Guide to Disciplinary Action in the Residences – 2017/18

1. Overview
The information in this document and in the table below provides Residential Wardens & Deputy Wardens (hereafter Wardens) with a consistent approach for taking disciplinary action against students for violations of the Conditions of Residence and/or breaches of the Student Disciplinary Regulations. This document should be read in conjunction with the Student Disciplinary Regulations and, where appropriate, the Misuse of Drugs policy.

**Important** – this document is intended as a guide only. Penalties may vary on a case by case basis but must stay within the confines of those already clearly outlined in the Student Disciplinary Regulations.

2. Investigating violations of the Conditions of Residence / Breaches of the Student Disciplinary Regulations

1. Under the Student Disciplinary Regulations, Wardens are designated as Authorised Persons and may impose penalties on registered University of Surrey students (but not staff) where minor offences can be shown to have been committed in University residential accommodation irrespective of whether the student concerned is a resident of that block/house/court. Residents are responsible, in general, for the actions and behaviour of their guests.

2. The role of Wardens is to investigate, on behalf of the University, if violations of the Conditions of Residence and/or breaches of the Student Disciplinary Regulations have occurred. Such investigations should take place promptly when notified or detected. Apart from offences dealt with via issuing an On-the-Spot fine (see 3.7 below), when the student must be present, students should be written to and advised that an investigation is taking place.

3. Students should normally be given a minimum of 48 hours to respond to an allegation and that response can be verbal or written (via email). The student's response shall be taken into consideration in determining if an offence has occurred, and, if an offence has occurred, the level of disciplinary action to be taken. Depending on the nature of the allegation, and/or response, a decision may not be able to be reached on receipt of a response. Where it is apparent that further investigations are needed the Warden should advise the student of this.

4. Wardens should be mindful that for some students being invited to a meeting to investigate a potential breach of the Conditions of Residence may be stressful for them. Students should be advised that they may bring a friend to a meeting but the name of the friend should be advised to the investigating warden in advance. Recording of meetings by students is not normally permitted; it would be permitted when a student is permitted to record lectures. In all cases students must agree not to upload or broadcast any recording. If an investigating Warden feels it is necessary that another person (e.g. other Warden or member of Security) needs to be present at the meeting then the student should be advised of this. As a matter of good practice letters/emails to students associated with potential disciplinary action should always advise that it may be necessary for another member of the Warden or security team to attend.

5. When meeting students it is advisable that such meetings normally take place away from the student’s bedroom at a neutral venue e.g. office in a court reception building, being mindful of the location of the door/windows relative to the student. Meetings should be timed to be at reasonable hours so as not to interfere with lectures or late at night. As a guideline, lunchtime between 5 pm and 8.30 pm Monday-Friday, and Saturday and Sunday mornings are considered reasonable. If the student is unavailable at the time suggested and a reasonable excuse is given, Wardens are advised to negotiate a mutually convenient time.

6. Flat meetings arising from e.g. reports of messy kitchens or continued noise, should normally be held in the kitchen with all members of the flat requested to attend.

7. Where two or more students are suspected of being party to the same incident they may be interviewed as a pair/group.

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1 Paragraph 2, B3 Student disciplinary regulations
3. Guidelines for Disciplinary Action

1. The table below is to be used when a Warden is satisfied that a violation of the Conditions of Residence and/or breaches of the Student Disciplinary Regulations has occurred. Violations are considered to be Inadvertent or Accidental Violation, a Lower Level Violation, a Medium Level Violation or a Higher level Violation; examples of each are included in the table. Where a particular violation is not listed, Wardens should use their judgement as to whether an offence is Inadvertent or Accidental, a Lower, Medium or a Higher level Violation. Advice from experience colleagues can be sought. The level of a breach of the Conditions of Residence may be increased if aggregating factors are present. Such factors include the use of alcohol, illegal drugs or New Psychoactive Substances (NPS previously known as 'legal highs'), or inappropriate threatening language and behaviour (e.g. intentionally blowing smoke into someone’s face).

