

University Accommodation Misconduct Procedure

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Summary/Description:	This procedure specifies the University's process for dealing with instances of misconduct within on-campus University accommodation.
Scope:	This procedure and the University Accommodation Rules apply to all registered students living in, visiting or using the facilities of on-campus University Accommodation and residents who are not a student of the university but resident under the auspices of a commercial agreement between the university and a partner.
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University Accommodation Misconduct Procedure

Table of Contents

1.	Introduction	3
2.	Scope	3
3.	Definitions	4
4.	Key Principles.....	5
5.	University’s Responsibilities	5
6.	Safeguarding Students, Support and Advice	6
7.	Delegation	6
8.	Raising a concern	6
9.	Informal Resolution Category C offences.....	7
10.	Informal Resolution of Category B offences	7
11.	Immediate Precautionary action by Authorised Staff.....	8
12.	Confiscation of items	8
13.	Handling of Category B Offences.....	9
14.	Misconduct relating to CEG (OnCampus) Students	9
15.	Penalties	9
16.	Right to Refuse Accommodation.....	10
17.	Appeals	11
	Desktop Review	11
18.	Dismissal of proceedings	12

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University Accommodation Misconduct Procedure

1. Introduction

- 1.1 Whilst studying at the university, students (including non-students under the auspices of a commercial agreement) may reside in accommodation provided by the University of Hull. The university expects all students residing in or, visiting university accommodation to adhere to the rules that are set out by the university.
- 1.2 The University Accommodation Rules (Appendix A) which are included in the Licence to Occupy and displayed in university accommodation, set out the types of behaviour that would constitute misconduct in on-campus accommodation. This list is not intended to be exhaustive, however, any action which would constitute misconduct, as defined within paragraph 3 of this procedure, may be dealt with in accordance with this procedure.
- 1.3 This procedure is designed to:
 - a. deal expeditiously and informally with Category C accommodation offences (See Appendix A – Accommodation Rules, specifically rules 35-43);
 - b. deal expeditiously with Category B accommodation offences which also cause a Health & Safety concern (See Appendix A – Accommodation Rules, specifically rules 13-29);
 - c. provide a route to appeal a formal accommodation related disciplinary outcome;
 - d. include processes to refer Category A offences and Category B student on student offences or, student on staff offences which may require interventions and/or investigations to the University, for consideration under the University Student Disciplinary Regulations.

2. Scope

- 2.1 This procedure and the University Accommodation Rules apply to all registered students living in, visiting or, using the facilities of on-campus University accommodation and residents who are not a student of the university but resident under the auspices of a commercial agreement between the university and a partner. This includes students who have suspended their studies at the University of Hull, students who have withdrawn from the University but still resident during their notice period, students that have been suspended, and those who have completed their studies but are yet to graduate from the University of Hull.
- 2.2 Students living in, visiting, or using facilities of on-campus university accommodation must comply with any rules, policies, or other requirements displayed in the accommodation or otherwise notified to those students. Any student found to have breached category A, B or C rules may be subject to this procedure.
- 2.3 Students will be held responsible for the behaviour of any person they permit to enter a residence.
- 2.4 Students will be held responsible for the behaviour of any person whom they incite to engage in misconduct on their behalf.
- 2.5 This procedure does not cover members of staff who are residents (except where a member of staff is also a student of the university).

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3. Definitions

3.1 Misconduct, for the purposes of this procedure means:

- a. a breach of any rule, policy or requirement displayed in university accommodation or otherwise notified to students living in, visiting, or using facilities of on-campus university accommodation; or
- b. behaviour which obstructs, disrupts or adversely affects the functioning or activities or wellbeing of the university, its staff, students, visitors, or any other members of the university community, in relation to on-campus accommodation and/or members of the public in the locality of university accommodation; or
- c. damage intentional or otherwise to property within university accommodation resulting from an act of misconduct.

Student	This term applies to all students living in, visiting or using the facilities of on-campus University accommodation. This includes students who have suspended their studies at the University of Hull, students who have withdrawn from the University but still resident during their notice period, students that have been suspended and those who have completed their studies but are yet to graduate from the University of Hull. In addition this includes residents who are not a student of the university but resident under the auspices of a commercial agreement between the university and a partner.
Full Exclusion for a fixed period	Restriction of access to all university accommodation for a specified period of time
Partial Exclusion for a fixed period	Restriction of access to specified parts of university accommodation for a specified period of time
Acceptable Behaviour Contract (ABC)	Is a voluntary agreement between a student and the University, setting out conditions proportionate to the circumstances which the student must adhere to. An ABC may also contain a condition that the student will not enter a specified area or building within University Accommodation.
No Contact Arrangement (NCA)	Is an arrangement put in place by the University between two or more parties to reduce the likelihood of contact between them. An NCA may also contain a condition that one or more of the parties will not enter a specified area or building within University Accommodation (not including the students own residence)
Absolute discharge	This penalty is appropriate where misconduct is proven but no blame is attached to the student for their action
Deferred penalty	Penalty which is not imposed unless a further act of misconduct is found to be proven within a specified period of time

