

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, who will investigate 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. <https://www.yorks.ac.uk/students/policies-and-documents/behaviour-and-discipline/>

Stages of Misconduct

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

Stage	Examples
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 'Trophies' in flat e.g. traffic cones, road signs Evidence of pets in accommodation Failure to evacuate during a fire alarm activation
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 • Use of fireworks
Stage 4	Repeat of previous stages

Level 1 of the Student Disciplinary Process	
Stage 5 Level 2 of the Student 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 • Sexual assault • Proven acts of criminality including use / dealing of illegal substances

What happens if someone breaches their agreement?

Stage 1 and Stage 2 incidents that are reported by staff members, with appropriate evidence provided, will result in a formal warning but no further action will be taken.

Stage 1 and Stage 2 incidents that are reported by another student and evidence is provided, will be informally investigated to gather further information and may then result in a formal warning. This additional information is likely to be via email or by asking a member of the Campus Services or Security teams to visit the flat.

Incidents at stage 3 and 4 will result in an investigation by the Accommodation Team and may incur a financial penalty

Any incidents deemed to be at Stage 5 will result in a formal investigation under the Student Disciplinary Process.

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 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 unless previously agreed with the Accommodation Manager.

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

Can I appeal against the outcome of an investigation?

All students have the right of appeal. This would normally be considered by the line manager of the member of staff carrying out the investigation. 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.

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. 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://ysju.com/Home>
- The Accommodation team: email accommodation@yorks.ac.uk