

# B3: Student disciplinary regulations

## Academic year 2025/26

Students who are subject to disciplinary proceedings may find it helpful to seek advice and support from the Surrey Students' Union (<https://surreyunion.org/>).

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## **The University of Surrey's Commitment**

1. The University is committed to providing a fair, consistent and accessible service. The University believes that everyone who interacts with it should be heard, understood and respected. The University must also ensure the efficient and effective operation of its work, so that it can provide a good service to everyone. The [Procedure for managing behaviour in respect to Student Regulations and Procedures](#) applies to everyone who interacts or communicates with the University in relation to these Regulations. This includes Students and their supporters and describes types of actions and behaviour that may have a negative effect and what the University is expected to do in these circumstances.
2. All individuals should be able to live and work in an environment where they feel safe and are free from harm. The University of Surrey will not tolerate Misconduct. This means that Incidents of Misconduct will be treated seriously, via proportionate investigation/action, in order to promote a safe environment for Students, staff, Visitors and third parties. The University leadership is committed to fostering environments free from Misconduct and ensure that managers and supervisors have the tools to address issues that arise and monitor the effective use of those tools within their faculties and departments.

## **Freedom of Speech**

3. The University places significant weight on the importance of freedom of speech within the law and the importance of academic freedom and tolerance for controversial views in an educational context or environment.
4. Freedom of speech and expression are recognised as essential in the University's role in society and as an academic institution. Vigorous speech and comment and academic debate can be distinguished from the behaviours outlined in these Regulations. Whilst free speech includes speech that may be offensive or hurtful, speech that amounts to Misconduct including (but not limited to) unlawful Harassment does not constitute free speech within the law and, therefore, will not be protected from disciplinary action.

## **Definitions**

### **Authorised Persons**

Authorised Persons are:

- where the Misconduct occurs in Faculties, the relevant Pro-Vice-Chancellor, Executive Dean of Faculty or their nominee;
- where the Misconduct occurs in residential accommodation, the Residential Case Manager, Campus Safety Team staff, or persons with equivalent roles;
- where the Misconduct occurs in the Library, the Director of Library and Learning Services or their nominee;

- where the Misconduct is in connection with Harassment and/or Sexual Misconduct allegations, the Senior Case Manager (Sexual Misconduct and Harassment) or their nominee;
- where the Misconduct is in connection with parking or road traffic on University premises, the Head of the Campus Safety Team or their nominee;
- where the Misconduct takes place on the University's licensed premises, the Licensees of those premises, including the Director of Catering Services and the Licensees of the Surrey Students' Union (SSU) or their nominee;
- where the Misconduct involves the University's computer systems, or Misconduct on a social network (as defined in the [Student Social Media Policy](#)), including social media forums that are not public, the Chief Information and Digital Officer or their nominee;
- for Misconduct that occurs elsewhere on University premises or occurs off the University campus, the Head of the Campus Safety Team or their nominee;
- for Misconduct related to Surrey Students' Union activities, the Chief Executive of the Surrey Students' Union or their nominee;
- the Expulsions and Criminal Convictions Group and Professionalism Group will act as an 'Authorised Person' in cases involving expulsions from other educational institutions and criminal convictions.<sup>1</sup>

In these *Regulations* 'Authorised Person' includes the Authorised Person's nominee.

### **Bullying**

The University defines Bullying as unwanted conduct from a person or group that is:

- offensive, intimidating, threatening, malicious or insulting, and/or
- an abuse or misuse of power that undermines, humiliates or causes physical or emotional harm to another person or persons.

These Regulations should be read in conjunction with the [Harassment and Bullying Procedure](#).

### **Directly Affected Party**

A Directly Affected Party is a person who is reasonably identified as:

- of particular significance in the context of an Incident, and
- likely to be directly impacted by a key decision made in respect of an Incident. A key decision is a decision whether to progress the case to the next stage of the University's processes (as applicable) or a decision as to the overall outcome of the University's processes.

### **Disclosure**

A Disclosure is when an individual shares their experience, whether verbally or in writing, with a suitably trained member of staff, however, the individual may not necessarily want action to be taken. An individual making a Disclosure should be given time to make an informed choice about

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<sup>1</sup> See the [Procedure for Expulsions and Criminal Convictions](#)

whether to make a Formal Report to the police, to the University, or to both the police and the University. A Disclosure is different to a Formal Report (see below).

### **Formal Report**

A Formal Report is a way of officially lodging an allegation or allegations, to be followed up with potential action against a Responding Party. A Formal Report can be made to the police, or to the University or to both the police and the University. Where a Formal Report is made to the police, consideration will be given as to whether one or more criminal offences have been committed within the context of the criminal justice system. Where a Formal Report is made to the University, consideration will be limited to whether University internal policies, procedures or regulations have been breached. The University cannot and does not make a criminal legal finding. A Formal Report is different from a Disclosure (see above).

### **Harassment**

For the purposes of these Regulations, this term applies to behaviour within the definitions found in:

- section 26 of the Equality Act 2010 (<https://www.legislation.gov.uk/ukpga/2010/15/section/26>) and/or
- section 1 of the Protection from Harassment Act 1997 (in its entirety, and as interpreted by section 7 of the Act) (<https://www.legislation.gov.uk/ukpga/1997/40/section/1>).

The definitions in both pieces of legislation above ought to be consulted in conjunction with these Regulations and the [Harassment and Bullying Procedure](#).

### **Incident**

This term is used to describe allegations, complaints, suspected behaviour and formal findings of Misconduct.

### **Initial Responder**

An Initial Responder is:

- a member of The Campus Safety Team;
- a member of private security employed by the University or the Surrey Students' Union;
- an emergency worker as defined by the [Assaults on Emergency Workers \(Offences\) Act 2018](#).

### **Misconduct**

Misconduct is unacceptable behaviour, including but not limited to:

- actions which cause actual or potential distress or harm (physical or psychological) to another person irrespective of whether or not distress or harm was intended;
- actions which cause actual or potential damage to property of others;
- actions which cause actual or potential reputational damage to the University;
- actions which disrupt the normal operations, and/or safe use of, the University;

- actions which impede or interfere with the pursuance of work/study of University members.

In all cases, these Regulations apply at all times and include behaviour that takes place in person as well as behaviour via other mediums such as social media. This includes Student conduct off site as well as on University premises.

## **OSCAR**

OSCAR is the Office of Student Complaints, Appeals and Regulation.

