



## **REGULATIONS RELATING TO THE ACCOMMODATION APPEALS COMMITTEE**

### **1. Formal Framework**

#### **1.1 Terms of Reference**

1.1.1 To consider and determine appeals by students against the decision of the Head of Student Services to terminate their use and occupation of University accommodation.

1.1.2 To recommend a course of action to the Head of Student Services.

#### **1.2 The Constitution of the Accommodation Appeals Committee shall be:**

The University Secretary (or his/her nominee) who will be the Chair;

One member of Senior Staff;

One member of the Students' Union Executive.

1.3 The Secretary of the Committee will be appointed by the University Secretary and will convene the Accommodation Appeals Committee and attend the meeting.

1.4 The quorum of the Committee will be all members.

### **2. University Responsibilities**

2.1 Any resident suspected of contravening the Accommodation Agreement/Regulations should be told by the Warden or Accommodation Officer that the Head of Student Services has been informed of the breach of regulations.

2.2 A full report of the incidents surrounding the alleged breach of the regulations should be forwarded to the Head of Student Services. The report should include statements made at the time, action taken and the extent of any disruption caused to other residents, or residents of neighbouring property.

2.3 If the Head of Student Services considers that the breach is of sufficient severity he may terminate the student's residence, by notice in writing specifying the grounds of such termination.

### **3. Instructions to Students**

- 3.1 A student may appeal against a notice to quit under Clause 8 of the Accommodation Agreement by lodging such an appeal in writing within three working days with the Head of Student Services, who shall, as soon as possible, provide a copy to the University Secretary.
- 3.2 The student may seek advice and assistance from the Students' Union. The University Secretary (or his/her nominee) will write to a student appellant informing him/her of the date of the appeal hearing. The letter will be sent to the student's term time address and will include a copy these procedures.
- 3.3 The student should prepare, if he/she wishes, a statement on the circumstances of the matter, which may include details of any statements made at the time of the incident(s) by or to the student or any other person. The statement may also contain mitigating circumstances which the student wishes to bring to the attention of the Committee.
- 3.4 After the meeting of the Accommodation Appeals Committee, the Secretary will write to the student advising him/her of the decision.

### **4. Papers for the Accommodation Appeals Committee**

- 4.1 Papers provided to the Committee should be complete and full as possible and tabled papers are discouraged.
- 4.2 The Papers will normally include:
  - a) The Warden's Report.
  - b) A statement from the student.
  - c) A statement from any other witness.
  - d) The Accommodation Agreement/Regulations.
- 4.3 The papers received will remain confidential to the Accommodation Appeals Committee except that:
  - 4.3.1 The Secretary will provide to the student copies of all documentary evidence provided to the Committee, suitably expurgated to remove all references which may identify the names or addresses of any witnesses who do not wish to be identified.
  - 4.3.2 The Accommodation Appeals Committee may decide that it is appropriate to refer papers, together with the findings of the Accommodation Appeals Committee to the University Disciplinary Committee.
- 4.4 The student will have the right to attend the Committee and to give evidence to it, but if the student fails to attend the meeting of the Committee, the Committee will be entitled to proceed in his/her absence and to reach a decision on the oral and written evidence available at the meeting. The

student will only have the right to be present during the giving of his/her evidence and will withdraw from the meeting on the conclusion of giving such evidence. The Committee may invite any other person to give evidence to it but no other person shall have the right to be present. Any person appearing before the Accommodation Appeals Committee shall have the right to be accompanied by a Friend (as defined in the University's General Interpretation Regulations).

- 4.5 The Committee will ensure that the student is made aware of the case against him/her and is given adequate opportunity to provide evidence in rebuttal. Since the student does not have the right to cross examine other witnesses, the Committee will invite the student to address it on the questions which the student would wish the Committee to raise with any of the other witnesses.

## **5. Meetings**

- 5.1 The University Secretary or his/her nominee will convene meetings as soon as possible after his/her receipt of a copy of the Student's notice of appeal and, in any event, within 10 working days, subject only to the need to provide the student with 3 working days notice.

- 5.2 The membership of the Accommodation Appeals Committee will be determined in the following manner:

Chair: The University Secretary or his/her nominee.

One Senior member of the University staff who shall have had no previous association with the student.

One member of the Students' Union Executive.

- 5.3 The Secretary will be appointed by the University Secretary.

Minutes will be kept and will be circulated to members only.

- 5.4 The Committee must decide, on the evidence presented to it, whether there is clear strong and cogent evidence that the student is guilty of an infraction of the Accommodation Agreement/Regulations, and if so, the nature and extent of that infraction.

- 5.5 The Committee shall decide:

- (a) Whether the student has breached the terms of his/her Accommodation Agreement/Regulations.
- (b) If so, whether that breach (or breaches) is misconduct which justified the termination of the student's occupation of the accommodation.

- (c) If the Committee decides the answer to question (b) in the affirmative it shall uphold the decision of the Head of Student Services to terminate the student's occupation of the accommodation and shall decide the date and time by which the student shall be required to leave the accommodation. It shall also decide whether the student shall be required to pay the use and occupation charge for the whole, or any part of the academic year under the provisions of clause 2(b) of the Accommodation Agreement, notwithstanding the early termination of the student's Accommodation Agreement.
- (d) If the Committee decides the answer to questions (a) or (b) in the negative the University shall allow the student to remain in the occupation of the accommodation under the terms of his/her agreement and the notice to quit shall have no effect.

The Committee's findings in relation to question (a) shall remain relevant if the Student is alleged to commit any subsequent breach(es) of the terms of his/her accommodation agreement

- (e) If the Committee decides that the Student is guilty of gross misconduct it shall invoke the University Disciplinary Procedures, referring its finding for immediate consideration by the Vice Chancellor.
- (f) If the Committee decides that the Student is guilty of misconduct which does not justify the termination of the Student's occupation of the accommodation, the Committee shall refer the matter to the Head of Student Services for action under the School Disciplinary Procedures.

5.6 Within three working days of the meeting of the Accommodation Appeals Committee, the Secretary of the Committee shall report its decision to:

- (a) the student concerned;
- (b) the Head of Student Services;
- (c) the Director of the student's School;
- (d) the University Secretary.

The Secretary of the Committee shall also state what further action, if any, is necessary.