

# Managing and Maintaining Good Order: Guidelines on Non-Academic Discipline Policy and Procedures 2018

## 1. Introduction

1.1. The University Charter, Statutes and Regulations enable the University to govern the behaviour of students. All students are bound throughout their registration by the General Regulations for Students wherever they are. Students in residences are also bound by the Student Accommodation Regulations and the Conditions of the Licence to Occupy Residential Premises. All Students are also expected to conduct themselves in accordance with the Policy on Harassment and Sexual or Physical Misconduct.

**General Regulations for Students:**

<https://portal.uea.ac.uk/documents/6207125/7465906/Section+3+General+Regulations+for+Students.pdf>

**Terms and Conditions of the Licence to Occupy UEA Residential Premises:**

<https://portal.uea.ac.uk/accommodation/living-in-residences/terms-and-conditions>

**Policy on Student Harassment and Sexual or Physical Misconduct**

<https://portal.uea.ac.uk/documents/6207125/6816233/Harassment+and+Sexual+or+Physical+Misconduct+Policy+2018+Final.pdf>

## 2. Managing and Maintaining Good Order and identifying Breaches of Regulations

2.1. Where a report of potential misconduct is made under the disciplinary regulations, the matter should be considered by the appropriate staff in the Student Support Service, Accommodation Office and Department of Sport against the guidance given in this document.

### 3. Classification Levels of Non-Academic Misconduct Offences

The table is intended to assist in the classification of offences under Part A (1&2) of the University Disciplinary and Investigative Procedures and Powers (UDIPP). The elements of each alleged offence given in the table below are indicative, not proscriptive, nor is the list exhaustive. The different elements are not all required; consideration should be given to where the preponderance of the evidence lay.

Level	Indicative Elements of Non-Academic Misconduct Offence
<b>Low</b>	<p><b>Intent and Culpability</b></p> <ul style="list-style-type: none"> <li>• Accidental – did not intend the action, but could have been prevented or avoided, resulting in consequences which caused damage, disturbance, distress or harm to self or others.</li> <li>• Careless – intending the action but not taking care in the undertaking, not desiring the result but carelessly failing to foresee the consequences of the action.</li> </ul>
	<p><b>Experience of Student</b></p> <ul style="list-style-type: none"> <li>• Student is in first semester of a Higher Education course in the UK.</li> <li>• Student has no prior experience of living in University accommodation (or similar, e.g. INTO).</li> <li>• Student has no previous record of non-academic conduct breaches or has received no prior warning.</li> </ul>
	<p><b>Type, Extent and Impact of Behaviour</b></p> <ul style="list-style-type: none"> <li>• Breach is technical.</li> <li>• No, or minimal, damage, disturbance, distress, or harm caused to self or others, either physical or psychological.</li> <li>• Behaviour has potential to result in damage or harm to health and safety of self or others.</li> </ul>
	<p><b>Mitigation*</b></p> <ul style="list-style-type: none"> <li>• Significant cultural differences leading to misunderstanding of cultural norms.</li> <li>• Immediate correction of behaviour, insightful and apologetic, when spoken to by staff at initial stages (e.g. Warden or Security Team).</li> <li>• Extenuating circumstances affecting judgement, related to health, disability or mental health, family or relationship problems.</li> </ul>

\* Mitigating circumstances will be considered at each level. The examples given are illustrative of the types of circumstances which might mitigate the offence from escalating to a higher level.