## **Reporting Party**

A Reporting Party is a person(s) who has reported one or more allegations of (or criminally proven instances of) Misconduct to the University. A Reporting Party could be a person who has been subject to the Misconduct themselves, or a person who witnessed, or has been made aware of Misconduct, but was not personally subject to it.

## **Responding Party**

A Responding Party is a person(s) whose conduct is alleged to have amounted to Misconduct, whether major or minor (or who has been found guilty of an offence of this nature in criminal proceedings).

## **Sexual Misconduct**

Sexual Misconduct is conduct, or attempted conduct, that is directed at a person without (and in some circumstances with) their consent and which is of a sexual nature. This includes but is not limited to:

- Sexual Harassment (as defined by [s26\(2\) and s26\(3\) Equality Act 2010](#))
- Sexual Assault (as defined by [s3 Sexual Offences Act 2003](#))
- Rape (as defined by [s1 Sexual Offences Act 2003](#))

In some circumstances, conduct or attempted conduct that is wanted may still constitute Sexual Misconduct. For example, having consensual sexual intercourse in a public place.

These Regulations should be read in conjunction with the [Sexual Misconduct Procedure](#).

## **Student**

For the purposes of these Regulations, Student applies to:

- applicants to the University who have accepted an offer of a place;
- 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 students on their Professional Training Year (PTY);
- 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);
- those registered as a Student participating in an exchange scheme;
- formerly registered students in exceptional circumstances (see Regulation 135).

Students registered with one of the University's Associated and Accredited Institutions to study for an award of the University, do not come within the scope of these Regulations and are subject to the regulations of those institutions for disciplinary matters, or their equivalents.

### **Visitor**

Any person:

- present on University premises (including University managed houses) or
- attending an off campus University led event (including virtual events),

who is not a member of staff, Council or a Student.

### **What is the purpose of these Regulations?**

5. The purpose of these regulations is:

- to set out the expected behaviours of Students;
- to enact the University's zero-tolerance approach to Misconduct;
- to provide clear reporting mechanisms in relation to Incidents of Misconduct;
- to set out expected responses where Formal Reports of Misconduct are made;
- to ensure that the range of options and support is clear for individuals who have been subject to, witnessed or accused of Misconduct.

### **Responsibilities for managing Student Misconduct**

6. Under University [Statute 3](#), the President and Vice-Chancellor has general responsibility for ensuring the good order of the University. The discharge of responsibility for overseeing and managing Student conduct is delegated by the President and Vice-Chancellor to:

- Authorised Persons in respect of initial investigations of Misconduct;
- OSCAR in respect of potentially major Misconduct, complex cases requiring further investigation and/or where legal support is engaged; and
- Disciplinary Panels and Disciplinary Appeal Panels in respect of the adjudication of major offences.

7. For serious and complex cases, the initial investigation can also be carried out by the Head of the Campus Safety Team, the Head of OSCAR, the Senior Case Manager (Sexual Misconduct and Harassment) or their nominee. In cases where there would be a conflict of interest for the named Authorised Person to investigate an instance of Misconduct, the investigation will normally be carried out by the Head of the Campus Safety Team or their nominee.



### **Who do these Regulations apply to?**

8. These regulations apply, at all times, to all Students on University of Surrey premises, off campus and online.
9. This procedure also relates to:
  - applicants who have accepted an offer of employment or a place to study at the University;
  - in exceptional circumstances, the University may investigate allegations of conduct that occurred prior to the Responding Party becoming a Student; and
  - in exceptional circumstances, the University may proceed with the disciplinary process after a Student's registration had ended.
10. There may be circumstances where a Student is employed to work at the University and therefore, may be acting in the capacity of a staff member. Where an Incident of alleged Misconduct is specifically connected to a Student acting in a staff capacity, the Student will usually be dealt with in accordance with the [Staff Disciplinary Procedure](#). An individual may address a complaint about a Student acting in a staff capacity to Human Resources. If the Misconduct is serious and has a direct bearing on the Responding Party's Student status, separate Student disciplinary proceedings may be initiated. This will be considered on a case-by-case basis.

### **What is generally expected of Students?**

11. The *Student and Staff Partnership Manifesto* sets out general standards of conduct the University expects of its Students. When Students register or re-register to study with the University, they agree to abide by the [Charter](#), [Statutes](#), [Ordinances](#), [Policies](#), [Regulations](#) and [Codes of Practice](#).
12. Students residing in University accommodation or University managed housing are responsible for the conduct of their Visitors whilst their Visitors are within their University accommodation or University managed housing.
13. Applicants to the University who have accepted an offer of a place are expected not to behave in a way that, in the reasonable view of the University, might bring the University into disrepute, or is incompatible with the behaviours expected of the University community, particularly those referred to in the [Harassment and Bullying Procedure](#). This might include behaviour whilst visiting the University, or attending a University event, in correspondence with the University, or behaviour towards current or prospective students and/or on social media. Conduct occurring between the period of an offer of a place to study at the University and enrolment, which comes to the attention of the University, may therefore be considered Misconduct under these Regulations.
14. The University expects its Students and staff to uphold its regulations and to report infringements of its regulations by Students to an Authorised Person.

### **What do these Regulations apply to?**

15. These regulations include, but are not limited to, Misconduct affecting:
- a University of Surrey Student or member of staff
  - the Surrey Students' Union or a Union member of staff
  - members of the public
  - others visiting, working or studying at the University
  - the University itself (for example, reputational) or its property.
16. These Regulations include, but are not limited to, Misconduct that happens:
- on University premises
  - during off-campus activities including, but not limited to, a Professional Training Year (PTY), placements, field trips, sports events and social events
  - whilst studying at partner/external organisations
  - on social media or the digital environment
  - in the local community or more widely that affects the University's reputation
  - in exceptional circumstances, prior to the commencement of the Student's registration period.
17. In deciding whether it is appropriate to consider conduct that occurred prior to an individual becoming a Student, the Head of OSCAR will consider:
- the severity of the alleged offence;
  - whether leaving the matter unaddressed would impact on matters of safeguarding, fitness to practise, or on any obligations the provider has to professional or regulatory bodies in respect of the individual's character;
  - the context of the conduct and its impact on the individual's relationship with the University;
  - the strength and reliability of the evidence and the length of time that has elapsed and the effect of this on the reliability of any evidence to be considered;
  - the impact on the individual of undergoing a misconduct process.

### **What is Misconduct?**

18. Misconduct can take place at any time, in person or via other mediums such as online. This includes Incidents that occur on University premises and elsewhere.
19. The examples of Misconduct listed at Regulation 23-28 below are illustrative and not exhaustive. Some instances of Misconduct may feature in more than one category depending on the circumstances.
20. Misconduct of a sexual nature is additionally referenced in the [Sexual Misconduct Procedure](#) which should be read in conjunction with these Regulations.

