



## **Sanctions Guidance for proven sexual misconduct**

### **1. Context**

- 1.1 This Sanctions Guidance is intended to be read in conjunction with the University's [Sexual Misconduct Procedures](#) and the [Student Disciplinary Regulations](#) (B3 of the Student Regulations). The definitions used in these documents are adopted in this Sanctions Guidance.
- 1.2 This Sanctions Guidance is relevant to Sexual Misconduct by Students (as defined) only. Where a Student is an employee of the University, action may also be taken against the Student under relevant procedures for staff.
- 1.3 This Sanctions Guidance is intended to outline sanctions to be applied in relation to Sexual Misconduct by the University only. Separate sanctions may be applied by the Students' Union.
- 1.4 This Sanctions Guidance does not cover other actions which the University may take in relation to complaints of Sexual Misconduct by Students:
  - 1.4.1 The University may put in place a Managed Exclusion Order (MEO) in relation to a Student. An MEO is an arrangement to restrict a Student's contacts or access to specific locations on the University campus to safeguard the Student and others affected by a complaint of Sexual Misconduct. An MEO should not be regarded as a sanction of the Student.
  - 1.4.2 In specific circumstances, such as if a person under the age of 18 is involved, or the University has concerns for the safety of members of the University community, the University may also report complaints of Sexual Misconduct to the Police or other authorities. Appropriate disclosure may also be made to any professional bodies to which a Student is affiliated.

### **2. Purpose**

- 2.1 The aim of this Sanctions Guidance is to provide clarity and guidance around the:
  - 2.1.1 indicative disciplinary sanctions applied by the University to Sexual Misconduct by a Student; and
  - 2.1.2 factors which may be considered when determining an appropriate sanction.
- 2.2 This Sanctions Guidance is intended to further underline to Students the 'zero tolerance' approach which the University takes to Sexual Misconduct (as outlined in the Sexual Misconduct Procedures) and the potentially serious consequences for Students of any finding of Sexual Misconduct.
- 2.3 The Guidance also supports the University's 'fair, consistent and accessible' approach (as set out in the Student Disciplinary Regulations) to disciplinary action, including in response to Sexual Misconduct.

### **3. Nature of this Sanctions Guidance**

- 3.1 Annex 1 to this Sanctions Guidance includes a table detailing potential examples of Sexual Misconduct as defined in the Sexual Misconduct Procedures, together with indicative sanctions consistent with relevant Regulations of the Student Disciplinary Regulations.
- 3.2 Sexual Misconduct under the Sexual Misconduct Procedures may include the conduct examples in the Annex but is not limited to them.
- 3.3 The University is committed to ensuring that any sanction for Sexual Misconduct by a Student is fair and proportionate in all the relevant circumstances. The actual sanction(s) applied in an individual case will be at the discretion of the Authorised Person (minor offences) or Disciplinary Panel (major offences), taking account of all relevant and available evidence, including the factors described in section 4 below.
- 3.4 The range of indicative sanctions shown for each conduct example are not mutually exclusive and each sanction may be applied either individually or in combination with one or more other sanction(s).

#### **4. Factors taken into consideration in determining sanctions for Sexual Misconduct**

4.1 When determining the sanction(s) for Sexual Misconduct by a Student which is appropriate in all the relevant circumstances, the Authorised Person or Disciplinary Panel will review the general factors set out in the Student Disciplinary Regulations and factors specific to incidences of Sexual Misconduct as detailed in Annex 2.

4.2 The factors set out in the Student Disciplinary Regulations and in Annex 2 do not preclude an Authorised Person or Disciplinary Panel from considering other relevant evidence when considering the sanction(s) which would be fair and proportionate in all the circumstances.

#### **5. Transparency of sanctions for Student Sexual Misconduct**

5.1 The University recognises the value of transparency in the sanctions applied to Students in respect of Sexual Misconduct in terms of communicating the University's 'zero-tolerance' approach to Sexual Misconduct and in supporting the confidence of Students to report Sexual Misconduct.

5.2 The University [publishes](#) on its website anonymised sanctions outcomes of student disciplinary action taken by the University, including outcomes of action involving Sexual Misconduct. Publication takes place on a quarterly basis and once a disciplinary decision is no longer open to appeal.

