

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 through the [Student Hub](#), or to Casework (casework@yorksj.ac.uk) who will look into the details of your report.

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 this policy, and/or the [Student Behaviour and Disciplinary Policy and Procedure](#).

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 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 '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)
Stage 2	Repeat of stage 1
Stage 3	Repeat of previous stages Minor anti-social behaviour Fire Safety issues including: • 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 • Use of fireworks

Stage 4 Refer to Casework to initiate Disciplinary Process	Repeat of previous stages Evidence to suggest use of illegal substances
Stage 5 Refer to Casework to initiate Disciplinary Process	Risk to wellbeing of others and or damage to property • 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?

For incidents at stage 1 and 2, evidence will be reviewed and reminders about expected behaviours/accommodation terms and conditions and/or verbal warnings will only be issued if there is clear evidence of a breach. Information on evidence that could be provided is detailed below. Where clear evidence is not provided, an investigation may take place to gather further information and may then result in a verbal warning.

For incidents at stage 3, an investigation will take place to gather further information and may then result in a warning (verbal or written). This investigation will be conducted via email or in person.

All outcomes of Stage 3 incidents will be reported to the Casework Team. Depending on the nature of the incident, the case may be referred into the Student Behaviour and Disciplinary Policy and Procedure.

Any incidents deemed to be at Stage 4 and Stage 5 will be referred to the Casework Team and may result in an investigation under the Student Behaviour and Disciplinary Policy and Procedure.

What is regarded as evidence?

Depending on the nature of the incident, this could include

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

Hearsay evidence may be considered, but its reliability and weight will be assessed in the context of all available evidence. The nature of the hearsay, the availability of direct evidence, and any corroborating information will be considered before deciding how useful and trustworthy it is

What happens at an investigation meeting?

You may be called to an investigation meeting as the reporting student, the responding student or a witness. You may also be emailed about the report.

The following will take place

- Two members of staff will be in attendance (if a meeting is held)
- The reported 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 (if a meeting is held)
- The notes will be shared with you via email to agree and/or amend. If you do not respond to the email within the timeframe detailed, it will be assumed that you agree with the written notes (if a meeting is held)

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 to arrange an alternative time or to arrange to respond to the reported misconduct via email.

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.

If the investigation takes places via email

- The reported misconduct will be outlined to you in an email
- You will be asked for your version of events and/or what you witnessed

In all cases, if you continually fail to engage and are the responding student, the matter will be dealt with in your absence.

The Accommodation Team will review the evidence and your responses and determine, on a more likely than not probability if a breach has taken place.

What are the potential outcomes of the investigation?

- No case to answer – no further action taken
- Insufficient evidence – no further action taken
- Issued a warning (verbal or written)
- Required to pay for damages (restitution of damage(s)) and/or cleaning costs
- Referral to Casework for action under the Student Behaviour and Disciplinary Policy and Procedure.
 - 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 compulsory move to alternative accommodation;
 - Exclusion from accommodation;
 - Full details of possible outcomes under the Student Behaviour and Disciplinary Policy and Procedure can be found in the [policy](#).

Can I appeal against the outcome of an investigation?

All students have the right of appeal. Details on how to appeal will be included in the email/letter you will receive following the outcome of 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 behaviour;
- 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 as detailed in section 7 of the Student Behaviour and Disciplinary Policy and Procedure.

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 that has taken place.

For stage 4 and 5 investigations, more information can be found here about the process – [Student Behaviour and Disciplinary Policy](#)

What help and support is available to me?

Support and advice can be obtained from

The Student Hub	https://studenthub.yorks.ac.uk
The Wellbeing Team	Student wellbeing and welfare
The Students' Union	https://ysjsu.com/Home
Casework	email: casework@yorks.ac.uk
Concerns and complaints	https://www.yorks.ac.uk/students/concerns-and-complaints/