Level	Indicative Elements of Non-Academic Misconduct Offence
<b>Medium</b>	<p><b>Intent and Culpability</b></p> <ul style="list-style-type: none"> <li>• Negligent – undertaking or failing to undertake an action, where a duty of reasonable care exists, and the result is a reasonably foreseeable consequence of the act or omission.</li> <li>• Reckless – deliberately and without due cause undertaking the action, not desiring the result but acting without due regard to the risks or potential consequences to self or others.</li> <li>• Wilful – deliberately and without due cause undertaking the action, desiring the result and disregarding the risks or potential consequences to self or others.</li> </ul>
	<p><b>Experience of Student</b></p> <ul style="list-style-type: none"> <li>• Student is not in first semester of a HE course in the UK</li> <li>• Student has experience of living in University accommodation (or similar, e.g. INTO)</li> <li>• Student has received an information notice or prior low-warning relating to similar behaviour</li> </ul>
	<p><b>Type, Extent and Impact of Behaviour</b></p> <ul style="list-style-type: none"> <li>• Threatening or intimidating behaviour which would cause a reasonable person to fear injury or harm</li> <li>• Behaviour has potential to result in serious damage or harm to health and safety of self or others</li> <li>• Behaviour could constitute a criminal offence</li> <li>• Damage, disturbance, distress or harm caused to others, either physical or psychological</li> <li>• Behaviour has breached a few (2-3) different general regulations and/or accommodation licence terms and conditions</li> </ul>
	<p><b>Mitigation</b></p> <ul style="list-style-type: none"> <li>• Result of provocation.</li> <li>• Under duress.</li> </ul>

Level	Indicative Elements of Non-Academic Misconduct Offence
<p style="text-align: center;"><b>High - Referred to Disciplinary Officer Level</b></p>	<p><b>Intent and Culpability</b></p> <ul style="list-style-type: none"> <li>• Malicious - deliberately and without due cause undertaking the action, desiring the result with a serious disregard to the foreseeable risks or potential outcome to self or others.</li> <li>• Premeditated – actions were planned with the purpose of, or with virtual certainty that the behaviour would have the effect of, causing the resultant damage, disruption, distress or harm.</li> <li>• Aggravated – actions motivated by prejudice; clear intention to humiliate or cause suffering; cruel or vindictive.</li> </ul>
	<p><b>Experience of Student</b></p> <ul style="list-style-type: none"> <li>• Student is in second or more year of study on a HE course in the UK.</li> <li>• Student has a previous record of non-academic conduct breaches resulting in action dealt with at medium level.</li> </ul>
	<p><b>Type, Extent and Impact of Behaviour</b></p> <ul style="list-style-type: none"> <li>• Behaviour is dangerous with potential to result in very serious damage or harm to health and safety of self or others.</li> <li>• Serious damage, disturbance, distress or harm caused to others, either physical or psychological.</li> <li>• Use of weapon or other instrument or article used for the purpose or effect of causing injury.</li> <li>• Behaviour has breached several (3+) different general regulations and/or accommodation licence terms and conditions</li> </ul> <p><b>Likely to result in referral by the Disciplinary Officer to the Senate Student Discipline Committee:</b></p> <ul style="list-style-type: none"> <li>• Serious multiple breaches of university regulations.</li> <li>• Behaviour could constitute a serious criminal offence or student has been convicted of a criminal offence.</li> <li>• Sexual misconduct offences (unless reporting party exercises ‘informal resolution’ option under Part B (10) of the UDIPP).</li> </ul>
	<p><b>Mitigation</b></p> <ul style="list-style-type: none"> <li>• Significant disability or mental health-related extenuating circumstances affecting judgement (e.g. Autism Spectrum Disorder, ADD, Psychosis, Mental Health crisis).</li> <li>• Under 18 at the time of the alleged criminal offence.</li> </ul>

#### 4. Example Non-Academic Misconduct Offence Classifications.

The table below provides typical examples of offences that might be classified at each given level and is intended to assist in the classification of offences under Part A (1&2) of the UDIPP. The list is not proscriptive; every individual offence must be classified on its own unique set of circumstances and merits, nor is the list exhaustive.

