



Regulations for Misconduct in University Halls of Residence

Approved

Contents

1. Introduction	3
2. Support	3
3. Records of misconduct	4
4. Levels of misconduct	4
Level 1	4
Minor misconduct	4
Level 2	4
Major misconduct	4
Level 3	4
Serious misconduct or criminal behaviour	4
5. Reporting Misconduct	5
5.1 Direct observation of misconduct by USW Staff	5
5.2 Residents or USW staff reporting apparent misconduct	5
5.3 Notification from police of criminal activity or behaviour	6
6. Investigating misconduct	6
7. Temporary relocation	7
8. Sanctions as a consequence of misconduct	7
8.1 Caution	8
8.2 Verbal warning	8
8.3 Written warning	8
8.4 Restricted access to areas	9
8.5 Relocation	9
8.6 Seize or confiscate items	9
8.7 Recompense	10
8.8 Termination of Occupancy	10
9. Rights of appeal	11
10. Office of the Independent Adjudicator	12
11. Table of Misconduct and Sanctions	14
12. List of related policies and procedures	18

1. Introduction

- 1.1 Students living in University of South Wales (USW) Halls of Residence can expect a positive and pleasant experience. However, it is recognised that this can be jeopardised by the misconduct of others.
- 1.2 The purpose of these regulations is to set out the procedures for reporting and responding to allegations and instances of misconduct and behaviour which fall short of the expected standards in USW Halls of Residence.
- 1.3 These regulations are informed by the University Student Misconduct Regulations, Regulations and Conditions of Occupancy, and the Student Code of Conduct. Other related policies and procedures are listed at the end of the document.
- 1.4 Misconduct is defined as behaviour which:
 - a) constitutes or is likely to constitute improper interference with the functioning and activities of the University or others living in USW Halls of Residence;
 - b) breaches the Regulations and Conditions of occupancy;
 - c) may damage or is likely to damage the reputation of the University.
- 1.5 Misconduct by a resident, or a guest of a resident, will be subject to relevant sanctions against the hosting resident, depending on the nature of the behaviour or incident. The level of sanction will be determined by the behaviour or incident, unless the host has taken demonstrable steps to curb the behaviour of his/her guest.
- 1.6 The standard of proof applied is the 'balance of probabilities' which means that, when assessing the evidence objectively, the decision-maker's view is that it is more likely than not that the events leading to the allegation occurred.
- 1.7 Where students receive two written warnings or where termination of occupancy has been an outcome of misconduct, they will be ineligible to apply to return to university halls of residence for the remainder of their studies at USW.

2. Support

- 2.1 The Director of Estates and Facilities has overall responsibility for the operation of these regulations and acts as a point of contact for advice on procedural matters.
- 2.2 A range of support is available to students who are negatively impacted by other's misconduct and those against whom allegations of misconduct are reported. Contact details for USW support can be found on [Unilife](#). Any student who is accused of misconduct, or otherwise involved in misconduct investigations or hearings, is advised to seek advice from the Students' Union or from Student Services.

3. Records of misconduct

- 3.1 Records of misconduct will be kept according to the procedures outlined in these regulations. Records will be kept in accordance with the General Data Protection Regulations and remain on file for the duration of a student's time in halls.

4. Levels of misconduct

- 4.1 For the purpose of applying these regulations, misconduct has been categorised into three levels. The table at the end of these regulations provides a comprehensive (non-exhaustive) list of examples of behaviour for each of the three levels.
- 4.2 The nature and/or frequency of misconduct or incident may determine an escalation to the next level. Staff applying these regulations may make discretionary judgements in identifying the level and appropriate sanctions for misconduct.
- 4.3 Similarly, a student may provide evidence of extenuating circumstances which may justify a de-escalation of the level of the misconduct and resulting consequence or sanction.
- 4.4 The University will promptly report to the police any misconduct which may also constitute a criminal offence and assist them with their investigation. In this instance the Student Casework Unit will be informed and consideration given to:
- a) Continuing to apply these regulations;
 - b) Suspending the application of these misconduct regulations pending the outcome of the police investigation;
 - c) Applying the Student Conduct Regulations.

