice was originally written (it still refers to very old chapters) the processes relating to misconduct were different, and this Code of Practice has not been brought into alignment. The request for amendment is made to align the process for managing discipline in residences more closely to Regulation 8 – Student Conduct, in order that there is equity in the way in which conduct cases are processed across the University.
4. The Student Conduct office has consulted with Legal Services and Hospitality and Accommodation Services to discuss the required revisions that will work in practice, and align the Code of Practice with the current University Regulations relating to conduct and the student accommodation contract.
5. Legal Services have drafted a revised Code of Practice on Discipline in Residences, which has been considered and approved by the Student Conduct office and the Housing Services Policy Manager. Both the current Code of Practice and the revised Code of Practice are attached in Appendix 1 and 2.
6. The current Code of Practice prescribes that if a student does not wish the case to be dealt with summarily, they may elect for their case to be heard directly by the Accommodation Discipline Committee (3.2.1). However, if the Investigating Officer (Student Village Manager) decides the case is a non-summary offence they must instead ‘refer the case to the Director of Academic services’, which would result in the case being heard by a College Misconduct Committee. The College Misconduct Committee has a much wider range of sanctions in accordance with the Code of Practice on Misconduct and Fitness to Practise Committee (non-summary sanctions).

7. Further to that the Accommodation Discipline Committee does not have a range of sanctions available to it over and above that held by the Investigating Officer (summary sanctions). Therefore, making the statement in 5.6 that, 'the original summary penalty may be increased or decreased or changed to a different penalty within the powers available to the Accommodation Discipline Committee' ambiguous.
8. Following the hearing of an Accommodation Discipline Committee the committee can decide to refer the case to a College Misconduct Committee (5.6) or the student can elect to have their case heard by a College Misconduct Committee (5.7).
9. In point 5.9 the current Code of Practice escalates such an appeal to be dealt with by the Vice Chancellor (or his nominee), who will make a decision as to whether the appeal is upheld or what penalty, if any, is to be imposed in line with those available to an Accommodation Discipline Committee, or refer the appeal to be dealt with under the procedures prescribed in Student Conduct Chapter section 3 (which no longer exists).
10. This means that under the current Code of Practice a student alleged to have committed an act of misconduct in a University Residence as defined in the current Code of Practice could find themselves subject to a summary investigation, a hearing by an Accommodation Discipline Committee and a hearing by a College Misconduct Committee, and if they appeal against the College Committee decision an appeal hearing by a University Misconduct Committee. The purpose of the Accommodation Discipline Committee is ambiguous.
11. The current Code of Practice fulfils a number of roles, by imposing responsibilities on students, giving guidance as well as setting out the process to be followed after misconduct has been alleged. It is proposed that instead it should mirror the Code of Practice on Misconduct and Fitness to Practice Committee Procedures and deal only with the process to be followed following an allegation of misconduct.

Argument to Support Proposal

12. The current Code of Practice is clearly out of date in its references to regulations that no longer exist. Further to that, it is not in alignment with University Regulation 8 and the Code of Practice on Misconduct and Fitness to Practise Committee procedure.
13. It is proposed that a student who is alleged to have committed misconduct in a University residence should be subject to a process that is comparable to a student who commits a similar offence on campus. Further to that, the intention is that such misconduct matters should be processed expediently in order to avoid unnecessary delays: arguably the inclusion of the Accommodation Committee potentially presents an unnecessary delay, although it should be noted that the Policy Manager in Housing Services has confirmed that a meeting of an Accommodation Discipline Committee has not been convened for some years, and so, removal of this stage will have little impact on the practical management of discipline in University Residences.

14. In accordance with Regulation 8 if an alleged breach is found proven it can be dealt with summarily if the student accepts responsibility for their actions. If a student disputes the finding of the Investigating Officer, or the Officer deems the case to be too serious to be dealt with summarily then the case would be referred directly to a College Misconduct Committee. To that end, it is proposed that the process for managing misconduct in University residences is brought into alignment with the process prescribed in University Regulation 8 - the revised Code of Practice does this as it removes the Accommodation Discipline Committee hearing stage.
15. In relation to point 11 above, the revised Code of Practice prescribes that disciplinary offences for the purpose of this Code of Practice means breach of: any term or condition of the Contract; any rule or requirement displayed in University Residences or otherwise notified to Students living in, visiting or using the facilities of University Residences; or any disciplinary offence set out in Regulation 8 insofar as it relates to misconduct in or relating to University Residences. The revised Code of Practice serves to set out the procedures to be followed after misconduct has been alleged. The Policy and Environmental Services Manager in HAS has confirmed that the obligations set out in the current Code of Practice are replicated in the accommodation contract and so their removal from the Code of Practice will not have any adverse impact.
16. In relation to students on programmes subject to fitness to practise regulations it is intended that Academic Services will be responsible for notifying the outcome of cases to the College at point 4.3.4 of the revised Code of Practice. This is because the Student Village Manager will be required to provide written notice of the outcome of the investigation to the Student Conduct Office, and it is intended that at this juncture the Student Conduct Office would check if the student involved is subject to fitness to practise regulations, and make a referral to the Head of College if appropriate.

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