

John Snow College, behaviour, expectations, and respect (BER) procedure – 2023/24

ALLEGATIONS WHICH MAY BE INVESTIGATED IN COLLEGE BY AUTHORISED UNIVERSITY OFFICERS ('AUOs')

Certain breaches of University Regulations are investigated initially by a college based AUO who reserves the right to refer the matter to the Senate Discipline Committee. Students are expected to adhere to the University's regulations on conduct; failure to do so can result in disciplinary action. Full details of the University's Non-Academic Misconduct Policy can be found here:

[Non-Academic Misconduct and Discipline - Durham University](#)

Category 1 offences involve allegations of student misconduct which, whilst serious in nature, do not seriously affect or cause serious damage to the University, its reputation, its staff or students or the wider community. Category 1 Offences are considered less serious in nature but will warrant formal investigation and possible sanction. To note, ordinarily the college will not deal with allegations where parties wish to remain anonymous (unless there are particularly compelling grounds to do so) to allow for a process of full disclosure and natural justice to be applied.

Category 2 offences involve allegations of student misconduct that either do or have the potential to seriously affect or cause serious damage to the University, its reputation, its staff and students or the wider community. Category 2 Offences are considered more serious in nature and warrant investigation and possible sanction by the Senate Discipline Committee. Sanctions for Category 2 offences include exclusion from the University and other sanctions that may impact on a student's academic progress.

Examples of alleged offences are listed in Appendix A and B of the Non-Academic Misconduct Disciplinary Procedure:

<https://www.dur.ac.uk/resources/colleges.se.division/NAMP2021PolicyTemplate.pdf>.

The examples given are intended to be illustrative rather than exhaustive.

1. A student who wishes to invite a guest to the University accepts full liability for the behaviour of any guest and for ensuring that the guest complies with the University's Regulations. In the event of an alleged breach by an individual regarded as an invited guest, the host student is liable to investigation under the University's Regulations.
2. A student who allegedly breaches University Regulations on the premises of another College is first dealt with by the College where the alleged offence occurred. The AUO may choose to delegate authority to the College of the alleged offender. An incident involving students from more than one College, which is treated as a single event, may

be handled by a representative AUO or by AUOs from all Colleges involved.

3. Sanctions for a Category 1 offence are set appropriately by considering evidence and circumstances, and the finding is made on the balance of probabilities, and the sanction will be informed by consideration of aggravating and mitigating factors. Sanctions may be suspended at the discretion of the AUO, e.g., for a first offence of a relatively minor nature. The AUO may impose sanctions that include:

- a) A warning.
- b) A written reprimand.
- c) Rescinded privileges for a period not exceeding one term, e.g., participation in formal dinners.
- d) Restricted access to the College or parts of it e.g., the bar, sports facilities, or events
- e) Community service.
- f) A requirement to make good all or part of any damage or loss to the University.
- g) A financial sanction.
- h) Any other reasonable penalty, except expulsion from the University.

Behaviour expectations and respect (college accommodation) Procedure

Our accommodation partner CLV (Campus Living) staff will deal with minor disciplinary issues on the basis that:

1. CLV staff make the initial request for the student(s) to stop unacceptable behaviour e.g., keep the noise down, clean kitchen/communal area of flat. CLV staff will inform the College Office of the issue. This will be considered the pre-stage of a category 1 offence. If residents believe that this is not because of the actions of all those warned (i.e., a whole flat or town house then those that believe they are not to blame must confirm this via return, or the whole group will be subject to, on the balance of probability, the warning and any subsequent consequences).
2. If the issue persists, CLV staff are to advise the College Office to issue a written warning in which they state that if the issue persists, the matter will be escalated to the College Vice Principal. This will be considered the second pre-stage of a category 1 offence.

3. If the unacceptable behaviour continues, CLV staff will inform the College Office. The College Vice-Principal will then invite the student(s) to a disciplinary meeting with the College, (CLV representative to also be present) to account for their behaviour. This will then follow the same process as a category 1 offence. If the Vice Principal decides that the student(s) has broken the tenancy agreement and/or contravened the University Regulations, then the same range of sanctions can be exercised as above.
4. All students can appeal the outcome of a disciplinary meeting (for both accommodation breaches and otherwise, within 7 days of the meeting by emailing the College Principal stating their grounds of appeal (the permissible grounds for appeal are: new information not considered at the time, disproportionate sanction, or procedural irregularity.) The principal will discern an appropriate independent review to ascertain grounds and possible review parameters.

Flow chart for how the above procedures will be operationalised.

A category 1 offence allegation* which may be investigated by an authorised University officer (AUO) is received. This can be done in writing via the accommodation office (if accommodation/ community concern) or via any member of college staff or college community. To Vice Principal of John Snow College ruth.m.wilson@durham.ac.uk



This should include the nature of the allegation, the time, date, and any relevant evidence. Evidence should be (where possible) time and date stamped and those that submit this evidence should note that in the interest of transparency that evidence submitted may be used when meeting with any other party/parties involved. If photographs/ videos are submitted, all parties will be shown this information – unless there are compelling grounds not to do so,



The AUO will then invite all involved parties to a discussion (this will be done via email with a summary of the reason for the discussion and a copy of this process), this will focus on the matters of concern, the next steps, and possible outcomes. These meetings will have a written record taken and attendees will receive a copy. This will be the only record of the meeting and attendees are not permitted to record the discussion. This will form a case file alongside any evidence submitted stored securely on the college server while the matter is ongoing.

Attendees may bring another member of the college or University community with them and they should inform the AUO in advance of the meeting of their intention to do so.

They should also advise of any reasonable adjustments they may need to the meeting in advance.

Where possible the meeting will take place in person at John Snow College within 3-5 days of the allegation being made.

In exceptional circumstances the meeting maybe held online at the discretion of the AUO.

At the conclusion of each meeting (if there needs to be more than one) the AUO will summarise next steps and take any questions from attendees.



Where conflicting evidence is submitted the AUO may ask for another member of university staff to independently review the case in advance of a judgement or pass the matter to the student conduct office for advice or review.

Following the conclusion discussions and based on the evidence available and the balance of probabilities the AUO will make their decision. This will be in the below form.

- The allegation is upheld and sanctions ** for a Category 1 offence are issued appropriately by considering evidence and circumstances.
- The allegation is upheld in part and Sanctions ** may be suspended at the discretion of the AUO, e.g., for a first offence of a relatively minor nature.
- The allegation is dismissed.
- There is insufficient evidence to uphold the allegation.

If any parties involved fail to attend meetings or discussions without due notice or good grounds, then the AUO may chose to continue the investigation without their presence and the judgement and conclusion will reflect that.



All decisions will be confirmed in writing within 5 working days of the final discussion (any expected delay will be communicated in advance to all parties).



All students can appeal the outcome of a disciplinary meeting (for both accommodation breaches and otherwise, within 7 days of the meeting by emailing the College Principal stating their grounds of appeal (the permissible grounds for appeal are: new information not considered at the time, disproportionate sanction, or procedural irregularity.) The principal will discern an appropriate independent review to ascertain grounds and possible review parameters.

*Any allegations that are received by the college that are found to be malicious or vexatious maybe treated as a category 1 allegation or in some cases a category 2 allegation, by the college and may result in the accuser being subject to a reciprocal process.

**Any sanction issued to the student will be noted on the college student record for the duration of the time the student remains a member of the college community and for the use of the college in any future BER procedures (where relevant) and may be passed to the student conduct team if repeat allegations are made that require escalation to the category 2 process.

Information will be destroyed in line with the University GDPR and data governance and retention procedures.