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Written caution	Formally signals to the student that their behaviour is unacceptable. It provides opportunity for the student to learn from the incident to minimise the likelihood of such behaviour reoccurring in the future. The written caution will be recorded by the accommodation office for the duration of the students accommodation contract(s) and if the student is proven to have committed misconduct on a subsequent occasion during this timescale this may be deemed an aggravating factor and a more severe penalty imposed
Final warning	To be issued in cases of a serious offence(s) and/or where previous misconduct has found to be proven under this procedure, meaning if further allegations are made following the issue of a final warning this could result in termination of the accommodation contract.
Authorised staff	Accommodation office, Facilities and Security staff, Accommodation Operations Manager, Site Services Assistant or Residence Life.
Authorised Managers	Authorised Managers include the Accommodation Services Lead, Student Misconduct Manager and the Accommodation Operations Manager.
Working day	Any day that is a Monday, Tuesday, Wednesday, Thursday or Friday that is not a Public Holiday or University Concessionary Day

4. Key Principles

- 4.1 Those making findings must do so on the balance of probabilities. In order to find that an event occurred they must therefore be satisfied that it is more likely than not that the event in question occurred. The burden of proof lies with whoever is making the assertion in question.
- 4.2 Any alleged act of misconduct directly observed by a member of university staff (including staff employed by the Students' Union, CEG and UPP Ltd.) in the absence of evidence to the contrary will be considered as constituting sufficient proof.
- 4.3 It is each students' responsibility to monitor their university email accounts, and students' portals which will be used for all communications under this procedure.

5. University's Responsibilities

- 5.1 The university aims to deal with all disciplinary issues in a fair and consistent manner. It recognises that, for the students and staff concerned, involvement in disciplinary procedures can be difficult and stressful. The university will, therefore, ensure that all those involved are made aware of available guidance and support.
- 5.2 Cases of misconduct categorised as a Category C offence **should** be resolved by way of informal resolution, wherever possible, within one calendar week although this timescale may be extended if it is necessary to do so.
- 5.3 Cases of misconduct categorised as a Category B offence **should** be resolved as expeditiously as possible and in any event **should** normally be resolved within 30 calendar days from which the date a concern is brought to the University's attention. In some circumstances, some category B offences will

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be referred for handling under the Student Disciplinary Regulations (See the Accommodation Rules for further detail - Appendix A).

- 5.4 Cases of misconduct categorised as a Category A offence will automatically and immediately be referred for handling under the Student Disciplinary Regulations.
- 5.5 The university will:
- a. make this procedure and the University Accommodation Rules available to all students and staff;
 - b. deal with accommodation misconduct issues in a proportionate and transparent way, as soon as issues become apparent and/or as soon as it is practicable to do so; and
 - c. respect the need for confidentiality in relation to disciplinary issues.
- 5.6 Information relating matters handled under this procedure, will be retained in accordance with the University of Hull's data retention policy.

6. Safeguarding Students, Support and Advice

- 6.1 If at any stage of proceedings under this procedure it appears that any student is at risk of harm, either from themselves or others, this must be reported immediately via the raise a concern form [Report A Concern \(hull.ac.uk\)](https://www.hull.ac.uk/report-a-concern).
- 6.2 At all stages of any proceedings under this procedure consideration must be given to whether any student might benefit from additional pastoral support and if so, the student shall be encouraged and supported to contact the University Support Services as deemed appropriate.
- 6.3 Students may take up independent advice from the HUSU Advice Centre in respect of any proceedings under this procedure.

7. Delegation

- 7.1 Any role, function or task given to authorised managers or the Associate Director of Facilities under this procedure may be delegated to any person they deem appropriate.