Level 1 Minor misconduct or 'one off' infringements of regulations; behaviour falling short of standards expected.

For example, general nuisance, disrespectful or careless behaviour.

Level 2 Major misconduct or significant or repeat infringement of regulations.

For example, abusive, disorderly behaviour. Intention or malicious non-compliance.

Level 3 Serious misconduct or criminal behaviour or incidents involving police investigation or intervention. Significant or repeat infringement of regulations.

For example, possession, use or supply of illegal substances, violent behaviour or theft.

- 4.5 The University retains the right to conduct periodic and targeted searches for illegal substances and weapons. The University also retains the right to enter a tenants room if we believe a crime has been committed, a level 1-3 misconduct has taken place or there is a risk to life. These searches can be conducted without prior notice, and without the presence of the tenant if deemed necessary.

5. Reporting Misconduct

These regulations may be invoked through:

- 5.1 Direct observation of misconduct in Halls of Residence by USW staff;
- 5.2 Residents or USW staff reporting apparent misconduct;
- 5.3 Notification from relevant authorities or members of the public of misconduct,
- 5.4 Antisocial and/or criminal activity or behaviour.

5.1 Direct observation of misconduct by USW Staff

- 5.1.1 It will normally be the case that where misconduct is directly observed and documented by members of staff, in the absence of evidence to the contrary, this may be considered as constituting sufficient proof.
- 5.1.2 Accommodation Services staff will normally address level 1 misconduct or incidents with students in the first instance (e.g. asking student to clean areas or keep noise down) particularly at the start of term.
- 5.1.3 Students who are observed committing misconduct will be informed verbally or in writing within 72 hours of the alleged offence. Where the misconduct warrants action beyond a caution or verbal warning (see listed sanctions below) the student will be clearly informed of the standards of behaviour expected of students and referred to the Student Code of Conduct and the Halls Conditions of Occupancy. The student will be requested to stop or modify their behaviour.

5.2 Residents or USW staff reporting apparent misconduct

- 5.2.1 Students and staff reporting misconduct should do so immediately following the alleged offence, or if this is not possible within 48 hours, to Accommodation Services staff or the ResidentLife Co-ordinator Team and will be requested to provide details of:
 - Person or persons against whom the allegation of misconduct is made;
 - Nature and frequency of the behaviour;
 - Time and location of the misconduct reported;
 - Names of witnesses and contact details.
- 5.2.2 The member of staff receiving the report of misconduct will refer to local records of previous misconduct or incidents to identify the level of misconduct being reported.

5.2.3 Allegations of level 2 and level 3 misconduct will be considered by the Head of Accommodation Operations

- 5.2.4 Students against whom allegations of misconduct have been made will be informed in writing, within 72 hours of the nature of the allegation and referred to these regulations.
- 5.2.5 The confidentiality of the complainant cannot be guaranteed although effort will be made to deal appropriately and sensitively in light of circumstances of the misconduct or incidents reported.
- 5.2.6 Anonymous allegations will not be accepted without immediate and clear supporting evidence.

5.3 Notification from police of criminal activity or behaviour

- 5.3.1 If the University is made aware by relevant authorities (such as the police or probation service) of the alleged misconduct of a student living in Halls of Residence, the Director of Estates and Facilities, the Head of Student Casework and/or the Director of Student Services will be informed immediately and proportionate action taken.
- 5.3.2 Where a finding of misconduct is made and the student has also been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining any penalty under these regulations.
- 5.3.3 In addition to these regulations the University Student Misconduct Regulations are likely to be applied for criminal activity pending trial, criminal convictions, incidences that may impact on the student's academic participation and, for certain courses, their fitness to practice.
- 5.3.4 Furthermore, the Support to Study Regulations may be invoked where necessary and appropriate.