2. Where a Warden, as an Authorised Person, is acquainted with, or identifies matters of actual or possible misconduct, they are required to make enquiries, including of the student, to establish whether, on the balance of probabilities, misconduct has taken place and whether any such misconduct constitutes a minor or major offence. The burden of proof lies with the Authorised Person. It is not for the student to prove that they did not commit the possible minor misconduct. Where a Warden believes that an offence has been committed and the physical evidence is limited but there is a strong suspicion that an offence has been committed on balance of probabilities then the letter to the student (cc’d OSCAR) must make it clear that the conclusion was drawn on the basis of your firm or strong belief that the offence has been committed. Examples would include smoking (inc. drugs) in a room but the absence of cigarette butts, ash in the room at the time of speaking to the resident, however the strong smell indicates the offence has taken place.

3. Repetition of minor incidents, irrespective of whether they are of the same or similar nature, will normally escalate the seriousness, and the level of disciplinary action to be taken. A typical response will be the doubling of the fine for the original incident. The maximum fine for any one offence is £200, however, care should be exercised that the total sum to be fined for a series of related offences is not excessive. A number of (potentially different) minor offences, if occurring around the same time, may be referred by a Warden to OSCAR, for consideration as a major offence or they can be treated separately.

4. A suspended fine can be issued for most offences if the Warden is satisfied that is the appropriate action. The Table indicates those offences where a suspended fine cannot be issued. Suspended fines will be activated for any finable offences subsequent to the issuance of the suspended fine. The decision to issue a fine is independent of any decision in relation to recovery of any costs due to damage.

5. It is important that Wardens maintain consistency regarding terminology on fine issues. The term “Written warning” is used to indicate final opportunity for the student to remedy their behaviour before an actual or suspended fine is imposed. A written Warning should also include reference to appeal to OSCAR. A “Final Warning” is used where a repeat offence will most likely result in referral to OSCAR where a University Disciplinary Panel may be convened. A student cannot appeal against your decision to refer a matter to OSCAR (as you are not making any final decision on the investigation).

6. Repeated offences: Where a student has been found guilty of an offence, the correspondence to the student should be sufficiently worded to ensure that should there be a closely related offence that the second offence can be considered a repeat of the first offence. Examples of good practice would refer to the ‘misuse of illegal drugs’ which would cover the misuse of cannabis and prescription tablets, where as if the disciplinary letter was just for the ‘misuse use of cannabis’ then misuse of prescription tablets would not be considered a repeat drug offence. As a second example the correspondence should be clear that the offence is ‘tampering with smoke detector’ not simply ‘covering a detector with a bag’ as ‘covering a detector with a sock’ would not be considered a repeat offence. You can refer to the specifics of the incident but please ensure that the broader issue is also brought out.
7. ‘On-the-Spot’ fines can only be issued to a student if the infraction is witnessed by a Warden and the student has had an opportunity to respond verbally to the Warden issuing the fine. On-the-Spot fine forms cannot be sent via letter or email. An ‘On-the-Spot’ fine issued for a first offence associated with drug misuse and/or tampering with a smoke detector, must also be followed up with a Final Warning letter.

8. If a Warden detects an offence on rounds and the resident is not present (e.g. a sock covering a fire detector head, the Warden should enter the room, remove the sock leaving a Room Access Notification form), the Warden should invite the resident to respond following the sending of a letter/email to the student in the usual way.

9. As students do not generally choose their housemates, fines to a group of residents (for example where responsibility is collective (e.g. messy kitchen, flat noise), or where no individual culprit can be found) are normally to be avoided. Whilst a global financial penalty to recover costs due to damage may be appropriate, global disciplinary measures should be issued with caution, and with particular regard to balancing fairness and deterrence in light of the situation in question.

