



BUCKINGHAMSHIRE
NEW UNIVERSITY

EST. 1891

Accommodation Service Discipline Procedure

Introduction

1. This procedure is supplementary and complementary to the Student Code of Conduct and is designed to offer guidance on how inappropriate behaviour that constitutes a breach of contract in University-managed accommodation will be addressed.
2. Students living in halls of residence are subject to terms and conditions of the Licence Agreement, which they accept as part of the online booking process.

Licence – First Written Warning

3. This response is for minor offences that do not require more formal action and will not be used for the majority of offences, and will only be used where the inappropriate behaviour is obvious and clearly evidenced.
4. Offences addressed under this section would include, but are not limited to:
 - Noise (first time only).
 - Lack of cleanliness.
5. The Accommodation Service will write to the student confirming details of the inappropriate behaviour within 10 working days of the behaviour occurring and issue a First Written Warning.

Licence – Final Written Warning

6. The majority of cases will be addressed through this action.
7. Offences addressed under this section would include, but are not limited to:
 - Any repeat of behaviour previously addressed through a written warning.
 - Serious noise disturbance.
 - Smoking in the halls.
 - Personal possession or use of a Class B or Class C drug.
 - Rude, abusive or aggressive behaviour towards another resident, a member of staff, security or Senior Resident.
 - Minor damage or vandalism (with an estimated value of under £400).
 - Any breach of the Licence not covered in any other section of this procedure.
8. An allegation can be made by a student, member of the public, security, member of staff or Senior Resident; it could take the form of a letter, email, security/Senior Resident report or be disclosed in a meeting.
9. The Accommodation Officer will carry out an investigation into the behaviour, which could include:
 - Meeting the accused student before the Final Written Warning is issued. This will always be attempted.
 - The student will be offered two opportunities to attend a meeting, failure to attend twice will result in action being taken in the absence of the student.
 - Meeting with other students affected by the behaviour.
 - Review written reports.
 - Reviewing any appropriate CCTV evidence.
 - Reviewing Salto (electronic key) access data.
10. If the misconduct is confirmed the Accommodation Service will write to the student within 10 working days of the meeting occurring and issue a Final Written Warning.
11. Once the Final Written Warning is issued, no further action will be taken, subject to the student behaving appropriately for the remainder of their Licence.
12. The student will have 10 working days to request a review of the decision; please refer to the 'Request for Review' section of this procedure.

Licence – Notice to Determine

13. Only the more serious, or repeat offences will be addressed through this action, residents should note that if actioned, it will result in the loss of accommodation.
14. Offences addressed under this section would include, but are not limited to:

- Any behaviour normally addressed through a Final Written Warning, but where a Final Written Warning has been issued to the resident previously, even if for a different offence.
 - Any physical assault on another resident, a member of staff, security or Senior Resident.
 - Personal possession or use of a Class A drug.
 - Possession of a quantity of Class A, B or C drug that could be considered sufficient for supply or sale.
 - Serious damage or vandalism (with an estimated value of over £400 and under £1,000).
 - Covering of a smoke detector.
15. An allegation can be made by a student, member of the public, security, member of staff or Senior Resident and must be in writing; it could take the form of a letter, email or security/Senior Resident report.
 16. The Accommodation Officer will carry out an investigation into the behaviour, which could include:
 - Meeting the accused student before the Notice to Determine is issued. This will always be attempted.
 - The student will be offered two opportunities to attend a meeting, failure to attend twice will result in action being taken in the absence of the student.
 - Meeting with other students affected by the behaviour.
 - Review written reports.
 - Reviewing any appropriate CCTV evidence.
 - Reviewing Salto (electronic key) access data.
 17. If the misconduct is confirmed the Accommodation Officer will recommend issuing a Notice to Determine, which will be reviewed and, if appropriate, confirmed by the Accommodation Manager.
 18. The Accommodation Service will write to the student within 10 working days of the meeting occurring and confirm the outcome, issuing an enforced notice to quit. If the evidence demonstrates there has been no breach of these regulations, the student will be informed in writing.
 19. The student will have 28 days to vacate their accommodation, unless it is considered that the behaviour is sufficiently serious it is necessary to only allow 14 days to vacate their accommodation, as detailed in the Licence Agreement.
 20. The student will have 10 working days to request a review of the decision; please refer to the 'Request for Review' section of this procedure.
 21. While the notice period will continue run its course, no formal enforcement will occur until after a 'Request for Review' has been completed.
 22. If the student fails to leave accommodation as directed, then the necessary legal action, including application to the court, will be taken to enforce the Notice to Determine, and associated costs will be the liability of the student.
 23. If this course of action is undertaken, then a student will not be eligible for University accommodation in future, nor will they be permitted to enter the accommodation as a guest.
 24. If a student is evicted from the accommodation it does not relinquish them of their responsibility to pay the rent for the whole contract period and so they will be asked to pay all rent for the whole contract period and any debt will be pursued as normal; unless their room becomes occupied by another student.

Request for Review

25. A request for review does not necessarily constitute a new investigation, but in the first instance is intended to ensure procedures have been correctly followed. If the student feels they have evidence they can make a Request for Review, provided it meets the following criteria:
 - It is made in writing and forwarded to the Accommodation Service and received within 10 working days of the student receiving the outcome letter.
 - It specifies the grounds of request for review as below.
 - It is accompanied by supporting evidence if any.
26. The valid grounds for Request for Review are (one or more may be used):

- Procedural irregularity, including bias.
 - Disregard of material evidence.
 - The penalty is not proportionate to the behaviour.
27. If a Request for Review is received within 10 working days, and satisfies the above criteria, then it shall be reviewed as below:
- Review of Formal Written Warning – by the Accommodation Manager (or their nominee).
 - Review of Notice to Determine – by the Director of Estates, (or their nominee)
28. A review will consider how the investigation was handled, and whether the outcome was fair.
29. The Reviewer will consider the case within 15 working days and will write to the student confirming whether or not the request for review has been upheld and:
- Whether the incident was dealt with correctly under the procedure.
 - Whether all the evidence was considered.
 - Whether the penalty was an appropriate response to the behaviour.
 - Reasons for the decision.
30. This letter constitutes the Completion of Procedures Letter.

Other Outcomes

31. In addition to the above, or as an alternative, the following penalties can also be applied:
- Written apology, in the cases where the student's behaviour has had an adverse effect on another person.
 - Financial reimbursement, in cases where damage has occurred.
32. In cases where the student is undertaking a course that leads to professional regulation, details of the incident will be referred to the Head of School, Associate Head of School or Course Leader.

Student Code of Conduct

33. Infringements to the accommodation licence agreement, accepted by residents, will normally be dealt with in line with the above process. Cases of persistent or gross misconduct may be referred to the Student Code of Conduct.
34. In such cases the Accommodation Officer, or other Accommodation Service employee acting on their behalf, will make a formal allegation to the University, at which point the case will cease to be the responsibility of the Accommodation Service.

Support

35. While the Accommodation Service can provide clarity on the process, it is suggested that students seek support from the SU Advice Centre should they need support throughout the process.
36. If additional support is necessary, the student can be referred to, or seek help from other services, including the Counselling Service or Inclusion, Diversity and Disability Service.