Level	Typical Examples of Non-Academic Misconduct Offences		
<b>Low</b>	<p><b>Typically dealt with by Student Services:</b></p> <ul style="list-style-type: none"> <li>• Anti-social noise &amp; behaviour in residences relating to loud music, persistent raised voices, slamming doors, etc</li> <li>• Excessive noise on campus (not in residences)</li> <li>• Vandalism / damage to University property</li> <li>• Refusal to comply with staff request to modify behaviour</li> <li>• Refusal to provide valid identification, uncooperative or obstructive towards staff</li> <li>• Urinating on campus</li> <li>• Interfere with or remove University equipment such as CCTV, furniture</li> <li>• Excessive noise off-campus resulting in community complaint – (Stage 1)</li> <li>• Minor theft such as food theft, University signage</li> </ul>	<p><b>Typically dealt with by Accommodation Office:</b></p> <ul style="list-style-type: none"> <li>• Accommodating visitors (beyond 3 days / under 18 / without permission)</li> <li>• Leaving visitors unattended</li> <li>• Activation of fire alarm (aerosol use)</li> <li>• Giving/lending keys or campus cards to third parties</li> <li>• Leaving residences insecure</li> <li>• Smoking in residences</li> <li>• Activation of fire alarm (cooking / shower / smoking)</li> <li>• Activation of fire alarm (cooking left unattended)</li> <li>• Candles or combustibles in residences</li> <li>• Non-CE compliant electrical equipment in residences</li> <li>• Covering detector head</li> <li>• Failure to evacuate during the sounding of a fire alarm</li> </ul>	<p><b>Typically dealt with by Sports Dept:</b></p> <ul style="list-style-type: none"> <li>• Sent off for abuse/violent conduct during match play</li> <li>• Breach of facility agreements</li> <li>• Unauthorised spending (e.g. kit outside of tender agreement)</li> <li>• Deliberate breach of rules, regulations, policies and procedures</li> <li>• Failure to report incidents</li> <li>• Misuse/deliberate or negligent damage to property/equipment (UEA or third party), including vehicles</li> <li>• Alcohol consumption in prohibited places</li> <li>• Refusal to comply with a reasonable request made by staff in the performance on their duty</li> <li>• Misuse and misconduct of social/digital media</li> </ul>

	<ul style="list-style-type: none"><li>• Gain or permit fraudulent access to University facilities by student card</li><li>• Substance misuse (legal substance)</li><li>• Verbal Abuse</li><li>• Harassment (<b>informal intervention requested</b>)</li></ul>		
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Level	Typical Examples of Non-Academic Misconduct Offences		
<b>Medium</b>	<p><b>Typically dealt with by Student Services:</b></p> <ul style="list-style-type: none"> <li>• Accumulation/repeat of above offences</li> <li>• Noise disturbance in residences resulting from a grouping of greater than 20 guests</li> <li>• Noise disturbance after 23:00</li> <li>• Noise disturbance with amplified sound</li> <li>• Noise disturbance off-campus resulting in community complaint – high level / repeat incident (Stage 2)</li> <li>• Aggressive or threatening behaviour</li> <li>• Substance/drug misuse and possession</li> <li>• Theft of property (such as bicycles)</li> <li>• Intentionally or recklessly misusing, tampering, or interfering with any fire-fighting equipment</li> <li>• Harassment (<b>formal intervention requested</b>)</li> </ul>	<p><b>Typically dealt with by Accommodation Office:</b></p> <ul style="list-style-type: none"> <li>• Accumulation/repeat of above offences</li> <li>• Access any roof or raised area of NT / ST or other building</li> <li>• Weapons (or replica weapons) in the residences</li> <li>• Activating a Break Glass Unit without due cause</li> <li>• Activation of fire alarm (candle/incense/other combustible)</li> </ul>	<p><b>Typically dealt with by Sports Dept:</b></p> <ul style="list-style-type: none"> <li>• Accumulation/repeat of above offences</li> <li>• Deliberately acting without due regard for the safety of others</li> <li>• Holding a club social in Halls/University accommodation</li> <li>• Disrespectful/threatening/intimidating or abusive behaviour towards any internal or external student, staff or visitor</li> <li>• Organisation of initiation ceremonies, in the process degrading other and/or coercing other to drink alcohol to excess</li> </ul>
<b>High</b>	<p><b>Typically dealt with by the Disciplinary Officer:</b></p> <ul style="list-style-type: none"> <li>• Accumulation/repeat of above offences or elements of offences</li> <li>• Drug supply</li> <li>• Swimming or entering the University Broad</li> </ul>		

- Breach of health and safety policy resulting in heightened risk to person or property
- Convicted of Criminal Offence
- Starting a fire/arson
- Physical MisconductSexual Misconduct
- Bringing the University into serious disrepute



## 5. Guidelines related to Harassment and Sexual or Physical Misconduct

The table below provides typical examples of offences that might be classified at each given level and is intended to assist in the classification of offences under Part A (1&2) of the UDIPP. Classification must be made in accordance with the University definition of harassment given in s.9 of the Policy on Student Harassment and Sexual or Physical Misconduct. The list is not proscriptive; every individual offence must be classified on its own unique set of circumstances and merits, nor is the list exhaustive.