6. Investigating misconduct

- 6.1 An investigation into an allegation of misconduct may be undertaken, when it is deemed necessary by the Head of Accommodation Operations or Head of Student Casework. The investigating officer will normally be a member of Accommodation Services staff. However, in some circumstances, based on the nature of the misconduct or the prior involvement of the Head of Accommodation Operations an independent investigating officer may be appointed at the discretion of the Director of Estates and Facilities and/or the Director of Student Services.
- 6.2 An investigation will normally be completed within 30 working days of the allegation and may involve:

- interviewing the complainant, student against whom the allegation is made and any witnesses;
- consideration of any written statements submitted;
- consideration of any other relevant evidence.

6.3 The investigation will conclude on whether a student's behaviour is in contravention of these regulations (misconduct) and the level of the misconduct (1, 2 or 3).

6.4 On occasion the investigating officer may find that evidence or statements conflict or contradict with each other. In this situation, the investigating officer will make a decision, based on the balance of probability, according to reasonable belief in the student's innocence or guilt.

6.5 The investigating officer will make a recommendation on:

- the appropriate sanction to be applied where necessary;
- communication with the complainant, if appropriate and relevant;
- whether a student can move back to the original accommodation if a temporary relocation has been appropriate (see 8. *Temporary relocation*, below).

6.6 In complex investigations, timescales may be extended. The student against whom the allegation of misconduct has been made will be kept informed of delays.

6.7 Records of investigations will be kept locally with Accommodation Services and remain for the duration of a student's time in Halls of Residence. Records are kept in accordance with the General Data Protection Regulations.

7. Temporary relocation

7.1 Occasionally, it may be necessary to temporarily relocate a student while an investigation is undertaken. The requirement to temporarily relocate a student will be informed by considering the risk and impact on the student against whom the allegation is made, other residents and the relationship between them. A risk assessment (see related policies) will be carried out by the Casework Team and Head of Accommodation Operations

7.2 The temporary relocation of the resident is not a disciplinary measure, but a neutral act, designed to ensure the safety and wellbeing of all residents in halls. It is not an implication of guilt or prejudice, but wholly a reflection of the circumstances of an allegation, rather than its credibility.

8. Sanctions as a consequence of misconduct

The sanctions that can be applied under these regulations are outlined below:

8.1 Caution

- 8.2 Verbal warning
- 8.3 Written warning
- 8.4 Notification to Faculty
- 8.5 Notification to Casework
- 8.6 Restricted access to areas
- 8.7 Relocation
- 8.8 Seize or confiscate items
- 8.9 Recompense
- 8.10 Termination of occupancy

8.1 Caution

- 8.1.1 Complaints received or behaviour observed relating to level 1 misconduct may result in an informal caution in the form of a request to desist from the behaviour. A caution may be given by a member of staff from Accommodation Services.
- 8.1.2 At the time of the caution, the student will be reminded of the standards of behaviour expected under the code of conduct and these regulations and the consequences of continuing with the behaviour.

8.2 Verbal warning

- 8.2.1 Complaints received or behaviour observed relating to level 1 and level 2 misconduct may result in a verbal warning as well as a request to desist from the behaviour. A verbal warning may be given by a member of staff from the Accommodation Services management team, who will use discretionary judgement in taking this action or recommending an escalation for other sanctions.
- 8.2.2 Record of a verbal warning will be kept locally with Accommodation Services staff in order that further misconduct or incidents can be responded to appropriately. A record of misconduct will remain for the duration of a student's time in Halls of Residence.
- 8.2.3 There is no right of appeal for a verbal warning.

8.3 Written warning

- 8.3.1 Level 2 misconduct or repeated level 1 misconduct may result in a written warning to the student.
- 8.3.2 The Head of Accommodation Operations will consider the facts (based on the table of misconduct) of the misconduct reported and use their discretion to determine whether a written warning should be issued, the need for an investigation or an escalation for other sanctions.
- 8.3.3 Where a case is particularly complex or there are examples of contradictory sources of evidence, an investigation into the allegation may be undertaken before a written warning is issued.

