

Guide to Disciplinary Action in the Residences – 2020/21

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 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. Wardens are Authorised Persons and may impose penalties on registered University of Surrey students (but not staff) where minor offences have been committed in University residential accommodation. This is irrespective of whether the student concerned is a resident. 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. Apart from offences dealt with via the On-the-Spot procedure (see 3.8 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 attendance at a (real or virtual) 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. online, in an office in a court reception building, MySurrey Hive, 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, and 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 explanation 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 if Covid-19 regulations permit, else they should be held online.
7. Where two or more students are suspected of being party to the same incident, they may be interviewed as a pair/group.

8. Academic Departments should not be contacted by Wardens about disciplinary action taken against specific students. Should a Warden feel that the actions of an individual are of a wider concern this should be referred to OSCAR.
9. USSU Student Societies. Where one or more alleged offences have been committed in the residences by students during the course of an event run by a USSU recognised society then the matter will be first investigated by the Wardens in relation to breaches of *Student Disciplinary Regulations*.

3. Guidelines for Investigating Disciplinary Action and Possible Outcomes

1. Where a Warden 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 alleged act of 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, the letter to the student (cc'd to 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.
2. 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* have 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 experienced 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 (including via social media, see [Social Media Policy](#)) and behaviour (e.g. intentionally blowing smoke into someone's face).
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. A typical response will be the doubling of the fine for the original incident or referral to Panel hearing. 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.
4. In the event that a number of (potentially different) offences take place around the same time a Warden may (i) deal with all the offences at once if they are minor, (ii) deal with the minor offences but may refer a more serious offence to OSCAR or (iii) refer all the minor offences to OSCAR for consideration as a major offence.
5. For 2020/21 a suspended fine should be issued for all but the most serious First Offences (see table). The Table below indicates the action to be taken. The decision to issue a fine is independent of any decision in relation to recovery of any costs due to damage.
6. 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. Wardens can refer to the specifics of the incident but the broader issue should also be brought out.

7. It is important that Wardens maintain consistency regarding terminology on fine issues.
 - a. 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.
 - b. A "Final Warning" is used where a repeat offence will most likely result in referral to OSCAR "for consideration by a Disciplinary Panel where the student's continued suitability for living in residences may be considered". A student cannot appeal against your decision to refer a matter to OSCAR (as the Warden is not making the final decision on the investigation).
8. Recording of offences using the 'On-the-Spot' (OTS) fine forms is permitted but it is essential that the suspended box is ticked; information will still need to be recorded on SID. Suspended OTS fines are designed to provide an immediate form of feedback to the student that their behaviour is inappropriate thus can only be issued by a Warden who witnessed the offence. Should an offence be witnessed by a member of University Security and reported to a Warden, then the allegation will be investigated in the usual way. The student must have an opportunity to respond verbally to the Warden issuing the OTS fine. On-the-Spot fine forms cannot be sent via letter or email. An 'On-the-Spot' fine cannot be issued for a first offence associated with drug misuse and/or tampering with a smoke detector, a letter/email must be sent. On-the-spot fines should not be issued where a student is not in a position to respond in a reasonable way due to intoxication or clear distress; such matters are best dealt with by email and/or meeting in the following days.
9. 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 flat, observing Covid safe practice, then 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.
10. 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.
11. 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 (University quiet hours). During exam time there should be minimal noise audible outside the room 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) have 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, vapes (due to smell and/or as a possible route to illegal drug use) and hookah pipes, is not permitted indoors, on balconies/stairwells in any residence or within 2 m of a University building.
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 policy¹ 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 normally 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 reasonable for a student to request assistance from University Security on three occasions per semester during the academic year. 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. Lockouts where assistance from Reception Staff results in the issuing of a temporary key (and no security assistance) will count as one of the three lockouts.
3. 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). In such a situation, the resident should receive an advisory email that a fourth lockout will normally trigger disciplinary action.
4. Each subsequent lockout after the fourth lockout would normally trigger further disciplinary action e.g. if a student receives a suspended fine of £25 for Lower Level Violation disciplinary action (first offence) for four lockouts, a fifth lockout would normally result in an activation of that fine. 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 inside the residences, then (for a first offence) the disciplinary action will be: (i) a fine of £100 for possession for use of illegal drugs + issue of a final warning that a subsequent offence will be referred to OSCAR for possible consideration by a Student Disciplinary Panel (ii) a £50 fine for smoking indoors, however see (iii) below.
 - (ii) If a student is caught in possession but there is no evidence of use OR is found smoking drugs outside of the residences, then (for a first offence) the disciplinary action will be a fine of £100 for possession or use of illegal drugs + issue of a final warning that a subsequent offence will be referred to OSCAR for possible consideration by a Student Disciplinary Panel.
 - (iii) However, in both cases above, should the student agree to and complete an education session with a nurse (or approved alternative) within a reasonable time of notification (typically 30 days) 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. For smoking in their room, if the student satisfactorily attends a fire safety class within a reasonable time of notification (typically 30 days) then the £50 fine for smoking 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 Safety Office to confirm their satisfactory attendance
 - (iv) A student will normally be referred to OSCAR for cannabis possession and/use at a first offence if it is proved that a resident is found to have also tampered with the fire detection system, or there are felt to be aggregating factors such as the quantity of material is high, there is evidence or strong suspicions of supply to others or where the behaviour or attitude raises concern about living in accommodation.
 - (v) 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 Regulations¹. 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.