21. Misconduct in the form of Harassment and/or Bullying is additionally referenced in the [Harassment and Bullying Procedure](#) which should be read in conjunction with these Regulations.
22. In considering allegations involving claims of harassment, bullying and/or offensive behaviour, an objective test will be used. The test assesses whether it was reasonable for the conduct in question to have had the effect described by the Reporting Party (for example, violating their dignity, or creating an intimidating, hostile, degrading, humiliating, or offensive environment for them). The context of the incident(s) will be considered, including the circumstances in which the conduct arose, the reasons for the conduct and the relationship between the parties. The conduct under consideration will undergo an initial assessment to determine whether it meets the severity threshold necessary to be categorised as potential misconduct and therefore whether this warrants formal investigation under the appropriate University Procedures.
23. Misconduct carried out online using electronic media devices such as computers, laptops, smartphones or tablets is additionally referenced in the [IT Acceptable Use Procedure](#) and the [Students Social Media Policy](#) which should be read in conjunction with these Regulations.
24. Examples of Misconduct in the form of actions which cause actual or potential distress or harm (physical or psychological and in person or through any other medium) to other people irrespective of whether or not distress or harm was intended are as follows:
  - i. use of violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language;
  - ii. Sexual Misconduct as described in the University's [Sexual Misconduct Procedure](#);
  - iii. possession of an offensive weapon/firearm including imitation or replica products;
  - iv. Harassment as described in the University's [Harassment and Bullying Procedure](#);
  - v. causing harm to another person;
  - vi. unwanted physical contact;
  - vii. theft, misappropriation or misuse of University property, or the property of the University's members or visitors;
  - viii. failure to respect the rights of others to freedom of belief and freedom of speech;
  - ix. being intoxicated and incapable;
  - x. breach of a University code, rule or regulation which includes, but is not limited to:
    - A Managed Exclusion Order (see [Procedure for Managed Exclusion Orders](#))
    - [Procedure for managing behaviour in respect to Student Regulations and Procedures](#)
    - [Captured Content Procedure](#)
    - [Student Drugs Policy](#)
    - [Student Social Media Policy](#)
    - [Conditions of Residence](#)
    - [IT Acceptable Use Procedure](#)
    - [Campus Parking Procedure](#)
    - [Sexual Misconduct Procedure](#)

- [Harassment and Bullying Procedure](#)
- [Procedure for Expulsions and Criminal Convictions](#)

25. Misconduct in the form of actions which cause actual or potential damage to property of others are as follows:
- i. Damage to University property, or University Managed Houses, or the property of the University's staff, Students or Visitors, caused intentionally or recklessly;
  - ii. Breach of a University code, rule or regulation which includes but is not limited to those listed in regulation 24(x) above.
26. Misconduct in the form of actions which cause actual or potential reputational damage to the University include any conduct that brings, or could reasonably be anticipated to bring, the University into disrepute or otherwise could reasonably be anticipated to lower the University in the estimation of a reasonable person.
27. Misconduct in the form of actions which disrupt the normal operations, and/or safe use of, the University including, where applicable:
- i. Misuse or unauthorised use of University premises or University Managed Houses;
  - ii. Unreasonable conduct or behaviour which causes distress or inconvenience to neighbours and/or members of the local community;
  - iii. Disruption of, or improper interference with, the functions, duties or activities of any member of the University, or any Visitor to the University;
  - iv. Obstruction of, or improper interference with, the functions, duties or activities of any member of the University, or any Visitor of the University;
  - v. Action or inaction likely to cause injury or impair safety on University premises or at University Managed Houses;
  - vi. A breach of the [Students' Union Core Constitution](#) or [byelaws](#);
  - vii. Breach of a University code, rule or regulation which includes but is not limited to those listed in regulation 24(x) above.
28. Misconduct in the form of actions which impede or interfere with the pursuance of work/study of University members includes:
- i. failure to comply with a reasonable instruction relating to prior disciplinary action, including the non-payment of fines;
  - ii. failure to disclose personal details to a member of staff of the University in circumstances in which it is reasonable to require that such information be given;<sup>2</sup>
  - iii. fraud, deceit, deception or dishonesty in relation to the University's regulations, policies and procedures, its members and visitors to the University;

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<sup>2</sup> Students of the University are required to give their names, their home and University addresses and to produce their identity card or other reasonable means of establishing both Student status and identity, when asked to do so by any member of staff. The Student identity card remains the property of the University. It must be produced by the Student on demand and may be withdrawn at any time without notice.

- iv. Breach of a University code, rule or regulation which includes but is not limited to those listed in regulation 24(x) above.
29. Misconduct will be progressed as either minor or major depending on the severity of the Misconduct and with due regard as to whether a minor or major penalty would be proportionate and reasonable for a proven offence. Examples of alleged offences are given in regulations 23 – 28, 30 and 32. Other examples can be found in related documents i.e., the [Guide to Disciplinary Action in the Residences](#), the [Harassment & Bullying Procedure](#) and the [Sexual Misconduct Procedure](#).

### **What is minor Misconduct?**

30. Examples of minor offences include but are not limited to:
- i. Failure to evacuate during fire alarms;
  - ii. Excessive noise;
  - iii. Unauthorised guests in University accommodation;
  - iv. Smoking in non-designated areas.
31. These examples are provided for general guidance. However, certain behaviours may be reclassified as major offences depending on the context, including situations where the conduct poses a significant hazard, demonstrates willful non-compliance or causes disruption or harm.

### **What is major Misconduct?**

32. Examples of major offences include but are not limited to:
- i. Causing harm to another person;
  - ii. Use of violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language;
  - iii. Sexual Misconduct (please refer to the [Sexual Misconduct Procedure](#));
  - iv. Harassment and/or Bullying (please refer to the [Harassment and Bullying Procedure](#));
  - v. Any action likely to cause injury or impair the safety of others;
  - vi. Fraud, deceit, deception or dishonesty;
  - vii. Breach of a Managed Exclusion Order.
33. Repeated offences, including repetition of the same minor offence or an accumulation of different minor offences, may be dealt with by the University as a single matter that merits, if proven, receipt of a major offence penalty.

### **How can I report Misconduct?**

34. Below are the actions individuals may take in relation to Incidents of Misconduct.
35. Report + Support  
<https://reportandsupport.surrey.ac.uk>

35.1. This website offers direct help and guidance in confidence. Those who submit Formal Reports with contact details will hear back within three University working days and receive advice and support. All submissions are treated impartially, with the appropriate level of investigation.