8.4 Notification to Faculty

8.4.1 Where students are studying on Regulated Courses upon receiving a written warning the Faculty will be notified

8.5 Notification to Casework

8.5.1 Casework will be notified once a written warning is issued, it will then be assessed and decided if this also breaches the Students University Regulations

- 8.4.1 A written warning will be issued by the Head of Accommodation Operations or the xxxxxxxxxxxxxx and delivered by hand to the resident's room in Halls of Residence and left under their door in their absence.
- 8.4.2 A record of a written warning will be kept locally with Accommodation Services staff and remain for the duration of a student's time in Halls of Residence. In addition, where written warnings are issued, the Student Casework Unit will be informed, and consideration will be given to whether the Student Conduct Regulations should be invoked in addition to these regulations.
- 8.4.3 Records are kept in accordance with the General Data Protection Regulations.
- 8.4.4 Where a student has received two written warnings for misconduct (may be unrelated), any further misconduct will be escalated to termination of occupancy (9.7 below).
- 8.4.5 A student has the right of appeal against a written warning.

8.5 Restricted access to areas

- 8.5.1 If a resident has been identified as a participant in one or more incidents in one specific building or flat, and this is not his/her home building or flat, the Head of Accommodation Operations may impose an order banning the resident from visiting the specific building or flat in question. A breach of the ban will be treated as an additional misconduct at level 2.
- 8.5.2 If non-resident students have been identified as a participant in one or more incidents in Halls of Residence, the Head of Accommodation Operations may impose an order banning the individual from visiting halls and may invoke the University's Student Conduct Regulations.

8.6 Relocation

- 8.6.1 In circumstances where misconduct has resulted in a written warning, the Head of Accommodation Operations may use their discretion to enforce a student to move room if there is alternative accommodation available. This decision will be informed by undertaking a risk assessment (see related policies) carried out by the Head of Accommodation Services and/or Head of Support and Safeguarding.

8.7 Seize or confiscate items

USW staff retain the right to seize and confiscate items such as illegal substances or equipment which is causing a nuisance to the halls community. Illegal substances will be kept and/or disposed of in accordance with advice from the local police. Other seized or confiscated items will be kept safely until such time as it is appropriate to return it to a student.

8.8 Recompense

- 8.8.1 Where misconduct has resulted in damage to property and accountability is confirmed under these regulations, a student will be responsible for covering the cost of repair or replacement.

8.9 Termination of Occupancy

- 8.9.1 Applying the sanction to terminate a student's occupancy in the Halls of Residence may be the result of:
- Observed or reported (including situations reported by the police) level 3 misconduct;
 - The outcome of an investigation of misconduct (level 2 and 3 misconduct) where a recommendation for exclusion is made;
 - Repeated misconduct following two written warnings.
- 8.9.2 Misconduct which may result in termination of occupancy will be reported to the Head of Accommodation Operations who will consider the facts of the misconduct and make a unanimous decision on the appropriate action.
- 8.9.3 Notice to Terminate a contract will be issued by the Head of Accommodation Operations in line with guidance from the Renting Homes (Wales) Act.
- 8.9.4 The Head of Student Casework (Student Casework) will make a decision on whether such cases should be referred to the Student Conduct Regulations; in cases involving courses leading to professional qualifications the Director of Academic Registry will liaise with the Chair of the Cause for Concern Panel in the appropriate faculty to decide whether action is required under the Fitness to Practise Regulations.
- 8.9.5 A decision about whether the misconduct should be dealt with under the Support to Study Regulations will be taken by the Director of Estates and Facilities/Student Services and/or Dean of Faculty.
- 8.9.6 Residents can appeal against their exclusion from Halls of Residence by following the procedure outlined under 9. *Rights of Appeal* below.

- 8.9.7 The University reserves the right to terminate the occupancy of any resident on disciplinary grounds **without refund of the Hall Fees or bond** by giving notice to that effect.
- 8.9.8 Students excluded from halls must obtain the written permission of the Head of Accommodation Operations (or nominee) if they have good reason to visit the Halls of Residence during the remainder of the academic year. This must be requested at least 48 hours in advance of the visit.