8. Raising a concern

- 8.1 Allegations of misconduct in university accommodation **may** be raised by any member of staff in the following ways; for category A allegations, a [Student Misconduct Report Form](#) should be submitted; for category B, an [Accommodation Misconduct Report Form](#) should be submitted; and for category C, an email should be sent to rooms@hull.ac.uk in the event the matter cannot be handled at the time by an authorised staff member. A Report Form **must** be submitted where an alleged Category A and/or B breach has occurred when;
- i. the person making the report wants the matter to be considered under this procedure or the Student Disciplinary Regulations (where appropriate);
 - ii. the staff member considers, having exercised their judgement, that it is in a student's or students' best interests for the matter to be considered under this procedure or the Student Disciplinary Regulations (where appropriate); or
 - iii. the staff member considers, having exercised their judgement that it is in the university's best interests for the allegation to be considered under this procedure.
- 8.2 Whilst categorisation for an offence (A, B or C) will initially be determined by the member of staff receiving the concern, this may be re-categorised as deemed appropriate. Particular consideration when determining if the matter is a Category A or B offence should be given to; the impact the alleged

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misconduct has had on other students and any other mitigating or aggravating factors deemed relevant.

9. Informal Resolution Category C offences

- 9.1 Informal resolution normally applies to Category C offences as outlined within the University Accommodation Rules and means no further action will be carried out under this procedure with the exception of repeated low level behaviour (Category C). Informal resolution in respect of Category C offences may be carried out by authorised staff.
- 9.2 Authorised Staff may use their discretion when deciding upon an appropriate means of Informal Resolution, which may include but is not limited to:
- i. Words of advice to one or more parties
 - ii. Issuing a reminder of the university accommodation rules
 - iii. Voluntary Flatmate/House Agreement
 - iv. Restorative Practice, Mediation or Conciliation reaching a written outcome agreement (where the staff member has received relevant/sufficient training and feels able to carry this out effectively)
 - v. Requirement to pay cost incurred as a result of misconduct (up to the value of £300)
 - vi. Creation of a no music zone in communal areas for a defined period as deemed fair and proportionate, for example; in cases of parties in communal kitchens
- 9.3 In the case of communal areas where the individual responsible cannot be identified, the charge of putting right the fabric of the accommodation will be shared amongst all students who have access to the area. Students will be informed by email/the student portal that they will be charged for the cost of putting right the fabric of the accommodation. Staff reporting any damage/repairs **must** ensure that photographic evidence is taken before rectifying the fabric of accommodation. This evidence **must** be included in any communication with students. An administration fee of £25.00 will be added to the direct cost of rectifying the fabric of the accommodation. A copy of the invoice **should** be made available to any student who requests it. Where it is likely that the cost will exceed £300 the matter should be treated as a category B offence and an Accommodation Misconduct Report Form be submitted.
- 9.4 There is no right of appeal against actions taken under informal resolution, a student can however request a review of the action taken on the grounds that the student feels the action taken was disproportionate. A student can request a review by the Authorised Managers via the student portal within 5 working days of the Informal Resolution taking place. The Student will then receive notice of the outcome of the review within two calendar weeks, specifically if the Informal resolution was deemed appropriate or any remedial action that is to be taken.

10. Informal Resolution of Category B offences

- 10.1 Upon receipt of an Accommodation Misconduct Report Form, the Accommodation Services Lead will consider whether informal resolution might reasonably resolve the matter without the need to impose a penalty or, refer for consideration under the Student Disciplinary Regulations.
- 10.2 If the Student fails to engage with the Informal Resolution the Accommodation Services Lead may instead impose a penalty or, refer the matter for consideration under the Student Disciplinary Regulations as deemed proportionate.
- 10.3 The Accommodation Services Lead may use their discretion when deciding upon an appropriate means

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of Informal Resolution, which may include those outlined at section 9 and additionally; Words of advice to one or more parties

- i. Acceptable Behaviour Contract (ABC)
- ii. Reflective statement
- iii. No Contact Arrangement (note this should not be implemented between two students residing in the same house/flat)
- iv. A discretionary voluntary transfer for a student to alternative on campus accommodation.