8. Specific offences: Animals in Residences

- (i) Students are not normally permitted to keep an animal in their room and disciplinary action for Anti-social behaviour (lower level violation) can be taken as per the table below.

In exceptional circumstances, Disability and Neurodiversity Support (or equivalent) may give authorisation for a resident to have a support animal in their room. In such a situation, no disciplinary action will be taken unless the resident wilfully allows the animal to stray

¹ sect. 13 (viii), B3: Student Disciplinary Regulations

freely outside of their room in the flat corridor/kitchen area and there is a complaint from a resident. This will be considered an example of (Medium Level) anti-social behaviour as some residents may have a dislike or phobia about a particular animal. The onus is on the resident to prove that they have been given authorisation to have an animal in their room.

- (ii) In the case where another resident has an allergy which is affected by the presence of the animal then mediated discussions should take place between the parties concerned. Advice should be sought where a mediated solution is not possible.
- (iii) Any student with animal in their room (authorised or not) who is found to neglecting or mistreating the animal will be subject to more serious disciplinary action (Higher Level violation).

9. Social Distancing and Covid-19

1. In the event that the UK Government has issued Social Distancing advice/instructions e.g. in relation to Covid-19, students may be subject to University Disciplinary Action if they ignore the advice/instructions. The use of Disciplinary Action against students for breaches of social distancing should be used with caution. Where possible advice to individuals or flats about its importance should be employed before resorting to disciplinary action; please seek further advice from the Senior Warden or from OSCAR if sanctions are to be levied.

2. However, where there is evidence of breaches of social distancing and disciplinary action is felt appropriate, then this should be considered as a Medium Level Health and Safety Violation with a fine of £50 (suspended for a first offence). Such action is appropriate since breaches of social distancing may cause actual or potential distress or harm (physical or psychological) to other people irrespective of whether or not distress or harm was intended, as defined in the *Student Disciplinary Regulations*.

3. A further breach should be referred to a Student Disciplinary Panel

4. If, after investigating a reported breach of social distancing, a Warden concludes that there was a degree of deliberate recklessness or a serious breach (e.g. hosting of a party or repeated breaches) then this should be considered a Higher Level Health and Safety Violation with a fine of £100 in the first instance; as an alternative a Warden may refer the case to OSCAR, even after a first offence.

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Guide to Disciplinary Action in the Residences – 2020/21

Level of Breach of the Conditions of Residence (CoR). Examples include	Action to be taken for this level of offence
Inadvertent or Accidental	
Health & Fire safety violation – accidental e.g. alarm activation via steam from a shower, aerosol spray, or hair dryer used too close to detector.	1 st offence: Verbal or email advisory. Recorded on Student Information Desk (SID) only, not reported to OSCAR.
Anti-social behaviour violation – inadvertent e.g. <ul style="list-style-type: none"> - poor personal/communal hygiene - personal possessions left in corridors - unclean personal 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 	2 nd offence: Written Warning Letter. Recorded on SID and reported to OSCAR. The resident letter must refer to right of appeal to OSCAR.
Smoking policy violation – inadvertent e.g. 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.	3 rd offence: Suspended Fine of £25. Recorded on SID and reported to OSCAR. Requires a written or verbal warning and mandatory attendance at a Students' Union run Communal Living Workshop. Not attending the course would lead to a suspended fine being activated & apology to affected individuals.
LOWER LEVEL VIOLATION (Following a breach of the CoR)	1 st offence: requires a written or verbal warning and mandatory attendance at a Students' Union run Communal Living Workshop and a suspended fine. Not attending the course would lead to a suspended fine being activated & apology to affected individuals. Recorded on SID and reported to OSCAR, except in the case of violations associated with the annual Fire Drill – see note 2 below.
Health & Fire safety violation – poor behaviour e.g. <ul style="list-style-type: none"> - alarm activation arising from unattended cooking - use of a kettle, heater, or steam iron in room - 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*. 	2 nd offence: After attending a workshop would lead to a final warning & apology to members of the flat; if no apology is forthcoming then refer to OSCAR for consideration by a Panel.