9. Rights of appeal

- 9.1 Students have the right of appeal against the following penalties:
- Written warning
 - Restricted access to areas
 - Relocation
 - Recompense
 - Termination of occupancy
- 9.2 An appeal must be lodged within 5 working days of the date of the outcome letter.
- 9.3 The appeal must be submitted via the form available on [Unilife](#), identify the grounds under which the student is appealing and include supporting documentary evidence.
- 9.4 An appeal may be based on one of the following grounds:
- Evidence which for good reason was not divulged at the time disciplinary action was taken. The “good reason” must be stated in the letter of appeal and be evidenced by supporting documentation.
 - Evidence that the decision to exclude was not made in accordance with the Regulations for Misconduct in University Halls of Residence. This must be evidenced by the supporting documentation.
- 9.5 In cases of termination of occupancy, the University Secretary (or nominee) will decide on whether the submission meets the grounds for appeal.
- 9.6 If the submission **does not** meet the grounds of appeal a response to that effect will be communicated within 5 working days of the date of the appeal submission.
- 9.7 If the submission **does** meet the grounds for appeal a Halls Appeal Panel will be convened to review the case.
- 9.8 The Halls Appeal Panel will be constituted as follows:
- The Director of Estates and Facilities or the Director of Student Services (Chair);
 - a senior member of staff from a Faculty or another Professional Department;
 - the Students’ Union President or their representative.

- 9.9 The Halls Appeal Panel will be supported by a member of staff from Campus Services or Student Services (supporting officer).
- 9.10 The Halls Appeal Panel will normally be convened within 20 working days of referral of the case. Students will be provided with the constitution of the panel and the date of the hearing by the supporting officer. Should the student, for good reason, require a revised date, the hearing will be rearranged once only. Students must inform the University at least 48 hours in advance of the original hearing if they require a revised date. Should a student not attend the hearing, it will take place in their absence; in that case, however, students are strongly advised to provide a written submission.
- 9.11 The student will be provided with all documentation to be considered by the Halls Appeal Panel no later than 5 working days prior to the hearing.
- 9.12 The student may bring a representative with them to the Halls Appeal Panel hearing, for example a friend or a Students' Union Officer. At least 24 hours before the hearing, the student must advise the supporting officer organising the hearing of the name and status of the person accompanying them. Although the University would not anticipate the attendance of a legal representative, the Chair of the hearing may exercise discretion should the student indicate that they wish to bring someone with a legal background.
- 9.13 It is the student's responsibility to ensure that any witness they wish to call attends the hearing.
- 9.14 The Halls Appeal Panel will consider carefully the appeal and evidence submitted and will take a decision whether to uphold, commute or invalidate the decision.
- 9.15 Where a decision to Terminate Occupancy has been upheld, a date by which to vacate the Halls of Residence is specified. If residents engage in further breaches of the Regulations for Misconduct in University Halls of Residence, pending the date of vacation, they will be asked by the Head of Accommodation Operations to vacate within 24 hours of that further breach.
- 9.16 The outcome of the appeal is final.

10. Office of the Independent Adjudicator

- 10.1 A student who does not meet the grounds for referral to a Halls Appeal Panel or whose appeal is unsuccessful will be issued with a Completion of Procedures Letter by the Student Casework Unit. The Completion of Procedures Letter will allow the student to lodge a complaint with the Office of the Independent Adjudicator for Higher Education (OIA). Details of the OIA and the relevant information in relation to the Scheme can be accessed at www.oiahe.org.uk. Further information and advice can also be obtained from Student Casework Unit.

- 10.2 In instances of Termination of Occupancy, students would remain excluded from Halls of Residence pending the OIA's outcome of the investigation into their complaint.

11. Table of Misconduct and Sanctions

Level of Misconduct	Examples of Misconduct	Sanction	Responsibility for action
1	Behaviour: • General nuisance; • Loud music/noise disruption; • Late gatherings/parties; • Insensitive, disrespectful and lack of consideration to other residents; • Allowing visitors to stay which disrupts the normal enjoyment of residents	Caution Verbal Warning Written Warning Seize or confiscate items Restricted access to areas	Head of Accommodation Operations or nominee
	Refusing to cooperate with reasonable requests for: • Proof of identification/room number; • Names of their guests; • Attending meetings with staff;	Caution Verbal Warning Written Warning	Head of Accommodation Operations or nominee
	Cleanliness: • Failure to meet expected standards; • Non-compliance with an agreed cleaning rota; • Rubbish and recycling not placed in the designated areas	Caution Verbal Warning Written Warning	Head of Accommodation Operations or nominee
	Health & Safety: • Undeclared overnight guests • Smoking* (outside but not in a designated area)	Caution Verbal Warning Written Warning	Head of Accommodation Operations or nominee