5.3 In accordance with the Sexual Misconduct Procedures, a Reporting Party may also request information from the University's Office of Student Complaints, Appeals and Regulation (OSCAR) about the outcome of the University's disciplinary action in relation to an incident of Sexual Misconduct which they reported. Such requests are considered by OSCAR on a case-by-case basis, balancing the needs of transparency with the conduct of a fair and confidential disciplinary process. OSCAR's usual approach is, where possible, to keep a Reporting Party regularly updated throughout the disciplinary process and to provide notification of the outcome.

#### **6. Further information about this Sanctions Guidance**

6.1 Any queries or comments on this Sanctions Guidance may be directed to OSCAR at [oscar@surrey.ac.uk](mailto:oscar@surrey.ac.uk).

## ANNEX 1: Table of indicative sanctions for Student Sexual Misconduct

	Description of behaviour	Indicative categorisation	Indicative sanction(s)
1.	<p>Unwanted and unsolicited incidents of the following, whether isolated, repeat or multiple:</p> <ul style="list-style-type: none"> <li>• Cat-calling (where sexual in nature)</li> <li>• Wolf-whistling</li> <li>• Suggestive looks, staring or leering which, on an objective basis, has the intention or effect of causing discomfort or distress</li> <li>• Making sex-based noises (e.g. sexual grunting or moaning)</li> <li>• Making generalised sexual gestures/remarks (spoken, visual or written), in person or via phone or digital media e.g. telling sexual jokes or stories, use of sexual innuendo, participation in discussions rating sexual appeal.</li> </ul>	Minor/Major	<ul style="list-style-type: none"> <li>• Written warning</li> <li>• Requirement to undertake education</li> <li>• No contact requirement</li> <li>• Final written warning</li> <li>• Requirement to apologise (<i>subject to prioritising at all times the needs and well-being of any individuals affected by the misconduct</i>).</li> </ul>
2.	<p>Storing, viewing or sharing sexually explicit or pornographic material on University IT equipment (except where required for legitimate research purposes approved by the University).</p>	Minor/Major	<p><i>Note: Where misconduct relates to any hard copy or digital media materials, full cooperation in any steps taken by the University to procure the permanent removal and/or destruction of these materials is expected to be required.</i></p>
3.	<p>Making unwanted remarks or gestures of a sexual nature (spoken, visual or written) directed at, or concerning, a specific individual or individuals, either in person or via phone or digital media e.g. asking personal questions about sexual matters, discussing your own sex life, making sexual comments about a person's body, making remarks implying a person's sexual preferences or behaviours, spreading rumours about another person's sex life, where there is no reasonable belief that such actions were wanted</p>	Minor/Major	<ul style="list-style-type: none"> <li>• Requirement to undertake education</li> <li>• Final written warning</li> <li>• Requirement to move to a new University residence</li> </ul>
4.	<p>Propositioning another person, or making sexual advances, physical or otherwise, where there is no reasonable belief that such actions were wanted.</p>	Minor/Major	<ul style="list-style-type: none"> <li>• No contact requirement</li> </ul>
5.	<p>Displaying sexually graphic text, pictures, posters, photos or video (physically or via digital media), or allowing such material to be seen by another person in a way which is unwanted, on University premises, in University accommodation or via University IT systems.</p>	Minor/Major	<ul style="list-style-type: none"> <li>• Temporary or permanent loss of eligibility for University accommodation</li> </ul>