35.2. Report + Support is available 24 hours a day, allowing for a time and place that feels safest to the individual, with clear information about their options and signposting to appropriate support services for what they have experienced. The University monitors Report + Support during University working days between 09:00 and 17:00, Monday to Friday (only). It is not intended as an emergency response tool and responses will not be immediate. In emergencies, the University's designated [Campus Safety Team](#) can be reached 24 hours a day, seven days a week on 01483 682002.

35.3. A Formal Report of this kind may result in action being taken in line with the relevant procedure and/or support services being signposted.

#### 36. Anonymous Reporting to the University

36.1. If an individual has been subjected to Misconduct or is concerned that another individual has been subjected to Misconduct, they can report the concern anonymously using the following link: [Report + Support](#).

36.2. The University appreciates that for many reasons, people may not feel comfortable reporting and providing their details. Therefore, this online form allows anonymous reporting. These reports provide statistical information which is used to inform the University's proactive and preventative work. This also allows the University to monitor issues across the University. With anonymous reporting, the University will not be able to offer direct advice and is unlikely to begin any formal processes. If the report is very serious, it may be forwarded to relevant parties, but there will be limits to the University's response.

36.3. Individuals can arrange a confidential conversation before submitting a Formal Report by emailing the Report + Support team at [reportandsupport@surrey.ac.uk](mailto:reportandsupport@surrey.ac.uk). The team can then speak to the individual via email, Microsoft Teams or in person (whatever works best for the individual). It is important to note that if the team believes that the individual, or someone else, is at risk of serious harm, then they may need to report that information to the University and/or the police.

36.4. Anonymous Disclosures can be made at any time and can be made alongside any of the listed actions within these Regulations.

#### 37. Contact the Campus Safety Team

[www.surrey.ac.uk/about/services/campus-safety](http://www.surrey.ac.uk/about/services/campus-safety)

[campus-safety@surrey.ac.uk](mailto:campus-safety@surrey.ac.uk) 01483 682002

The Campus Safety Team can talk through how to make a Formal Report and what support is available. The team are available 24 hours per day on every day of the year.

38. Contact the Office of Student Complaints, Appeals and Regulation (OSCAR)

[www.surrey.ac.uk/oscar](http://www.surrey.ac.uk/oscar)

OSCAR coordinates investigations of reported Incidents of Misconduct relating to Students. Individuals who wish to make an allegation in relation to Misconduct should contact OSCAR. If appropriate, the Human Resources team and OSCAR will work together on cases involving both staff and Students. Students may be both a Student and a member of staff. Individuals may address complaints to OSCAR or use the [Staff Grievance Procedure](#) if appropriate. The University recognises the complexities in these cases. The Doctoral College offers support and guidance to PGR Students and has dedicated PGR staff to support enquiries.

**What support is available in relation to Incidents of Misconduct?**

- 39. Misconduct can negatively impact everyone involved. If left unaddressed, there is a risk of harm to mental health and wellbeing in both the short-term and longer-term. Support services are available to all Students and staff where there is an Incident of Misconduct.
- 40. Support is available regardless of whether a Formal Report is made and irrespective of the outcome of any investigation.
- 41. Everyone, whether Students or staff, will have equitable access to internal and external support and they will each have a member of staff assigned to them during any formal proceedings to offer welfare and pastoral support (as appropriate).
- 42. Various academic support options are available to a Student experiencing challenges to their academic engagement as a result of misconduct proceedings. This can include, for example, adjustments to assessment deadlines.
- 43. Comprehensive details of the support available can be found on relevant University webpages, including the [Report + Support website](#).
- 44. The University website contains extensive information on the variety of support (both personal and academic) available to anyone who is a party related to an Incident of Harassment, Bullying and/or Sexual Misconduct. The website should be consulted in conjunction with these Regulations.
- 45. The Surrey Students' Union can support any student involved in a misconduct case, regardless of whether they are the Reporting Party, Responding Party or a witness.

**What level of proof is required for the University to find that Misconduct has happened?**



46. The University applies a different, lower standard of proof to that used by the criminal justice system. In matters of Student Misconduct, the standard of proof applied is that of the balance of probabilities. This means that the University will consider Misconduct to be proven if, based on the available evidence, it is more likely than not that Misconduct took place.
47. The burden of proof lies with the University. This means that it is for the University to show that it is more likely than not that the Student committed the Misconduct. The burden of proof switches to the Student if they appeal the outcome of the misconduct proceedings.
48. Please note, the University uses some legal definitions implemented in English law (such as in relation to Harassment and Sexual Misconduct) to make decisions and appropriately characterise conduct in relation to University processes only. The University cannot, and does not, make judgements as to whether alleged conduct constitutes a criminal offence. The decisions of the University are not legal rulings in this regard. In the event of police involvement, any determination as to potential criminal liability will be dealt with separately and externally via the criminal justice system. Consideration will be given to the [Procedure for Expulsions and Criminal Convictions](#) in the event that a relevant criminal conviction becomes known.
49. Internal investigations will not be bound by the outcome of any external criminal investigation, unless the University deems it appropriate to do so.

#### **What is expected of people participating in University disciplinary processes?**

50. It is expected that Students, their supporters and all other participants will act reasonably and fairly towards each other and will treat the disciplinary process with respect. A failure to respect the disciplinary process may result in a separate disciplinary investigation with the potential for a separate finding of Misconduct. The [Procedure for managing behaviour in respect to Student Regulations and Procedures](#) should be read in conjunction with these Regulations.
51. The following may be treated as Misconduct:
  - i. failing to comply with these Regulations;
  - ii. making false, malicious, or vexatious allegations; or
  - iii. retaliating against or victimising Members of Staff, Students, Visitors and/or third parties who make complaints or participate in good faith in investigations.

#### **Reasonable adjustments**

52. A request for a reasonable adjustment to the processes within these Regulations, including the extension of deadlines for Student responses, will be considered on a case-by-case basis and upon the production by the Student of relevant third party evidence which demonstrates the necessity for an adjustment. The determination as to whether the request is reasonable



will be made by the relevant Case Manager or Panel Chair. When considering whether a request for an adjustment is reasonable, the Case Manager or Panel Chair will consider factors including, but not limited to, the potential impact of the adjustment on the Reporting Party and the potential impact of the adjustment on the integrity of the process.

### **Exceptional circumstances**

53. 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 a Student, or a 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.