11. Immediate Precautionary action by Authorised Staff

- 11.1 There may be occasions where it is necessary for Authorised staff to take immediate precautionary action until a case of misconduct can be considered. Such precautionary action may only be taken if the matter relates to a Category A offence and on one of the below grounds, a Student Misconduct Report Form must also be completed:
- To provide immediate protection to members of the university community
 - To provide immediate protection to others
 - Where it is reasonable to believe the student(s) have engaged in the Category A Misconduct and to prevent further misconduct taking place
- 11.2 An immediate precautionary action may include but is not limited to:
- Direction to leave university accommodation (not including a student's own residence) and not return for a specified period (not more than 7 consecutive days)
 - Confiscation of any sound making equipment (including but not limited to; stereo, TV, record player, radio, wireless speakers, games consoles) for example in cases of excessively loud music where this has reasonably caused a nuisance others. This should only be considered following a verbal warning being issued to the student and a repeat occurrence taking place within a 24 hour period. Where equipment is confiscated photographs should be taken and a receipt issued to the student. Further the equipment should be stored in a secure location. An Accommodation Misconduct Report Form must be submitted.
- 11.3 The failure of a student to comply with Immediate Precautionary Action by Authorised Staff will be deemed a Category A offence and will automatically be referred to the Student Disciplinary Regulations.
- 11.4 There is no right of appeal against actions taken under Immediate Precautionary Action, a student can however request a review of the action taken on the grounds that the student feels the action taken was disproportionate. A student can request a review by the Authorised Managers via the student portal within 5 working days of the Immediate Precautionary Action taking place. The Student will then receive notice of the outcome of the review within two calendar weeks, specifically if the Informal resolution was deemed appropriate or any remedial action that is to be taken.

12. Confiscation of items

- 12.1 Any Authorised staff have the right to remove any item that is prohibited within university accommodation.
- 12.2 Before removing any item, photographic evidence **must** be taken, unless there are concerns regarding health and safety, in which case Facilities and Security **must** be contacted immediately.
- 12.3 Once an item, or items, have been removed they **must** be taken immediately to a place for safe storage

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and if appropriate, removal/destruction.

- 12.4 An Accommodation Misconduct Report Form or Student Misconduct Report Form (as appropriate) **must** be completed and submitted on the same working day, ensuring that photographic evidence is included in the report.
- 12.5 **Should** a student want to request the return of a confiscated item, they **should** do so via the student portal.
- 12.6 Confiscated item(s) will not normally be returned to a student, unless they can prove extenuating circumstances that necessitate the item(s) return, and the university would not be committing a criminal offence in returning the item(s).

13. Handling of Category B Offences

- 13.1 Where a breach of rules 13-29 have occurred in a student's room the Accommodation office will impose appropriate penalties. The accommodation office will inform the student of the finding of misconduct and the penalty or penalties by emailing their university account or via the student portal.
- 13.2 Where a breach of rules 13-29 occurs in a communal area, the authorised staff will make enquiries as to who was responsible and where identified will impose appropriate penalties. The accommodation office will inform the student(s) of the finding of misconduct and the penalty or penalties by emailing their university account or via the student portal.
- 13.3 Where a breach of rules 30-34 has occurred the matter shall be referred to the Student Disciplinary Regulations.

14. Misconduct relating to CEG (OnCampus) Students

- 14.1 Where a Category A report is received relating to a CEG student, the Student Misconduct Manager shall notify CEG of the report in order that the matter may be considered under the CEG (OnCampus) Disciplinary Policy and Procedure. The Student Misconduct Manager may at their discretion choose to take precautionary action pending the outcome of the CEG (OnCampus) Disciplinary Action which may include:
 - Partial Exclusion from on-campus University Accommodation which may include the student's current accommodation, however the university will provide alternative on-campus accommodation. An Acceptable Behaviour Contract may also be implemented in conjunction with a Partial Exclusion.
 - Full Exclusion from all on-campus university accommodation, this should be considered in exceptional circumstances only, meaning the student would be unable to continue to reside in current accommodation and no alternative accommodation will be provided.
- 14.2 Where a Category B report is received relating to a breach of rules 13-29 the accommodation office shall handle the matter under this procedure but notify CEG in order that they may support the student.
- 14.3 Where a Category B report is received relating to a breach of rules 30-34 the Student Misconduct Manager shall notify CEG in order that the matter may be considered formally or informally as deemed proportionate in the circumstances.

15. Penalties

- 15.1 If the Accommodation Office is satisfied, in accordance with this procedure that, they reasonably believe that it is more likely than not the alleged Category B misconduct occurred then, the allegation is upheld. In all such cases the Accommodation Office **must** proceed to determine whether to impose a

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penalty in respect of the misconduct. Where a category B offence is said to have occurred, one or more of the following penalties may be imposed:

- i. an Acceptable Behaviour Contract
- ii. absolute discharge, to acknowledge that although misconduct **may** technically have been committed, no blame is attached to the student;
- iii. a requirement to send one or more letters of apology to, or to engage in another suitable form of restorative communication with, any person affected by the misconduct;
- iv. No Contact Arrangement (note this should not be implemented between two students residing in the same house/flat)
- v. attendance on a course or programme at cost to student;
- vi. a requirement upon the student to pay for any costs incurred as a result of their misconduct;
- vii. a fine of up to £200 (see Appendix B for tariffs);
- viii. a written caution. This may also require the student to have no or restricted contact with a specified person and/or to cease specific actions/activities (for example playing of loud music);
- ix. a Final warning

15.2 For the avoidance of doubt, more than one of the penalties listed above **may** be imposed in any case of misconduct.