2	Failing to lock secure doors to communal areas		
	Other: Publicly displaying or distributing third party promotional material	Caution Verbal Warning Written Warning Seize or confiscate items	Head of Accommodation Operations or nominee
	Behaviour: - Abusive behaviour towards others - harassment found to be motivated by hostility or prejudice based upon the victim's disability; race; nationality; religion or belief; sexual orientation; gender; transgender or age. - Disorderly, threatening or offensive behaviour/language within residences - Antisocial behaviour which causes upset or distress (e.g. bullying & harassment) - Petty theft - Unauthorised use of property belonging to others - Trespassing or unauthorised entry	Verbal Warning Written Warning Seize or confiscate items Restricted access to areas	Head of Accommodation Services
	Cleanliness: Causing damage to property, fixtures and fittings	Verbal Warning Written Warning Seize or confiscate items Restricted access to areas	Head of Accommodation Services

		Recompense	
	Health & Safety: - Failing to evacuate the residence immediately or interfering with an evacuation (blocking fire exits) or returning when the fire alarm is still sounding - Leaving cooking unattended leading to the activation of smoke or fire detectors - Operating unsafe electrical equipment or burning of candles - Smoking* within residences - Accidental or intentional fire alarm activation - Tampering with fire equipment (e.g. alarms, doors or extinguishers) - Possession of any items prohibited under the regulations and conditions of occupancy (fireworks, weapons, pets) - Throwing objects from windows	Verbal Warning Written Warning Seize or confiscate items Restricted access to areas Recompense Relocation	Head of Accommodation Services
	Other: - Inappropriate use of social networks/media in a way that impact individuals or groups in a negative manner - Use of premises for inappropriate commercial use	Verbal Warning Written Warning Seize or confiscate items Restricted access to areas Relocation	Head of Accommodation Services



3	Behaviour: - Violent or indecent behaviour - Assault - Theft - Drug use - Drug dealing	Written warning Written notification to Faculty Written Notification to Casework Seize or confiscate items Restricted access to areas Relocation Termination of Occupancy	Head of Accommodation Services Director of Estates and Facilities Director of Student Services
	Health & Safety: Any activity posing a serious risk of harm or death to others	Written Warning Termination of Occupancy	Head of Accommodation Services Director of Estates and Facilities Director of Student Services
	Other: Criminal activity/damage/offence	Written Warning Recompense Termination of Occupancy	Head of Accommodation Services Director of Estates and Facilities

			Director of Student Services
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12. List of related policies and procedures

Student Conduct Regulations <https://registry.southwales.ac.uk/student-regulations/student-conduct/>

Fitness to Practise Regulations <https://registry.southwales.ac.uk/student-regulations/fitness-practice/>

Student Code of Conduct <https://registry.southwales.ac.uk/student-regulations/student-conduct/>

Regulations and Conditions of Occupancy <http://studenthalls.southwales.ac.uk/rules/>

Support to Study <https://www.southwales.ac.uk/academic-registry/student-regulations/support-to-study>

IT use <http://its.southwales.ac.uk/uswitaccount/>

Social media use <http://its.southwales.ac.uk/documents/download/6/>

Prevent <http://chaplaincy.southwales.ac.uk/prevent/>

Student use and misuse of illegal substances policy <http://unilife.southwales.ac.uk/pages/3249-drugs-and-substance-misuse?locale=en>

Risk Assessment Procedures <https://registry.southwales.ac.uk/student-regulations/student-conduct/>

Dignity at Study Policy <http://unilife.southwales.ac.uk/pages/3112-dignity-at-work-study-policy-on-harassment-bullying-unfair-treatment-and-victimisation>

Safeguarding policy