### **Timeliness**

54. The University's disciplinary procedures will be conducted as quickly as possible and normally within 90 University working days from the start of the investigation as follows:
- The initial investigation and conclusion of the process (with the possible outcome being either no action, a minor offence penalty or a major offence penalty) up to 60 University working days
  - The appeal against either a minor offence penalty or major offence penalty up to 30 University working days.
55. The University timeframes do not include the time taken for criminal investigations or prosecution. Complex cases may take longer to resolve, and the Student will be kept updated as to progress and likely timescales. Complexity can result from factors including, but not limited to, a high volume of evidence, multiple Reporting/Responding Parties and the concurrent engagement of various University processes.

### **Directly Affected Parties**

56. Reasonable steps will be taken to inform a person identified as a Directly Affected Party about certain decisions relating to an Incident and the reasons for those decisions.
57. The determination as to who constitutes a Directly Affected Party in any given case will be made by the OSCAR Case Manager/Authorised Person as appropriate.
58. Where it is indicated that a reasonable and proportionate summary, in writing, of the outcome and the reasons for the decision will be provided, what is considered reasonable and proportionate will depend on the facts of the individual case and the Directly Affected Party's involvement. This determination will be made by the relevant OSCAR Case Manager/Authorised Person as appropriate.
59. Where there is a named Formal Report, the following will usually be considered to be a Directly Affected Party:

- the Responding Party;
  - the Reporting Party;
  - an eyewitness.
60. A Directly Affected Party may opt out of being informed of decisions they would otherwise be notified of. To opt out, the Directly Affected Party should contact OSCAR. If no contact is made by the Directly Affected Party, it will be assumed that the Directly Affected Party wishes to be informed of the relevant outcome.
61. Communications with a Directly Affected Party will usually be sent via the individual's University email account, if a Member of the University, or the email address provided if otherwise.
62. If an individual is not identified as a Directly Affected Party, and they wish to gain access to information pertaining to a case that has been administered, in full or part, by OSCAR, they may make a request to OSCAR which will be considered on a case-by-case basis. An assessment will be made as to the potential risks/benefits to the Directly Affected Parties of sharing the requested information. This would be in accordance with relevant privacy notices, and normally in consultation with the Information and Governance team, if appropriate. Individuals can contact the Information and Governance team directly if they have any queries or concerns.

### **The process in cases of possible Misconduct by Students**

#### **63. Disclosures**

- 63.1. Where a Disclosure has been made, the individual making the Disclosure will, if appropriate, be given time to make an informed choice about whether to make a Formal Report to the police, to the University or to both the police and the University. However, there may be cases where the individual making the Disclosure is assessed to be at risk of harm or there is a risk of harm to others. In such circumstances, the University may refer the matter to police without prior consultation with the disclosing party.
- 63.2. If an individual makes a Disclosure but decides not to make a Formal Report to the University and indicates that they do not want the matter to be progressed, the University will assess whether, despite the indication given, the Incident requires further investigation. Factors for consideration when determining this include (but are not limited to):
- the ability to investigate without the involvement of the disclosing party including whether, and to what extent, there are identifiable and reasonable avenues for investigation;
  - the reasons given by the disclosing party for deciding not to make a Formal Report;

- the potential impact, if any, on the disclosing party of investigating the matter without their participation;
- whether Incidents of a similar nature involving the same Responding Party have been raised previously;
- the nature and seriousness of the alleged conduct.

63.3. The outcome of this determination will either be that the Disclosure will be investigated, notwithstanding the views of the disclosing party, or that the Disclosure will not be progressed. There is no right of appeal in relation to this determination.

#### 64. Anonymous Formal Reports

64.1. In relation to anonymous Formal Reports, the University's ability to progress the Formal Report will be limited. The University will assess whether, despite the anonymous nature of the Formal Report, further investigation is required. Factors for consideration when determining this include (but are not limited to):

- the ability to investigate without the details of the Reporting Party, including whether, and to what extent, there are identifiable and reasonable avenues for investigation;
- the reasons given, if any, for making the Formal Report anonymously;
- whether allegations of a similar nature involving the same Responding Party have been raised previously;
- the nature and seriousness of the alleged conduct.

64.2. The outcome of this determination will either be that the Formal Report will be investigated notwithstanding its anonymous nature, or that the Formal Report will not be progressed. There is no right of appeal in relation to this determination.

#### 65. Suspected Incidents

65.1. In circumstances where the University has not received a Disclosure or Formal Report but reasonably considers that there are grounds for suspecting that Student Misconduct has taken, or is taking place, consideration will be given as to how best to proceed.

65.2. Ordinarily, where the Responding Party is a Student, an Authorised Person or OSCAR will make the determination as to how to proceed.

65.3. The outcome of this determination will either be that the suspected Misconduct will be investigated, or that it will not. There is no right of appeal in relation to this determination.

**66. Named Formal Reports**

66.1. If an individual makes a Disclosure followed by a Formal Report to the University or provides a Formal Report straight away, and their contact details are provided, the Formal Report will ordinarily be progressed as outlined below (see Regulation 67 onwards).

66.2. Whilst the views of the Reporting Party will be taken into account, there may be instances where the Reporting Party does not support a formal investigation but the University proceeds with one, nonetheless. This will be addressed on a case-by-case basis.

**Initial enquiries and investigation**

67. Where an Authorised Person investigates a matter of potential Misconduct under these Regulations, they are required to make enquiries and gather evidence to establish whether, on the balance of probabilities, Misconduct has taken place.

68. The Responding Party will be given reasonable opportunity to provide any relevant information that they wish to be taken into consideration and to make representations verbally and/or in writing to the Authorised Person about the alleged Misconduct. The information must be reasonably related to the Incident(s) under investigation and be provided within the specified timeframe to avoid unnecessary delays.

69. If Misconduct is identified as having occurred, on the balance of probabilities, the Authorised Person must decide whether it could reasonably be considered to warrant either a minor or a major penalty.