10. Disciplinary action and fine letters should, where appropriate, signpost to support services, including mentors. In the case of confirmed cannabis use, this would include signposting to CUBIC (Cannabis Users Brief Intervention Course) run by Centre of Wellbeing.

4. Specific offences: Noise
1. Action arising from noise complaints depend on several factors. Firstly, students are reminded (in the Residents Guide, online induction, and Warden Welcome presentation, that there should be minimal noise audible outside the room between 11 pm and 8 am (quiet hours). During exam time there should be minimal noise audible outside the room between at all times. (Wardens should send out reminders about noise closer to the Semester 1 and 2 exam times).

2. When deciding if noise is excessive the following points will be considered: (i) has a complaint(s) been received, (ii) what is the possible impact on other residents and members of the University/local community, (iii) the level of noise being created and the time of day and (iv) has previous complaints been made? If in the judgment of a member of University Security or a Warden the noise is deemed to be excessive and/or intrusive then the level of noise will be required to be reduced immediately, the item creating the noise can be confiscated and further disciplinary action may be taken if appropriate as per the Table below.

5. Smoking and related offences
1. Smoking, including the use of electronic cigarettes and hookah pipes, is not permitted in doors in any residence.

2. Smoking outdoors is not illegal however the University has a policy of trying to reduce the amount of smoking that takes place on campus and in the areas around the residences. Wardens should be mindful that disciplinary action for smoking when legally entitled to do so should be used with caution.

3. Residents found smoking outdoors but near to doors and windows should be advised that their action could be seen as anti-social behaviour and that the University reserve the right to take disciplinary action, that smoking shelters have been placed on the Stag Hill Campus /Manor Park/Hazel Farm. The University’s smoking policy states “Where environmental tobacco smoke is drawn into a building and causes a nuisance to occupants the University can designate areas falling within two metres of a University owned or managed building as a smoke free external area.”

4. Wardens should not take action against residents or students who are smoking outdoors who are on the move.
5. Wardens should not take action against residents or students who are smoking at or near to commercial or licensed premises e.g. Heart and Soul or the Campus Shop as this will be a matter for the staff in these areas to patrol and act upon.

6. Specific offences: Lockouts
1. Lockouts are dealt with by University Security and are reported to Wardens. Each lockout requires a member of security to be taken away from front line duties which may affect their ability to help with injured students, students in distress and fire activations. It is considered reasonable for a student to request assistance from University Security on three occasions during the UG academic year (Sept – June). Consideration should be used about the number of lockouts and their frequency especially at the start of the year and in areas with electronic locks (e.g. block G at Manor Park).

2. Although students are advised about three lockout rule in the Residents Guide and at Warden Welcome events, Wardens should inform a resident when they have had their third lockout (if identified to the Wardens by Security). In such a situation the resident should receive an advisory email that a fourth lockout will normally trigger disciplinary action.

3. Each subsequent lockout after the fourth lockout would normal trigger further disciplinary action e.g. if a student receives a fine of £25 for Lower Level Violation disciplinary action (first offence) for four lockouts, a fifth lockout would normally result in a fine of £50. A sixth lockout would normally result in a referral to OSCAR. However Wardens should consider the total number of lockouts and the time period over the academic year.

7. Specific offences: Illegal drug use and New Psychoactive Substances
1. This section should be read in conjunction with the Misuse of Drugs policy and the Supporting Information. As described in the Misuse of Drugs policy, the University cannot permit the use or possession of illegal drugs on its premises. The University also recognises that education about the use and effects of illegal drugs is important when dealing with cases of proven use or possession. For a student who is found using, or in possession of class B or C drugs, the following penalties will be applied

   (i) If a student is caught in possession and smoking drugs in their room then (for a first offence) the fine shall be £100 for possession or use of illegal drugs + issue of a final warning that a subsequent offence will be referred to OSCAR and (ii) a £50 fine for smoking indoors.