² 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.

<p>Anti-social behaviour violation - nuisance behaviour</p> <ul style="list-style-type: none"> - repeated lock-outs requiring assistance (usually four as a minimum); - quiet hours violation in the form of noise outside of exam time; - unauthorised guests (considered as a one-off but still a nuisance); - Bullying and/or Cyberbullying - Unauthorised kitchen party. - Messy Kitchen or room - Food theft - Presence of an unauthorised animal in room. 	<p>3rd offence: referred to OSCAR for consideration of further disciplinary action</p>
<p>MEDIUM LEVEL VIOLATION</p>	
<p>Health & Fire safety violation – intentional behaviour</p> <ul style="list-style-type: none"> - tampering with fire safety equipment. Does not include the covering of a detector nor setting off the alarms. - Action or inaction likely to cause injury or impair safety on university premises; this includes violation of Social Distancing advice or instructions 	<p>1st offence £50 (suspended) fine provided the student attends at a Students' Union run Communal Living Workshop (for non-smoking offences)</p> <p>1st offence £50 (suspended) fine provided the student attends at a fire safety class</p> <p>The fine is activated if the student fails to attend the relevant session.</p>
<p>Smoking policy violation – intentional behaviour e.g.</p> <ul style="list-style-type: none"> - Smoking (including e-cigarettes and/or vapes) in rooms, communal areas (including stairwells, balconies or areas where no smoking signs have been erected) is not permitted; this includes the use of electronic cigarettes. 	<p>2nd offence: Final Warning Letter for potential referral to OSCAR</p>
<p>Misuse of Drugs policy violation e.g. Possession of a small amount of New Psychoactive Substances, aka 'legal highs' (<5 units)</p>	<p>3rd offence: referred to OSCAR for further disciplinary action</p>
<p>Anti-social behaviour – intentional behaviour e.g.</p> <ul style="list-style-type: none"> - intimidating or threatening behaviour or language including bullying and cyberbullying, - 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. - Very Messy Kitchen - unauthorised guests (considered as extended stay) - unaccompanied guests (where the resident is not present) - Allowing animal to freely roam around a flat/house which causes distress or discomfort to another resident - Damage to University property caused by being intentionally reckless 	
<p>HIGHER LEVEL VIOLATION</p>	
<p>Serious Health & Fire Safety Violation e.g.</p> <ul style="list-style-type: none"> - tampering with fire detectors, including covering of a 	<p>1st offence: Suspended £100 fine + Final Warning</p>

<p>detector</p> <ul style="list-style-type: none"> - Action or inaction likely to cause serious injury or impair safety on university premises - Intentionally setting of the fire alarm. - reckless or serious breach e.g. holding a social gathering/party of Social Distancing advice or instructions 	<p>Letter for potential referral to OSCAR for consideration by a Student Disciplinary Panel for their suitability of continuing to live in accommodation.</p> <p>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).</p> <p>A first offence for drugs offences will normally be referred to OSCAR for cannabis possession and/use if the resident has also tampered with the fire detection system, or there are felt to be aggregating factors e.g. quantity of material, strong suspicions of supply or where the behaviour or attitude raises concern about living in accommodation.</p> <p>The £100 fine for tampering with fire safety equipment is suspended pending the student attending a fire safety course. A failure to attend the course will result in the activation of the fine.</p> <p>A first offence for a breach of social distancing would be referred to OSCAR if there was evidence of reckless behaviour with no apparent understanding or recognition of the seriousness.</p>
<p>Misuse of Drugs policy violation e.g.</p> <ul style="list-style-type: none"> - possession and/or use of illegal drugs - Possession of a large amount of New Psychoactive Substances, aka 'legal highs' (>5 units) 	<p>2nd offence: Refer to OSCAR for consideration by a Student Disciplinary Panel</p>
<p>Serious anti-social behaviour e.g.</p> <ul style="list-style-type: none"> - dangerous behaviour or actual physical violence, - intimidating or threatening behaviour or language that refers to a person's protected characteristics³ - Serious or extended Bullying and/or Cyberbullying - Unauthorised room swap or sub-letting - Neglect or mistreatment of an animal - Serious damage to University property caused by being intentionally reckless 	<p>Note: Upon investigation of an allegation of drug policy violation and/or serious anti-social behaviour, the authorised person may refer the matter immediately to OSCAR for further investigation or because of the seriousness of the alleged offence.</p>

Next review: May 2021

¹ Section 1.3.1 of the University's Smoking policy. <https://www.surrey.ac.uk/sites/default/files/2019-03/smoking-policy.pdf> (February 2019 implementation date) (downloaded 29/04/2019)

³ 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.