**Where minor Misconduct is proven**

70. An Authorised Person is permitted to apply one or more minor offence penalties.

71. An Authorised Person will consider the following non-exhaustive factors when determining what penalty (or penalties) should be applied:

- i. the Student demonstrated genuine insight and/or remorse;
- ii. the Student demonstrated honesty and integrity during the disciplinary process;
- iii. the Student cooperated and engaged with the Authorised Person's enquiries throughout the disciplinary process;
- iv. the Student can provide independent and credible medical evidence to show that, at the time of the Misconduct, their health was impaired to such an extent as to impact their ability to distinguish between acceptable conduct and Misconduct;
- v. the Misconduct is a first offence, or whether there is a previous finding or findings of similar Misconduct;
- vi. the Student responded positively to any reasonable warnings or concerns about their behaviour prior to the Misconduct occurring;
- vii. the Misconduct was, to any extent, intended and/or premeditated;

- viii. the Misconduct was targeted at an Initial Responder who was going about their duties;
  - ix. the harm and/or impact resulting from the Misconduct was of a relatively minor nature/no harm was caused;
  - x. the Misconduct involved an abuse of position, trust, powers and/or authority;
  - xi. whether the Misconduct was motivated by the possession, or perceived possession, of a protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation).
72. The Authorised Person will inform the Student of their decision and apply one or more of the penalties listed below as appropriate:
- i. a verbal warning;
  - ii. a written warning advising the Student about their future conduct;
  - iii. a requirement to complete an educational activity;
  - iv. a fine of any value up to £200, all or part of which may be suspended;
  - v. a penalty in the form of a temporary ban on entering any University premises for no more than 48 hours;
  - vi. a final written warning where a Student has previously received a written warning or where the nature of the Misconduct makes it appropriate;
  - vii. confiscation without compensation of items prohibited by local rules and regulation;
  - viii. a requirement to move to a new University residence;
  - ix. seizure and retention of items for a specified period for the purpose of maintaining the safety and wellbeing of others;
  - x. a requirement to offer an apology;
  - xi. a requirement not to contact other individuals either directly or indirectly or via third parties;
  - xii. a temporary or permanent ban on bringing a vehicle onto University premises.
73. In some circumstances, Authorised Persons may issue penalties, such as a formal warning, on the spot. This will only be appropriate when the Student has been identified by the Authorised Person whilst committing the act of Misconduct and has been given a reasonable opportunity to respond. On the spot penalties will not be applied when the Authorised Person believes that the Student's ability to respond is inhibited.

**Who will the University inform about the outcome in minor Misconduct cases?**

74. When the Authorised Person has made their decision on a matter, they record their decision, and any penalty imposed. They send one copy of the completed documentation to the Responding Party, one copy to OSCAR for its records, and retain a copy for their own records. The Responding Party may appeal against any findings or sanctions (see regulations 78-89 below). The Reporting Party (if relevant) does not have the right to appeal such an outcome.
75. Reasonable steps will be taken to provide any Directly Affected Parties with a reasonable and proportionate summary, in writing, of the outcome and the reasons for the decision. This will be provided ordinarily within five University working days of the outcome being reached.

**How do I pay a fine imposed as a penalty for minor Misconduct?**

76. Penalties that are imposed by an Authorised Person in the form of fines are paid by Students direct to the University through the University's on-line facility for fine payments. Fines are payable within 28 calendar days of being levied.
77. Under these Regulations, the imposition of a penalty or penalties by an Authorised Person shall not prevent the University from seeking to recover compensation from the Student or Students for the costs of any repairs to University property or University Managed Houses.

**How do I appeal a decision or penalty imposed for minor Misconduct?**

78. Students can appeal the decision by an Authorised Person to apply one or more of the penalties listed in Regulation 72 above.
79. When making an appeal against the imposition of a penalty by an Authorised Person, the Student is required to show that they have evidence to demonstrate that one or more of the following grounds apply:
  - i. that the Authorised Person failed to follow the University's regulations and/or procedures or failed to follow them with due care;
  - ii. that the Authorised Person has shown bias or prejudice towards the Student in the way that they handled the matter that led to the imposition of the penalty;
  - iii. that relevant new evidence has become available that should be considered and there are valid reasons why it was not available to the Authorised Person at the time they imposed the penalty;
  - iv. that the decision was unreasonable and/or the penalty imposed by the Authorised Person was not proportionate in all the circumstances.
80. Appeals against a decision and/or a penalty imposed by an Authorised Person must be made within 10 University working days of the decision being confirmed, using the relevant form which can be found on the OSCAR [web pages](#). Appeals against a penalty imposed by an Authorised Person that are received by OSCAR are dealt with by a Case Manager. If a Student is unable to provide all supporting evidence by the appeal submission deadline (for example, if they are awaiting receipt of a medical letter), then they are still required to submit their appeal within the 10 University working days timeframe (including a complete supporting statement and any available evidence) but may request an extension in respect of the submission of any pending evidence. Such requests should explain the reason the extension is required and be made by email to OSCAR at the time of the appeal submission.
81. If an appeal is received after the 10 University working days deadline, the Student will be asked to provide reasons and accompanying independent supporting evidence as to why the appeal is late. The reasons and supporting evidence will be considered by an OSCAR Case Manager who will determine whether the reasons are valid. Consultation may take place with other members of staff in complex or unusual cases, and this will be recorded. A decision on

the validity of the reasons will normally be made within 20 University working days of receiving the final submission of information from the Student. If the reasons are not deemed valid the appeal will not be considered and the Student will be offered a Completion of Procedures letter<sup>3</sup>. If there are valid reasons, the appeal will be accepted and assigned to an OSCAR Case Manager.

82. Where OSCAR has requested that the Student provide additional information and the Student fails to do so within 10 University working days of the request being sent to the Student's University email address, the Student will be sent a further reminder and warned that their appeal will be closed if a response is not received within a further calendar month.
83. Where new evidence is raised, further investigations may need to be carried out which may require the appeal to be delayed pending the outcome of these investigations and to give the Student an opportunity to consider any new information obtained.
84. The Case Manager may come to one of six findings:
  - i. that the findings of the Authorised Person should be confirmed and the appeal dismissed;
  - ii. that a finding and/or penalty imposed by the Authorised Person should be varied. This could result in the same, a lesser or more severe penalty being imposed;
  - iii. that there has been a failure to follow the University's regulations and/or procedures or to follow them with due care such as to deny the Student a fair process;
  - iv. that there was bias or prejudice towards the Student in the way the Authorised Person reached their findings or in other aspects of the disciplinary procedure;
  - v. that relevant new evidence that was not available to the Authorised Person at the time for valid reasons should be taken into account;
  - vi. that the decision of the Authorised Person was unreasonable and/or that the penalty was not proportionate with the evidence presented in all the circumstances.
85. Where the finding is as in (ii), (iii), (iv), (v) and/or (vi) above the Case Manager may:
  - direct that the matter be heard anew by a different Authorised Person
  - substitute the findings of the Authorised Person with their own findings. This could result in the same, a lesser or more severe penalty being imposed
  - or, where the unfairness to the Student is extreme, nullify the findings of the Authorised Person, and end the disciplinary procedure
86. Where, after making enquiries, the Case Manager is able to show that there are sufficient grounds and evidence for the Student's appeal against a penalty imposed by an Authorised Person to be upheld, the Case Manager will write to the Student and the Authorised Person, explaining the grounds for upholding the appeal. They will also consider whether there has

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<sup>3</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.

been any adverse impact upon the Student and whether the University should provide a remedy. Consultation may take place with other members of staff in complex or unusual cases, and this will be recorded.

