

## Residence disciplinary procedure

### 1. Purpose

This document sets out the procedures for dealing with a breach of the Local Rules for University Allocated Accommodation by a student resident or their guest in University-allocated accommodation.

This disciplinary procedure is administered by the Head of Student Residential Life or your Head of Residential Life or Deputy Head of Residential Life in accordance with s.3.2 (b) of the Student Disciplinary Regulations.

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.

A serious breach of the Local Rules may also constitute a criminal offence; in this event the 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.

### 2. Scope

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/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.

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

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 report breaches by completing the appropriate incident report form. Students or private citizens can report breaches via the Student Support Centre. 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.

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.

**Category A: minor breaches**

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

<p>Examples of Category A breaches: <i>(this list is not exhaustive)</i></p> <ul style="list-style-type: none"> <li>• 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)</li> <li>• Excessive lock outs (a guide of 5+ times)</li> <li>• Publicly displaying or distributing third party promotional material</li> <li>• Misuse (including loan of) catered hall meal card, or bus card, or providing false information relating to your student ID</li> <li>• 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)</li> <li>• Low level noise disruption</li> </ul>
<p>Responding to Category A breaches:</p> <p>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 Head or Deputy Head of Residential Life will consider whether any additional advice or support should be offered to the student(s) concerned.</p>

**Category B: breaches with non-mandatory penalties**

<p>Examples of Category B breaches: <i>(this list is not exhaustive)</i></p> <ul style="list-style-type: none"> <li>• Leaving items in corridors/escape routes,</li> <li>• Accessing/trespassing in restricted or out of bounds areas of the Residence (e.g. loft spaces, rooftops, plant rooms, staff only areas etc.)</li> <li>• Accidental false fire alarm evacuation</li> <li>• Petty theft <i>(for guidance only, less than £10 in value)</i></li> <li>• 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</li> <li>• 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</li> </ul>
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- 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

#### Responding to Category B breaches:

In the case of a report of a category B breach the Head or Deputy Head of Residential Life will send an investigation of a Breach of Local Rules email within 5 working days. Further action will depend upon whether responsibility for the breach is accepted by the student(s).

Where a student accepts responsibility for a breach the Head or Deputy Head of Residential Life will arrange to meet them if there may be a welfare issue involved or it is necessary to deliver the penalty in person. Otherwise the student may be issued with a summary penalty and sent a Decision.

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

#### 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.

### Category C: Breaches with mandatory penalties

#### Examples of Category C breaches:

*(this list is not exhaustive)*

#### Actions that endanger the student or their fellow residents:

- 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

**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/collected by the student. *(Students found in possession will be referred to the University Police Officer)*

**Responding to Category C breaches:**

In the case of a Category C breach where the person responsible can be identified, the Head or Deputy Head of Residential Life will send an investigation of a Breach of Local Rules email within 5 working days (term time). Whether or not responsibility is accepted an investigation will be carried out (see 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.

**Category C 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 – requirement to attend drug awareness course at their own cost plus a discretionary fine of up to £300 (£100 if student accepts responsibility).

**Category D: Serious breaches or breaches that also constitute a criminal offence**

**Examples of Category D breaches:**

*(this list is not exhaustive)*

- 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

#### 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 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>

#### **Investigating reports of a breach of The Local Rules**

The 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.

#### **Disciplinary interviews**

The student(s) will be invited to a disciplinary meeting. The disciplinary meeting will be chaired by the 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 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 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 Head or Deputy

Head of Residential Life will explain any penalties being imposed and the student's right to appeal. The 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).

### 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 trends in breaches of the Local Rules can be identified and explored and consistency in the application of penalties can be verified.

### 4. Responsibility for the Operation of these Procedures

All Residential Life staff under the direction of the Head of Student Residential Life.

### 5. Related Documentation

University of Bristol Student Disciplinary Regulations <http://www.bristol.ac.uk/media-library/sites/secretary/documents/student-rules-and-regs/student-disciplinary-regulations.pdf>

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/media/docs/local-rules.pdf>

### 6. Equality check list

1. Equality considerations - students	Check (✓)	Comments
If the procedure relates to any student-related service, you should consider data on the diversity of the service users.	Yes	
What equality strands have been covered (eg, gender, race, disability, age)?		Disability and health needs as well as other welfare issues which may arise from age, gender reassignment, race, religion or belief, sex, sexual orientation
What steps will be taken to mitigate the impact on current students?		Students with disabilities, health needs or other welfare issues are identified via this procedure.
2. Decision	Check (✓)	Comments
Has your equality analysis highlighted any differential or adverse equality impact?	No	
Based on this, has the procedure changed or remained the same?	Remained the same	

### 7. Version

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