Description of behaviour		Indicative categorisation	Indicative sanction(s)
6.	Unwanted kissing, varying in seriousness depending on the circumstances and the part of the body kissed.	Minor/Major	<ul style="list-style-type: none"> <li>• Temporary or permanent exclusion from specified University premises or facilities</li> </ul> <p><i>Note: Where misconduct relates to any hard copy or digital media materials, full cooperation in any steps taken by the University to procure the permanent removal and/or destruction of these materials is expected to be required.</i></p>
7.	Unwanted touching (excluding of intimate areas such as genitalia, breasts or buttocks), in what may reasonably be perceived to be an intentional and sexual manner (e.g. touching a person's clothes, hair or body; standing too close to a person; rubbing or brushing up against them).	Minor/Major	
8.	Arranging or participating in events which may reasonably be assumed to cause non-consensual degradation and humiliation of a sexual nature, for example inappropriately themed social events or initiations.	Minor/Major	
9.	Unwanted conduct of a sexual nature which, on an objective basis, creates an intimidating, hostile, degrading, humiliating or offensive environment for another person or persons.	Minor/Major	
10.	Active complicity in Sexual Misconduct by another person. Active complicity implies active promotion of the Sexual Misconduct e.g. actively assisting in, inciting or publicly applauding or condoning Sexual Misconduct, onward sharing or promotion of material referred to in 11. below which was reasonably and objectively known to have been circulated without the consent of the person pictured.  Complicity does not cover inaction or failure to prevent an offence.	Minor/Major	
11.	Distributing or exhibiting private and personal explicit/intimate images or video footage of an individual (including 'deep-fake' generated images which purport to show an individual) without their consent; and/or  Image-based sexual abuse: (also known as 'revenge pornography') recording or sharing sexual or intimate photos, videos, recordings or other materials, without the consent of the person captured.	Major	<ul style="list-style-type: none"> <li>• Requirement to undertake education</li> <li>• Final written warning</li> <li>• Requirement to move to a new University residence</li> </ul>
12.	Creating, sharing, storing or viewing illegal online, recorded or hard copy sexual content e.g. indecent	Major	

Description of behaviour		Indicative categorisation	Indicative sanction(s)
	images of children (on any device or in any location, whether or not linked to the University).		<ul style="list-style-type: none"> <li>• Temporary or permanent loss of eligibility for University accommodation</li> <li>• Temporary or permanent exclusion from specified University premises</li> <li>• Suspension from University</li> <li>• Expulsion from the University</li> </ul> <p><i>Note: Where misconduct relates to any hard copy or digital media materials, full cooperation in any steps taken by the University to procure the permanent removal and/or destruction of these materials is expected to be required.</i></p>
13.	<p>Upskirting and/or down-blousing: filming or photographing under a person's clothes without their consent to capture images of their body or underwear, and/or</p> <p>Voyeurism: observing another person who is naked or doing a private act without their consent for the purposes of sexual gratification, whether or not equipment is used to record the observation.</p>	Major	
14.	Inappropriately showing sexual organs to another person(s), or inappropriately allowing sexual organs to be seen by them (in person or via digital media).	Major	
15.	Non-consensual touching of another person's intimate areas (genitalia, breasts, buttocks), non-consensual touching of another person with your own genitalia, breasts or buttocks or coercing a person to non-consensually touch either their own intimate areas or those of yourself or a third party.	Major	
16.	Stalking: persistent, unwanted communication or behaviour which has the purpose or effect of frightening, intimidating or harassing someone, such as repeatedly following them, where there is an apparent sexual/romantic motivation.	Major	
17.	Cyberstalking: repeated and deliberate use of the internet and other electronic communication tools to engage in persistent, unwanted communication or surveillance which has the purpose or effect of frightening, intimidating or harassing someone.	Major	
18.	Intimidation, blackmail or the promise of resources or benefits which has the purpose or effect of coercing another person to engage in unwanted sexual activity.	Major	
19.	Retaliation: taking any adverse actions against another person, including, but not limited to, harassment, threats, intimidation or coercion, made in response to someone disclosing or reporting any form of Sexual Misconduct.	Major	
20.	Relationship abuse: any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those who	Major	

Description of behaviour		Indicative categorisation	Indicative sanction(s)
	are, or have been, intimate partners; this may include psychological, physical, sexual, financial and/or emotional abuse.		
21.	Engaging, or attempting to engage, in a sexual act with another person (sexual acts are defined as including, but not limited to, cunnilingus, fellatio and masturbation), without their consent.	Major	<ul style="list-style-type: none"> <li>• Expulsion from the University</li> </ul>
22.	Engaging, or attempting to engage, in sexual intercourse (involving penetration of the mouth, vagina or anus with a body part or object) with another person, without their consent.	Major	

**ANNEX 2: Table of factors to be considered when applying sanctions for Student Sexual Misconduct**

**Mitigating factors:**

Extenuating circumstances in relation to an incident, or mitigation in relation to the Responding Party.

Culpability:

- Reporting Party has voluntarily made a request for leniency.
- Sexual Misconduct was an isolated incident i.e. did not form part of a pattern of behaviour and is not associated with any prior incidence of Sexual Misconduct.
- Sexual Misconduct was objectively and reasonably characterised as having been committed by the Student accidentally, by mistake, or without recklessness or intent.

Student mitigation:

- Responding Party can provide compelling independent medical evidence to show that, at the time the Sexual Misconduct was committed, their health was impaired to such an extent as to significantly impact their ability to distinguish Sexual Misconduct from acceptable behaviour.
- Responding Party admitted the Sexual Misconduct at the earliest opportunity.
- Responding Party has taken responsibility for their actions, acknowledging the impact of the Sexual Misconduct on those affected and expressing sincere contrition and remorse.
- Responding Party has cooperated with honesty and integrity in the disciplinary process relating to the Sexual Misconduct and/or in any process to make amends to the Reporting Party and others affected by the Sexual Misconduct.

**Aggravating factors:**

Circumstances which may adversely reflect on the culpability of the Responding Party, or which make an incidence of Sexual Misconduct more serious.

Culpability:

- Sexual Misconduct involved the use of force, violence, or the use of a weapon.
  - Sexual misconduct involved the use of threats, intimidation, coercion or deception to facilitate the offence.
- Sexual Misconduct was planned, premeditated, or involved specific "grooming" or targeting of the Reporting Party.
- Responding Party committed acts of Sexual Misconduct after consent was denied or revoked, or after being asked to stop.

Degree of harm:

- Sexual Misconduct had a material adverse impact on the Reporting Party, caused physical or mental injury or illness in the Reporting Party, or prevented the Reporting Party from fully accessing academic or other benefits of their University experience.
- The Reporting Party, or any other person affected by the Sexual Misconduct, was under the age of 18 at the time the Sexual Misconduct took place.
- Sexual Misconduct took place in front of others.

- Responding Party acted with others in a group to commit Sexual Misconduct.
- Drugs or alcohol were used to recklessly or intentionally incapacitate the Reporting Party.
- Responding Party was under the influence of drugs or alcohol at the time of the Sexual Misconduct.
- Sexual Misconduct was apparently motivated by, or objectively demonstrated, discrimination towards others (based on protected characteristics under the Equality Act 2010).
- The Reporting Party was, for any reason, in a significantly vulnerable state and, considering all relevant circumstances, the Responding Party would reasonably have been aware of this.
- Sexual Misconduct involved the abuse of power or a position of trust or authority, e.g. in a student society, sports team, academic or pastoral support context, or similar.

Sexual Misconduct was committed following forced or uninvited entry into the Reporting Party's place of residence.

- Responding Party threatened (overtly or by implication), or acted, to humiliate or cause additional degradation to the Reporting Party, for example by filming, photographing, sharing images/videos, publicising or boasting of the Sexual Misconduct.
- Sexual Misconduct involved commercial exploitation and/or motivation.
- Pregnancy, and any consequences, as an outcome of the offence.
- Sexually transmitted infection as a consequence of the offence.
- Incident(s) were prolonged or sustained in nature, and/or involved detention or abduction of the Reporting Party.

**Compounding factors:**

Factors which may indicate that a more severe sanction may be appropriate considering the totality of all the circumstances.

- A prior history of Sexual Misconduct and/or Sexual Misconduct of a similar nature (confined to prior incidences recorded by the University following due process.)
- Multiple or repeated incidences of Sexual Misconduct against the same Reporting Party or as part of a pattern of coercive control in a current or former intimate partner relationship (forming part of the current investigative findings).
- Multiple Reporting Parties (forming part of the current investigative findings).
- Breaches of confidentiality relating to the disciplinary process.
- Subject always to the University's recognition of the Responding Party's right to promptly bring forward all exculpatory evidence relevant to the Sexual Misconduct, the Reporting Party has not:



- co-operated with, or respected, the University's investigation and disciplinary process, including but not limited to:
  - attempting to prevent reporting to the University
  - destroying evidence
  - introducing false or misleading evidence
  - intimidating witnesses.
- admitted, at an early stage, Sexual Misconduct for which it is subsequently shown that the Responding Party was more likely than not responsible
- demonstrated appropriate insight and/or remorse.