   (ii) If a student is caught in possession but there is no evidence of use OR is found smoking drugs outside of their room then (for a first offence) the fine shall be £100 for possession or use of illegal drugs + issue of a final warning that a subsequent offence will be referred to OSCAR.

   (iii) However in both cases above, should the student agree to and complete a personal education session with a nurse (or approved alternative) within 20 days of notification then the £100 fine for possession or use of illegal drugs will be suspended for the remainder of the academic year. The Resident is responsible for getting a letter (or email) with cc to OSCAR, from the nurse to confirm their satisfactory attendance.

   (iv) Possession or suspected possession of class A drugs should be reported to Security and referred to OSCAR.

2. From 2016 New Psychoactive Substances (aka ‘legal highs’) are not legal. The possession of NPS in residences is not permitted as they represent an infringement of Health and Safety Conditions of Residence specifically ‘Residents are not allowed to bring into the Courts any substance or equipment which might be hazardous to health or safety, e.g. petrol, solvents, laboratory equipment etc.’
Such materials may be seized under the University Disciplinary Regulations\(^2\). Possession of a small quantity of New Psychoactive Substances (<5 individual units) will be considered as a Medium level Violation of the Conditions of Residence. Possession of larger quantities (>5 individual units) where there is a suspicion of intentional to supply to others can be considered as a Higher level Violation of the Conditions of Residence as their presence represents a more serious Health and Safety risk. Suspected supply of NPS should be reported to Security and referred to OSCAR.

**Important** – this document is intended as a guide only. Penalties may vary on a case by case basis but must stay within the confines of those already clearly outlined in *Student Disciplinary Regulations*.

### Guide to Disciplinary Action in the Residences – 2017/18

<table>
<thead>
<tr>
<th>Level of Breach of the Conditions of Residence (CoR). Examples include</th>
<th>Action to be taken for this level of offence</th>
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<tbody>
<tr>
<td><strong>Inadvertent or Accidental</strong></td>
<td></td>
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<tr>
<td><strong>Health &amp; Fire safety violation – accidental</strong> e.g. alarm activation via steam from a shower, aerosol spray, or hair dryer used too close to detector.</td>
<td>1(^{st}) offence: Verbal or email advisory. Recorded on SharePoint only, not reported to OSCAR.</td>
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<tr>
<td><strong>Anti-social behaviour violation – inadvertent</strong> e.g. poor personal/communal hygiene; personal possessions left in corridors; unclean kitchen utensils left about; use of other residents possessions; loud noise via music, tv or skype conversations or small groups (not considered a party); other inadvertent or accidental breach of the Conditions of Residence</td>
<td>2(^{nd}) offence: Written Warning Letter. Recorded on SharePoint only, not reported to OSCAR but must include reference to the right of appeal to OSCAR.</td>
</tr>
<tr>
<td><strong>Smoking policy violation – inadvertent</strong> smoking close to a building e.g. resident or kitchen window. A distance of 2 m is quoted in the University Smoking policy. Residents should be advised of smoking shelters.</td>
<td>3(^{rd}) offence: Fine of £25. Recorded on SharePoint and reported to OSCAR</td>
</tr>
<tr>
<td><strong>Lower Level Violation</strong> (following a breach of the CoR)</td>
<td></td>
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<tr>
<td><strong>Health &amp; Fire safety violation – poor behaviour</strong> e.g. alarm activation arising from unattended cooking, use of a kettle, heater, steam iron, or candle/naked flame used in room; use of non-standard rice cooker or portable washing machine. Failure to evacuate/cooperate satisfactorily during a fire alarm or drill*.</td>
<td>1(^{st}) offence: £25 fine (Fire safety Violations are not suspended; Anti-social violations may be fully suspended). Recorded on SharePoint and reported to OSCAR, except in the case of violations associated with the annual Fire Drill – see note 3 below.</td>
</tr>
<tr>
<td><strong>Anti-social behaviour violation - nuisance behaviour</strong> e.g. repeated lock-outs requiring assistance (usually four as a minimum); quiet hours violation in the form of excessive noise outside of exam time; unauthorised guests (considered as a one-off but still a nuisance); food theft, Unauthorised kitchen party.</td>
<td>2(^{nd}) offence: £50 fine (none suspended) + Final Warning Letter for potential referral to OSCAR</td>
</tr>
<tr>
<td></td>
<td>3(^{rd}) offence: referred to OSCAR for consideration of further disciplinary action</td>
</tr>
</tbody>
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\(^2\) sect. 13 (viii), B3: Student Disciplinary Regulations

