

Misconduct In University Accommodation – Student Information

At York St John University we expect all students to be considerate and respectful housemates and neighbours and behave in a way that reflects the University's values.

Section 8 of your Accommodation Terms and Conditions provides a thorough outline of how we expect you to behave in our accommodation. Some of the key points are also summarised in your Student Handbook.

If you feel that another student has breached their agreement, then you can report this to the Accommodation team, or to Casework (casework@yorks.ac.uk) who will look into the details of your complaint. However, it is important to ensure that this is in perspective.

For example, if someone within your flat is messy or never does the washing up, it is far better to speak to them directly and try and resolve this reasonably with the person concerned rather than reporting them to the Accommodation team. Equally, publicly discussing this on social media is likely to simply exacerbate the problem.

Any action taken for breaches of your Accommodation Agreement are in line with the Student Disciplinary Procedure or Sexual Harassment and Sexual Misconduct Policy - [Concerns about student behaviour](#).

Stages of Misconduct

The stages listed are not necessarily sequential and examples given are not an exhaustive list.

Stage 1	Accidental / non malicious incident or damage Noise complaint
Stage 2	Repeat of stage 1 Non-malicious activation of fire alarm including as a result of unattended cooking Party held in flat Visitor staying for more than permitted time Unacceptable standard of cleanliness (communal areas or bedroom) Unlit candles Cooking equipment in bedroom (including but not limited to kettles, toasters, coffee makers, blenders) 'Trophies' in flat e.g. traffic cones, road signs Evidence of pets in accommodation Failure to evacuate during a fire alarm activation Heater in bedroom (not YSJ issue) Personal fridge/mini fridge (not YSJ issue)
Stage 3 Level 1 of the Student Disciplinary Process	Repeat of previous stages Fire Safety issues including: <ul style="list-style-type: none"> • Malicious activation of fire alarm • Covering a smoke detector • Tampering or removal of fire safety equipment • Evidence to suggest smoking in accommodation (including e-cigarettes) • Use of candles, joss sticks, oil burners

	<ul style="list-style-type: none"> • Use of fireworks
Stage 4 Refer to Casework to initiate Disciplinary Process	Repeat of previous stages
Stage 5 Refer to Casework to initiate Disciplinary Process	Risk to wellbeing of others and or damage to property <ul style="list-style-type: none"> • Items that may cause risk to others e.g. knives, replica weapons • Verbal abuse / threatening behaviour • Bullying or harassment • Hate incidents • Damage to University Property • Violence and physical misconduct • Sexual misconduct • Breaching the Safeguarding and Prevent Policy • Proven acts of criminality including use / dealing of illegal substances

What happens if someone breaches their agreement?

Stage 1 and Stage 2 incidents will be investigated to gather further information, and may then result in a formal warning. This investigation will be conducted via email or in person. Incidents at stage 3 will result in an investigation by the Accommodation Team and may incur a financial penalty. All outcomes of Stage 3 incidents should be reported to the Casework Team. Depending on the nature of the incident, the case may be referred into the Student Disciplinary Policy or Sexual Harassment and Sexual Misconduct Policy. Any incidents deemed to be at Stage 4 and Stage 5 will result in a formal investigation under the [Student Disciplinary Policy and Procedure](#) or [Sexual Harassment and Sexual Misconduct Policy](#)

What is regarded as evidence?

Depending on the nature of the incident, this could include

- Security reports including video badge recordings and CCTV images
- Screen shots of social media
- Photographs
- Witness statements.

Hearsay and personal opinion do not provide evidence for action to be taken against an individual.

What happens at an investigation meeting?

You may be called to an investigation meeting as the reporting student, the respondent or a witness.

In all cases, the following will take place

- Two members of staff will be in attendance

- The alleged misconduct will be outlined to you
- You will be asked for your version of events and/or what you witnessed
- One of the members of staff will take notes of the meeting
- The notes will be shared with you via email to agree and/or amend. If you do not respond to the email, it will be assumed that you agree with the written notes

What happens if I cannot make the meeting?

If you are unable to attend for a valid reason, then you should contact the Accommodation team/Casework to arrange an alternative time. If you continually fail to engage and are the alleged perpetrator, the matter will be dealt with in your absence.

Can I bring someone with me to the meeting?

You can bring someone for support, but they cannot speak on your behalf. This can be a fellow current student, staff member or representative from the SU.

What are the potential outcomes of the investigation?

- No case to answer – no further action taken
- Insufficient evidence – no further action taken
- Fine issued (Stage 3 and 4 breaches)
- Referral to Casework for action under the Student Disciplinary Process
- Depending on the nature of the incident, this could then result in any or a combination of the following:
 - Incident deemed to have no case to answer or insufficient evidence;
 - A fine;
 - A compulsory move to alternative accommodation;
 - Exclusion from accommodation;
 - Referral to Casework for review under Student Disciplinary Process or Sexual Harassment and Sexual Misconduct Policy

Can I appeal against the outcome of an investigation?

All students have the right of appeal. Details on how to appeal are included in the letter you will receive following any investigation.

Would someone be moved during an investigation?

As part of the investigation process, an individual may be temporarily moved to alternative accommodation. This would be as a result of a risk assessment that considered the following

- Reoccurrence of unacceptable conduct;
- Potential that an individual could be harmed;
- If due process would be inhibited or impeded.

If it is determined that the risk level is high and no alternative measures can be put in place to mitigate the risk, a move would be enforced. This is a precautionary rather than punitive measure and is intended to support and protect all those involved. Only the University Disciplinary Officer can sanction a move to alternative accommodation under Provisional Action.

Would someone be moved after an investigation?

If it is deemed in the best interest of all parties, then a permanent room move may be enforced as a condition of the Disciplinary outcome. This decision is not taken lightly as any action needs to be proportionate to the breach of agreement that has taken place.

What help and support is available to me?

Support and advice can be obtained from

The Wellbeing Team	https://www.yorks.ac.uk/health-and-wellbeing/wellbeing-support/
The Students' Union	https://ysjsu.com/Home
The Accommodation team	email: accommodation@yorks.ac.uk
Casework	email: casework@yorks.ac.uk
Concerns and complaints	https://www.yorks.ac.uk/students/concerns-and-complaints/