87. Where, after making enquiries, the Case Manager finds that the Student's appeal does not meet the criteria outlined in Regulation 79 above, and is not supported by evidence, they will consult another Case Manager setting out why the Student's appeal should be dismissed. When the Case Managers agree that the appeal should be dismissed, they write to the Student dismissing their appeal and explaining the grounds for the dismissal. The Student will be offered a Completion of Procedures letter. Where an outcome cannot be agreed, a third Case Manager will be consulted, and a majority decision will be made.
88. If any aspect of the appeal is upheld, the Case Manager(s) will also consider whether there has been any undue adverse impact upon the Student, and whether the University should provide a remedy.
89. If at any stage evidence put forward to support the appeal can be shown to have been dishonestly acquired or is itself dishonest, the appeal will be closed and the evidence submitted to the University's disciplinary procedures, where applicable. The same approach will be taken if it can be shown that the Student has tried to mislead the University about their case.

**Where major Misconduct and/or repeated offending is considered to have occurred**

90. Major offence penalties can only be applied by a Disciplinary Panel or a Disciplinary Appeal Panel. Where an Authorised Person, having reviewed the information and evidence available to them, considers that matters require more detailed investigation, or that the Misconduct that has been identified might reasonably be expected to receive, if proven, a major offence penalty, they will refer it to OSCAR.
91. In some circumstances, where a matter of potentially major misconduct is identified at the outset, a case may be assigned to a member of OSCAR directly for investigation. For example, in cases involving allegations of Sexual Misconduct and/or Harassment.
92. Repeated offences, including repetition of the same minor offence or an accumulation of different minor offences, may be dealt with by the University as a single matter that merits, if proven, receipt of a major offence penalty. These instances will be referred to OSCAR.
93. All such matters are assigned by OSCAR to a Case Manager, who will manage the matter and undertake the necessary enquiries.

**Misconduct that involves or may involve the police and/or criminal proceedings**

94. If in the course of their work and enquiries, it becomes apparent to an Authorised Person or a Case Manager that an Incident of alleged Misconduct may also constitute a criminal



offence, they will consult with the Head of Campus Safety to determine whether the matter has been or needs to be referred to the police and whether to continue with their investigations.

95. Where the University and the police or other authorities are simultaneously enquiring into the same alleged Misconduct, the University will normally confer with the relevant authorities, subject to any general agreements that have been reached. If, in such a matter it is considered that to continue with its internal procedures will hinder or prejudice an investigation by the police, or criminal legal action, the University will normally suspend its own internal disciplinary action until advised by the police or the Crown Prosecution Service that their own proceedings have been concluded. A record of communications with the police or Crown Prosecution Service and the University will be kept by the Authorised Person or Case Manager.
96. Where the University can be confident that continuing its own internal Student disciplinary procedures will not hinder or prejudice simultaneous police or criminal proceedings, it will consider whether to allow its own disciplinary action to take its course.
97. A decision by the Police or Crown Prosecution Service (or other law enforcement agency as the case may be) to take no further action in relation to a criminal matter, or an acquittal at a trial, does not preclude the University from taking action under its own procedures. The University cannot make a determination on criminal guilt and its internal investigations will be focused exclusively on whether a breach of internal regulations has occurred.
98. Where an individual has been convicted of a criminal offence or accepts a police caution, the conviction/caution will be taken as conclusive evidence that the behaviour took place, and no further investigation shall be required by the University. The University may then proceed to consider the matter under the relevant University internal procedure ([Staff Disciplinary Procedure](#), [Student Disciplinary Regulations](#), [Regulations for Fitness to Practise](#)). Consideration will be given to the [Procedure for Expulsions and Criminal Convictions](#) in the event that a relevant criminal conviction becomes known.

### **Investigation by OSCAR**

99. In all cases referred to OSCAR, matters are investigated fairly, and enquiries are made in proportion to the seriousness of the matter. Enquiries should establish whether, on the balance of probabilities, Misconduct has taken place or whether the matter should be referred for consideration by a Disciplinary Panel. During the investigation, the Responding Party will be given the opportunity to provide all information that they wish to be taken into consideration. The investigation by the OSCAR Case Manager will result in one of the following findings:
  - i. that there is sufficient evidence to indicate that the Misconduct may, if proven, reasonably be expected to receive a major offence penalty. In such cases, the matter should be put before a Disciplinary Panel;

- ii. that there is insufficient evidence to indicate that that the Misconduct may, if proven, reasonably be expected to receive a major offence penalty. In such cases, the matter should be referred back to the Authorised Person for consideration of the issuance of a minor offence penalty, or a minor offence penalty should be issued by the Case Manager;
- iii. that insufficient evidence of Misconduct has been established. In such cases, no further action should be taken.

100. Whilst a matter is being dealt with by OSCAR, the responsible Case Manager:

- determines, with the advice of the Head of Campus Safety, whether a Managed Exclusion Order should be sought (see [Procedure for Managed Exclusion Orders](#)). If the Responding Party resides in University accommodation, this may involve a move to alternative accommodation off or on campus. An exclusion does not signify a view on the part of the University that the Responding Party has committed an alleged offence;
- handles associated correspondence; makes enquiries into the circumstances of the matter and gathers evidence and statements from the Responding Party, the relevant Authorised Person (if applicable), and other parties with information that is directly relevant to the matter.

## **Disciplinary Panels**

101. Disciplinary Panels are convened by OSCAR and conduct their business in accordance with the [Procedure for hearings by Panels](#) which detail how Panels work, including, where relevant, the right of a Responding Party to attend a hearing and to be accompanied. The Responding Party is entitled to be accompanied at any such Panel hearing by a supporter. Where a Responding Party is asked to attend a Panel hearing, they will be given not less than five University working days' notice. It is expected that those asked to attend a hearing will acquaint themselves with the relevant Procedure and Regulations.

102. Witnesses may be invited to attend the hearing, and this could include the Reporting Party. Witnesses will only attend where the Chair reasonably believes that attendance is necessary to resolve issues in dispute.

103. If the Reporting Party attends the hearing, measures can be put into place to safeguard this individual, for example, screening them from the Responding Party's view and prohibiting direct questioning of the Reporting Party by the Responding Party.