\(^3\) Residents will be given an opportunity to attend the Fire Safety Lecture held in November as an alternative to payment of fine. Should a resident not attend the lecture then the fine of £25 shall be imposed. Disciplinary action in relation to the annual drills shall not be notified to OSCAR until this lecture is run. An email/letter should then be sent to each resident who has a fine confirmed in order to allow them an opportunity to appeal, with a cc to OSCAR. Other violations of the conditions of residence detected during the fire drills may be dealt with at any stage.
<table>
<thead>
<tr>
<th>Medium Level Violation</th>
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| **Health & Fire safety violation – intentional behaviour**  
  e.g. tampering with fire safety equipment. **Does not include the covering of a detector nor setting off the alarms.** | 1st offence: £50 fine  
  Fines for Fire safety and Smoking policy Violations are not suspended  
  Fines for anti-social violations may be half-suspended. |
| **Smoking policy violation – intentional behaviour**  
  e.g. Smoking in room or internal communal area including the use of electronic cigarettes. | 2nd offence: £100 fine (none suspended)  
  + Final Warning Letter for potential referral to OSCAR |
| **Misure of Drugs policy violation**  
  Possession of a small amount of New Psychoactive Substances, aka 'legal highs' (<5 units) | 3rd offence: referred to OSCAR for disciplinary action |
| **Anti-social behaviour – intentional behaviour**  
  e.g. intimidating or threatening behaviour or language, including blowing smoke into someone's face,  
  resident uncompliant to warden's or security officer’s reasonable request including failure to disclose personal details, and those of any guests, where it is reasonable to require that such information be given;  
  quiet hours violation in the form of excessive noise during exam time;  
  unauthorised kitchen and flat party.  
  unauthorised guests (considered as extended stay); |  |

<table>
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<tr>
<th>Higher level Violation</th>
<th></th>
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</table>
| **Serious Health & Fire Safety Violation**  
  e.g. tampering with fire detectors, including covering of a detector.  
  Intentionally setting of the fire alarm. | 1st offence:  
  £100 fine + Final Warning Letter for potential referral to OSCAR.  
  Fines for Possession of NPS may be half-suspended.  
  The £100 fine for confirmed drug use may be suspended ONLY after confirmation has been received by the Wardens that the resident has satisfactorily attended a session with a nurse (or alternative). |
| **Misure of Drugs policy violation**  
  e.g. possession and/or use of illegal drugs | 2nd offence: Refer to OSCAR |
| **Serious anti-social behaviour**  
  e.g. dangerous behaviour or actual physical violence,  
  intimidating or threatening behaviour or language that refers to a person’s protected characteristics⁴  
  Unauthorised room swap or sub-letting |  |

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Updated: Sept. 2017, Next review: May 2018

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¹ Section 1.4.1 of the University’s Smoking policy.  
[https://www.surrey.ac.uk/policies/smoking_policy.pdf](https://www.surrey.ac.uk/policies/smoking_policy.pdf)  
(March 2017 implementation date, EB sign off 30/3/17) (downloaded 1 Sept. 17)

⁴ Protected characteristics are defined by the Equality Act 2010 and include age, disability, gender reassignment, race including colour, nationality, ethnic or national origin, religion, belief or lack of religion/belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity.