

# B9: Regulations for Managed Exclusion Orders

Academic year 2019/20

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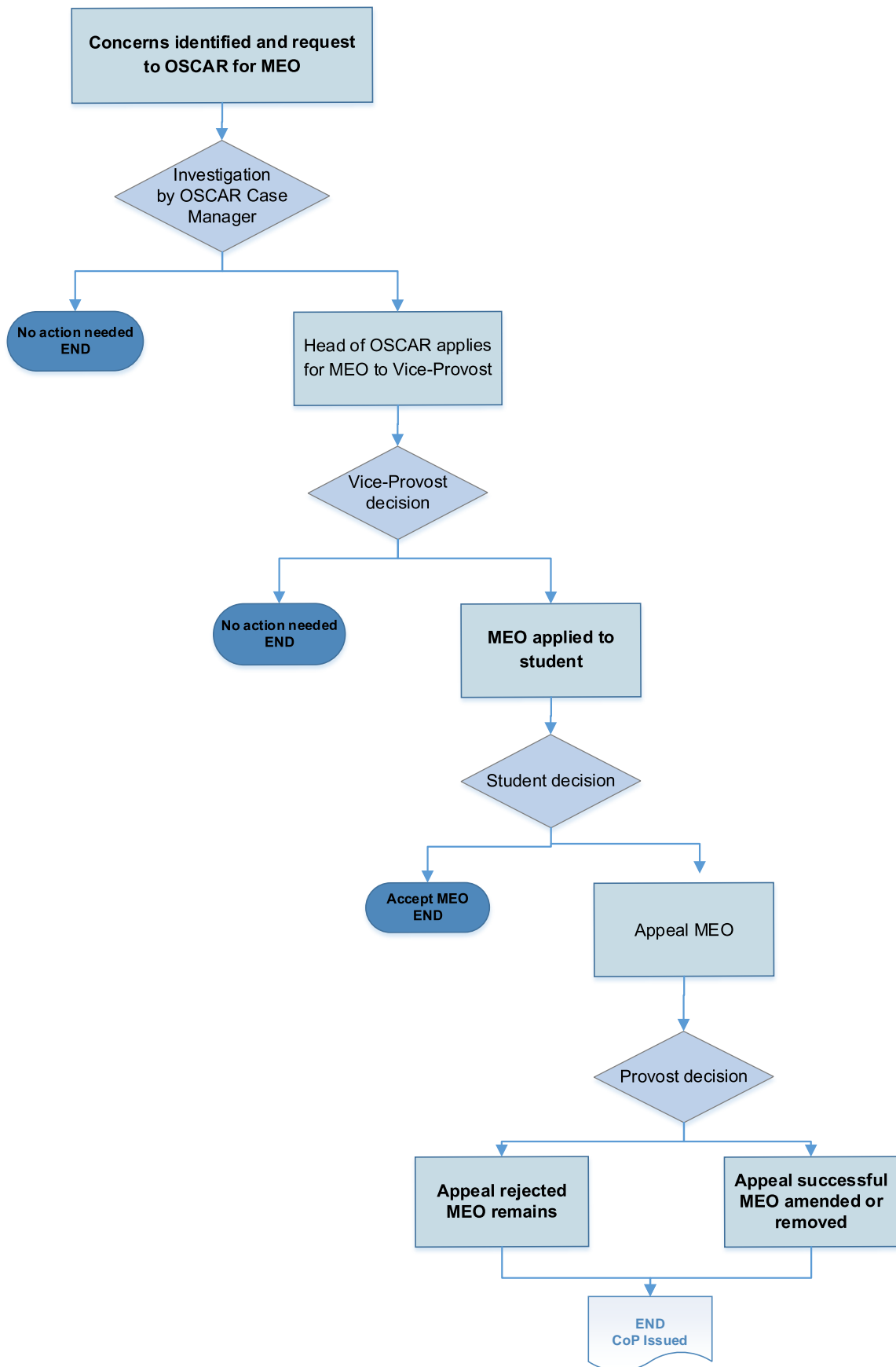
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Figure 1: Managed Exclusion Order procedures



## Introduction and scope

1. These *Regulations for Managed Exclusion Orders* apply to the following students:

- those registered on the Foundation Year and award-bearing programmes delivered by the University; this includes new students who have been through the online registration process and have yet to complete the main registration process and those on Degree Apprenticeship programmes
- those registered to study for the award of academic credit delivered by the University
- those registered to study for non-credit bearing modules/courses and non-award-bearing programmes delivered by the University
- those registered as a student with another organisation operating in collaboration with the University and using University facilities, for example, Surrey International Study Centre (SISC)

Students registered with one of the University's Associated and Accredited Institutions to study for an award of the University, or students on distance learning programmes at partner institutions located outside the UK, do not come within the scope of these *Regulations*.

2. Students who are subject to Managed Exclusion Order proceedings will find it helpful to seek advice and support from the University of Surrey Students' Union.
3. The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. The University of Surrey is a member of this scheme. Students, who are unhappy with the outcome may be able to ask the OIA to review their appeal case. Students can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right here: <https://www.oiahe.org.uk/students>.
4. Normally, students need to follow *Regulations for Managed Exclusion Orders* before they complain to the OIA. The University of Surrey will send a letter called a "Completion of Procedures Letter" when students have reached the end of the appeal process and there are no further steps they can take internally. If students' appeal is not upheld, the University of Surrey will issue them with a Completion of Procedures Letter automatically. If their appeal is upheld or partly upheld they can ask for a Completion of Procedures Letter if they want one. Students can find more information about Completion of Procedures Letters and when they should expect to receive one here: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.

### **Reasonable adjustments**

5. Reasonable adjustments to the processes within these *Regulations*, including the extending of deadlines for student responses, will be made upon the production by the student of relevant third party evidence which demonstrates the need for those adjustments.

### **Exceptional circumstances**

6. In exceptional circumstances it may be appropriate to amend the procedures set out in these *Regulations*, for example, where strict application of the *Regulations* would result in substantial unfairness to the student or the student is in some way at risk because of health or disability. Such cases will be rare and each will be treated on their own merits.

### **Definition of a Managed Exclusion Order**

7. A Managed Exclusion Order (MEO) is a way of managing the access of a student to University premises and services and University Managed Houses for a specified period of no longer than 20 working days in the first instance. The granting of an MEO does not signify a view on the part of the University that the student has committed an alleged offence. The MEO should not be confused with the imposition by an Authorised Person of a temporary ban on a student's access to the University as a disciplinary penalty (see [Student disciplinary regulations](#)).
8. The granting of an MEO will be in the student's interest and should help to enable a fair investigation of the matter in question and, where necessary, any future panel hearing. An MEO may also be granted in the interests of students, staff and/or third parties and/or to protect University property or Managed Houses.
9. An MEO may apply to the whole of the University's premises, University Managed Houses, parts of the campus, parts of the campus at specified times, particular services (such as the University's website, email services, virtual learning environment, SurreyLearn) or a combination of some or all of these. A student may also be required to refrain from contacting certain individuals for the duration of the Managed Exclusion Order. Students who are the subject of a Managed Exclusion Order may be prevented from representing the University at sporting or other public occasions.
10. A student has the right to appeal the imposition of an MEO (see Regulations 20 – 24 below). Any breach of an MEO may be considered as misconduct and may be referred for consideration under the [Student disciplinary regulations](#).

### **Confidentiality and General Data Protection Regulations**

11. The University deals with the imposition of MEOs in confidence, to the extent that this is compatible with making enquiries and holding meetings to consider the matter. The University collects and processes a variety of personal data in order to fulfil relevant student Regulations (see the [Regulations web page](#) for a list of all Student Regulations). This personal data may be provided by the student or collected from other departments within the University or taken from publicly available sources such as social media or, in the case of apprentices, provided by the employer. More detail on the types of data collected and how it is used to fulfil each Regulation can be found in the Student Regulations Privacy Notice, available at the above link. The University processes personal data for this purpose in its legitimate interests. Some Regulations will require the sharing of sensitive personal data (defined as "special category" data by data protection legislation). The University processes and shares special category data in the substantial public interest and only where it is necessary to enable the University to fulfil its duties of care to the student, other students, or to safeguard third parties. More detail on the types of data collected and how it is used to meet this need can be found in the Student Regulations Privacy Notice, available at the above link.