15.3 The Person imposing the penalty **should** turn their minds to the following factors in determining the penalty to be applied:

- a. The degree of culpability: was there intent, recklessness, or knowledge of the risks entailed by misconduct? What was the motivation for committing the misconduct?
- b. The degree of harm actually caused, intended to be caused, or that might foreseeably have been caused as a result of the misconduct.
- c. Whether the misconduct was premeditated or spontaneous.
- d. Any abuse of power involved in the misconduct (for example, if the student was in a position of responsibility).
- e. Any admission of guilt, and the stage at which guilt was admitted.
- f. Any remorse shown by the student.
- g. Any restorative action taken by the student.
- h. Any personal circumstances advanced by or on behalf of the student as a mitigating factor.
- i. Any misconduct previously admitted or found proven under this procedure.
- j. Any statement by way of explanation or mitigation offered by the student, and the extent to which this statement is corroborated by documentary or other evidence.

15.3 The Accommodation Services Lead will ensure that a record of findings and penalties is kept in accordance with the University Data retention Policy.

16. Right to Refuse Accommodation

16.1 The Accommodation Services Lead may at their absolute discretion choose to reject a future application for accommodation on the basis of Category A misconduct found to have been upheld and/or repeated Category B misconduct found to have been upheld and/or on the basis that Category

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A misconduct is being investigated under the Student Disciplinary Regulations.

17. Appeals

17.1 A student **may** appeal against:

- a. a finding that misconduct is proven; or
- b. the penalty imposed

On one or more of the following grounds:

- i. there is new evidence available which could not reasonably have been expected to be presented to the decision maker and which might reasonably be expected to have materially affected its decision;
- ii. the disproportionate nature of the penalty imposed; or
- iii. procedural irregularities.

17.2 Any appeal **must** be submitted using the [Accommodation Misconduct Appeal Form](#) and any supporting evidence **must** be attached to the form. Any student wishing to appeal a decision taken **should** do so within 15 working days of the decision being communicated to them. Appeals submitted outside this time limit will not be considered other than in exceptional circumstances.

17.3 The Associate Director of Facilities will decide whether such an appeal is within scope of the grounds above and, if deemed to be within scope refer for a Desktop Review. The Associate Director of Facilities is the final arbiter of whether an appeal is within scope and whether exceptional circumstances exist.

Desktop Review

17.4 A desktop review is a review of all the paper matter/evidence relating to the case and should be carried out in cases where Category B Misconduct is found to have been upheld, this should be undertaken by the Accommodation Services Lead unless they have had previous involvement in the case, in such instances an alternative Authorised Manager shall complete the desktop review.

17.5 Within two working days of being notified that a Desktop Review is required, the Accommodation Services Lead will instruct the member of staff who issued the finding to compile a summary report within 5 working days. A copy of the report will be sent to the student providing a further 5 working days for them to make any written representations regarding the report.

17.6 The Accommodation Services Lead will then consider the report, evidence and written representations within 5 working days of receipt and;

- i. dismiss the appeal, and confirm the findings/penalties previously made/imposed; or
- ii. allow the appeal, set aside the findings previously made, and order a fresh consideration of the matter by an alternative authorised staff member.
- iii. allow the appeal, and vary or dismiss the penalty previously imposed.

17.7 For the avoidance of doubt, where a student appeals against a penalty, the Accommodation Services Lead **may**, if the appeal is allowed, impose a penalty more or less severe than that originally imposed.

17.8 The Accommodation Services Lead must notify the student of the outcome of the appeal and the reasons for it in writing within 5 working days of considering the issue.

17.9 The decision of the Accommodation Services Lead is final and there is no further opportunity for appeal against that decision within the university.

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17.10 A student who remains dissatisfied with the outcome of the decision of the appeal panel **may** be entitled to complain to the Office of the Independent Adjudicator for Higher Education (OIA). The student shall be issued a Completion of Procedures letter at the close of the appeal stage to indicate that the student has exhausted the University's internal procedures. The letter will provide guidance on how to submit a request for review to the OIA.

18. Dismissal of proceedings

At any stage of disciplinary proceedings against a student under these Regulations an Authorised Manager **may** direct that the proceedings under this procedure be dismissed

Version Control

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02.00	Vicki Edwards, Student Misconduct Manager	7 June 2023	Comprehensive Review

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