Level	Examples of Harassment or Abuse
<b>Low / Medium</b>	<ul style="list-style-type: none"> <li>• Use of inappropriate language</li> <li>• Intimidating and hostile behaviour</li> <li>• Social media misuse?</li> </ul>
<b>High</b>	<ul style="list-style-type: none"> <li>• Threats to cause harm</li> <li>• Aggravated Harassment (e.g. related to protected characteristics)</li> <li>• Course of unwanted conduct</li> </ul>

Level	Examples of Physical Misconduct Offences
<b>Low / Medium</b>	<ul style="list-style-type: none"> <li>• Pushing</li> <li>• Shoving</li> </ul>
<b>High</b>	<ul style="list-style-type: none"> <li>• Punching</li> <li>• Kicking</li> <li>• Spitting</li> <li>• Slapping</li> <li>• Pulling Hair</li> <li>• Biting</li> </ul>

Level	Examples of Sexual Misconduct Offences
<b>Low / Medium</b>	<ul style="list-style-type: none"> <li>• Unwanted remarks of a sexual nature</li> <li>• Sharing private materials of another person without consent</li> </ul>
<b>High</b>	<ul style="list-style-type: none"> <li>• Unwanted kissing, fondling or groping</li> <li>• Intentional exposure of genitals that someone else might see them</li> <li>• Observing a person doing a private for sexual gratification (also known as voyeurism)</li> <li>• Recording someone undertaking a private act</li> <li>• Attempting to engage in sexual intercourse or engaging in a sexual act without consent</li> <li>• Sexual intercourse or engaging in a sexual act without consent</li> </ul>

## 6. Examples of Non-Academic Misconduct Offence Penalties

The penalties given in the table below are examples of offences that might be classified at each given level and is intended to assist in determining the appropriate penalties under Part G (1) of the UDIPP. The list is not exhaustive, and each individual offence is classified on its own merits and unique set of circumstances. The Student Services Coordinator, Accommodation Manager and Student Sport Operations Manager have identical penalty-issuing powers, but ordinarily they levy different types of penalties due to the different nature of the offences with which they typically deal. It should be noted that penalties issued by the Sports Dept can be to individuals, groups of students or whole sports clubs and will often be issued in cooperation with the Student Union.

Level	Likely Non-Academic Misconduct Offence Penalties		
<b>Low</b>	<p><b>Typically imposed by Student Services:</b></p> <ul style="list-style-type: none"> <li>• Warning</li> <li>• Formative training</li> <li>• Formal letter of apology</li> </ul>	<p><b>Typically imposed by Accommodation Office:</b></p> <ul style="list-style-type: none"> <li>• Warning</li> </ul>	<p><b>Typically imposed by Sports Dept:</b></p> <ul style="list-style-type: none"> <li>• <b>Warning</b></li> <li>• <b>Formal letter of apology</b></li> <li>• <b>Short term suspension from activities (including training, matches, socials, trips, tour, varsity, sports awards)</b></li> <li>• <b>Requirement to make good loss or damage</b></li> <li>• <b>Monetary fine (or suspended fine) to club / reduction in subsidy</b></li> <li>• <b>Short term suspension from Sportspark</b></li> <li>• <b>Short term suspension from SU venues</b></li> <li>• <b>Confiscation of prohibited items (e.g. alcohol)</b></li> <li>• <b>Prohibited from wearing unauthorised kit</b></li> </ul>
<b>Medium</b>	<p><b>Typically imposed by Student Services:</b></p> <p>One or more of the above and/or one or more of the following:</p> <ul style="list-style-type: none"> <li>• Restriction on guests</li> <li>• No contact order</li> <li>• Requirement to attend/engage with specified internal or external agencies</li> <li>• Required move to alternative accommodation</li> <li>• Requirement to make good loss or</li> </ul>	<p><b>Typically imposed by Accommodation Office:</b></p> <p>One or more of the above and/or one or more of the following:</p> <ul style="list-style-type: none"> <li>• Restriction on guests</li> <li>• Required move to alternative accommodation</li> <li>• Requirement to make good loss or damage</li> <li>• Termination of accommodation licence</li> </ul>	<p><b>Typically imposed by Sports Dept:</b></p> <p>One or more of the above and/or one or more of the following:</p> <ul style="list-style-type: none"> <li>• <b>Medium term suspension from activities</b></li> <li>• <b>Medium term suspension from Sportspark</b></li> <li>• <b>Medium term suspension from SU venues</b></li> <li>• <b>Removal from committee position</b></li> </ul>

	damage		
<b>High (Disciplinary Officer Level Only)</b>	<p>One or more of the above and/or one or more of the following:</p> <ul style="list-style-type: none"> <li>• Requirement to engage in reparative or community service activities commensurate with the nature of breach</li> <li>• Require you to write an essay or reflective account on a topic determined by the Disciplinary Officer</li> <li>• Fine not to exceed £500</li> <li>• Terminate any licence to occupy University Residences (usually only after consultation with the Head of Accommodation).</li> <li>• <b>Long term suspension / permanent exclusion from activities</b></li> <li>• <b>Long term suspension / permanent exclusion from Sportspark</b></li> <li>• <b>Long term suspension / permanent exclusion from SU venues</b></li> <li>• <b>Disbandment of sports club</b></li> </ul> <p>Referral to Senate Student Discipline Committee</p>		
<b>SSDC</b>	<p>One or more of the above and/or one or more of the following:</p> <ul style="list-style-type: none"> <li>• Suspension from studies and/or exclusion from campus</li> <li>• Expulsion from University</li> </ul> <p>Fine up to £1000</p>		

## 7. Non-academic penalties (extract from UDIPP).

**That can be imposed by the Student Services Coordinator, Deputy Accommodation Manager or University Disciplinary Officer for low and medium level non-academic misconduct**

1. Issue a warning for low or medium level misconduct
2. Place a restriction on your privilege to have guests visiting in University Residences
3. Require you to undertake formative relevant training such as the online module on sexual consent, Consent Matters, or fire safety training
4. Require you to write a formal letter of apology to a specified person or persons
5. Prohibit you from contacting a specified person or persons either at all or save in respect of specified matters
6. Require you to attend and/or engage with specified internal or external agencies.
7. Require you to move to an alternative University Residence (not available where you hold an assured shorthold tenancy)
8. Terminate any licence to occupy University Residences

9. In the event of damage to persons or property or University Property, require that such damage be made good at your expense either by yourself or jointly and/or severally with other students.

**That can be imposed by the University Disciplinary Officer for high level non-academic misconduct**

The University Disciplinary Officer may apply one or more of the following penalties where they find a student in breach of a regulation or regulations and have decided not to refer the matter to Senate Student Discipline Committee:

1. Place a restriction on your privilege to have guests visiting in University Residences
2. Require you to undertake formative relevant training such as the online module on sexual consent, Consent Matters, or fire safety training
3. Require you to write a formal letter of apology to a specified person or persons
4. Prohibit you from contacting a specified person or persons either at all or save in respect of specified matters
5. Require you to attend and/or engage with specified internal or external agencies.
6. Require you to move to an alternative University Residence (not available where you hold an assured shorthold tenancy)
7. In the event of damage to persons or property or University Property, require that such damage be made good at your expense either by yourself or jointly and/or severally with other students.
8. Require you to engage in reparative or community service activities commensurate with the nature of your breach.
9. Require you to write an essay or reflective account on a topic determined by the Disciplinary Officer
10. Impose a fine not to exceed £500
11. Terminate any licence to occupy University Residences.
12. Seek a court order to terminate any assured shorthold tenancy in respect of University Residences (this penalty should only be used where the breach relates to the terms of the tenancy).