### **Process for requesting a Managed Exclusion Order**

12. Where a student's behaviour is deemed to pose a risk to the wellbeing and safety of themselves, students, staff and/or third parties, or to University property, University Managed Houses or to the enabling of a fair investigation and/or panel hearing, a request for an MEO should be made in writing to the Office of Student Complaints, Appeals and Regulation ([OSCAR](#)).
13. The OSCAR Case Manager will then consult the Head or Deputy Head of Security and will also:

- (i) where the terms of the MEO would affect the student's opportunity to engage with their academic study, seek advice from the Associate Dean (Learning and Teaching) of the student's Faculty or the student's supervisor for postgraduate research students, so as to attempt to limit the effect of the MEO on the student's studies, where this is possible, and is consistent with the student's safety and the safety of others. Where necessary and practicable, and permitted by the relevant module specification, alternative assessments will be arranged;
  - (ii) for students who, as part of their programme of study are employed within the health and social care sector, ensure that the University notifies the employing organisation of the imposition of the MEO;
  - (iii) for students who, as part of their programme of study are undertaking a period of employment/unpaid placement, ensure that the University notifies the employing organisation of the imposition of the MEO;
  - (iv) for those on Degree Apprenticeship programmes ensure that the University notifies the employer;
  - (v) arrange alternative accommodation where this is necessary.
14. The OSCAR Case Manager will document the information received and request authorisation for an MEO from a Vice-Provost.<sup>1</sup> Before making such an Order the Vice-Provost will satisfy themselves that the underlying circumstances make such an Order necessary. In the event of either Vice-Provost being unavailable the authorisation can be granted by the Chief Operating Officer.
15. Where an MEO has been granted by the Vice-Provost, the Case Manager, where possible and appropriate, will meet with the student to explain the terms of the MEO. In all cases the Case Manager will write to the student setting out:
- the terms of the MEO
  - the reason(s) for the granting of the MEO
  - that the student may appeal against the MEO or its terms
16. During the imposition of an MEO the student and the Case Manager should maintain good communication with one another, particularly with regard to sharing any new information which is likely to affect the necessity of the MEO and/or its terms.

### **Extending a Managed Exclusion Order**

17. An existing MEO may be extended for a further defined period where the OSCAR Case Manager, is able to demonstrate to the Vice-Provost that:
- the extension is necessary as the student continues poses a threat to the safety or well-being of themselves or third parties or to University property or University Managed Houses, and/or
  - the extension is necessary to complete the substantive investigation and/or panel hearing
18. The Vice-Provost will consider the recommendation and review the terms recommended for the MEO. The MEO extension may be granted where the Vice-Provost is satisfied that it is necessary.

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<sup>1</sup> A Managed Exclusion Order can be granted by the Vice-Provost (Education) or the Vice-Provost (Research and Innovation).

19. Where an MEO has been extended, the student has a further opportunity to appeal the extension and they will be kept informed of any subsequent developments.

### **Appeal against a Managed Exclusion Order or extension of a Managed Exclusion Order**

20. A student may appeal against the granting of a MEO, or its terms, with the exception noted in Regulation 21 below, by writing to the Provost, via OSCAR, providing evidence that one or more of the following grounds applies in their case:
- (i) that in imposing the MEO the University failed to follow its regulations and/or procedures or failed to follow them with due care;
  - (ii) that the University has shown bias or prejudice towards the student in the way that it has sought to impose the MEO;
  - (iii) that the terms of MEO are excessive;
  - (iv) that the student does not pose a risk to themselves and/or third parties and/or University property, or University Managed Houses;
  - (v) that relevant new evidence has become available that should be considered;
  - (vi) that the decision of the University was unreasonable and/or the outcome was not proportionate in all of the circumstances
21. Where an MEO has been imposed following the decision of a Disciplinary Panel to exclude or expel a student and the student lodges an appeal against the Panel's findings, in these circumstances the student has no right of appeal against the imposition of the MEO (see [Student disciplinary regulations](#)).
22. Where the Provost receives such an appeal from a student, a different OSCAR Case Manager from the one involved in granting the MEO investigates the matter and reports back to them. The MEO remains in force until the Case Manager has completed their investigation and the Provost has ruled on the matter. An appeal against an MEO is normally processed within 10 working days.
23. In their investigation, the OSCAR Case Manager reviews the evidence provided by the student and the grounds for their appeal. They may also meet the student to confirm the grounds for their appeal and the evidence they have put forward. The Case Manager provides a report of the investigation with recommendations for the Provost who considers the report and recommendations and makes a ruling.
24. The OSCAR Case Manager conveys the ruling of the Provost, in writing, within five working days, to the student and other relevant members of the University. The letter also states that it constitutes the completion of the University's procedures<sup>2</sup> and that the student can request a review of the University's decision by the [Office of the Independent Adjudicator](#).

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<sup>2</sup> A Completion of Procedures letter is a formal written statement issued by the University to a student to confirm that the student has exhausted the University's internal procedures. A Completion of Procedures statement is required before a student can refer a matter to the [Office of the Independent Adjudicator](#).