### **Membership of a Disciplinary Panel**

104. The membership of a Disciplinary Panel comprises three members from the pool of trained Panel members as follows:

- a member of the pool of trained Chairpersons;
- a member of University staff;
- a sabbatical officer or a Student member nominated by the Surrey Students' Union.

105. A member of OSCAR will be in attendance as Secretary to the Panel.
106. Members of a Disciplinary Panel should have no current academic or personal connection with the Student (or Students) considered by the Panel. Panel members will be independent of the investigatory process and are asked to declare any potential conflict of interest.

Findings and outcomes of a Disciplinary Panel

107. A Disciplinary Panel may come to one of two findings:
- i. that Misconduct is not proven;
  - ii. that Misconduct is proven.
108. Where Misconduct has been proven, the Panel will then consider the following non-exhaustive factors when determining what penalty (or penalties) should be applied
- i. the Student demonstrated genuine insight and/or remorse;
  - ii. the Student has demonstrated honesty and integrity during the disciplinary process;
  - iii. the Student cooperated and engaged with enquiries made by the Authorised Person and/or OSCAR and/or other parties throughout the disciplinary process;
  - iv. the Student can provide independent and credible medical evidence to show that, at the time of the Misconduct, their health was impaired to such an extent as to impact their ability to distinguish between acceptable conduct and Misconduct;
  - v. this is a first offence, or whether there is a previous finding or findings of similar Misconduct;
  - vi. the Student responded positively to any reasonable warnings or concerns about their behaviour prior to the Misconduct occurring;
  - vii. the Misconduct was, to any extent, intended and/or premeditated;
  - viii. the Misconduct was targeted at an Initial Responder who was going about their duties;
  - ix. the harm and/or impact resulting from the Misconduct was of a relatively minor nature/no harm was caused;
  - x. the Misconduct involved an abuse of position, trust, powers and/or authority;
  - xi. whether the Misconduct was motivated by the possession, or perceived possession, of a protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation).
109. Where a Disciplinary Panel has determined that Misconduct by a Student merits a minor offence penalty, the Panel may impose the penalties listed in Regulation 72 above.
110. Where a Disciplinary Panel has determined that the Misconduct merits a major offence penalty, it can apply one or more of the penalties listed below, with one or more of the penalties listed in Regulation 72:
- that the Student's right to University accommodation or University Managed Houses is temporarily or permanently revoked;
  - that the Student be excluded from all or parts of the University premises under [Ordinance 6.3.1.2\(a\)](#);

- that the Student be suspended for a defined period under [Ordinance](#) 6.3.1.2(b);
- that the Student be expelled under [Ordinance](#) 6.3.1.2(c);
- a sanction permitted under the Surrey Students' Union [byelaws](#);
- that the Student is prohibited from attending graduation events (their own and/or for others).

111. The penalty imposed by a Disciplinary Panel takes immediate effect.

**Who will the University inform about the outcome in major Misconduct cases?**

112. A Responding Party will be informed, in writing, of the decision and the reasoning for that decision ordinarily within five University working days of the outcome being reached. Full written reasoning will be provided to the Responding Party as soon as reasonably practicable. The communication will be sent via the Responding Party's University email account. The Responding Party will be informed of their right to appeal against the findings of the Panel within the specified time limit (see Regulations 114-116 below). The Reporting Party does not have the right to appeal such an outcome.
113. A Directly Affected Party is entitled to be informed of the outcome of a Disciplinary Panel hearing. Reasonable steps will be taken to provide Directly Affected Parties with a reasonable and proportionate summary, in writing, of the outcome and the reasons for the decision. This will ordinarily be provided within five University working days of the outcome being reached.

**Appeal against the findings and outcomes of a Disciplinary Panel**

114. A Disciplinary Panel decision remains in force until the outcome of any appeal is known.
115. A Responding Party making an appeal against the findings and/or penalties made by a Disciplinary Panel may do so by completing the relevant form which can be found on the OSCAR web pages ([www.surrey.ac.uk/oscar](http://www.surrey.ac.uk/oscar)). Appeals must be received by OSCAR within 10 University working days of the Panel conveying its findings to the Student in writing (the written reasons). If the appeal is received on time, it will be assigned to an OSCAR Case Manager. If a Student is unable to provide all supporting evidence by the appeal submission deadline (for example, if they are awaiting receipt of a medical letter), then they are still required to submit their appeal within the 10 University working days timeframe (including a complete supporting statement and any available evidence) but may request an extension in respect of the submission of any pending evidence. Such requests should explain the reason the extension is required and be made by email to OSCAR at the time of the appeal submission.
116. If an appeal is received after the 10 University working days deadline, the Student will be asked to provide reasons and accompanying independent supporting evidence as to why the appeal is late. The evidence will be considered by an OSCAR Case Manager, who will determine whether the reasons are valid. Consultation may take place with other members

of staff in complex or unusual cases, and this will be recorded. A decision on the validity of the reasons will normally be made within 20 University working days of receiving the final submission of information from the Student. If the reasons are not deemed valid, the appeal will not be considered, and the Student will be offered a Completion of Procedures letter. If there are valid reasons, the appeal will be accepted and assigned to an OSCAR Case Manager.

#### Grounds for making an appeal

117. In an appeal, Students are required to show that they have evidence to demonstrate that one or more of the following grounds apply:
- i. that the Disciplinary Panel failed to follow the University's regulations and/or procedures or failed to follow them with due care;
  - ii. that the Disciplinary Panel has shown bias or prejudice towards the Student in reaching its findings or imposing the penalty;
  - iii. that relevant new evidence has become available that should be considered and there are valid reasons why it was not available to the Disciplinary Panel at the time;
  - iv. that the decision of the Disciplinary Panel was unreasonable and/or the penalty was not proportionate in all of the circumstances.

#### **Disciplinary Appeal Panel: Investigations by OSCAR**

118. Where new evidence is raised, further investigations may need to be carried out which may require the appeal to be delayed pending the outcome of these investigations and to give the Responding Party an opportunity to consider any new information obtained.
119. When OSCAR receives an appeal against the findings and/or penalty imposed by a Disciplinary Panel the Case Manager checks whether:
- the appeal has identified the grounds on which it has been made;
  - the grounds are consistent with Regulation 117 above;
  - the grounds are supported by relevant evidence.
120. If the Case Manager agrees that the appeal meets the requirements set out in Regulation 118 above a Disciplinary Appeal Panel will be convened.
121. If the Case Manager does not agree that the appeal meets the requirements set out in Regulation 119 above, they will consult a different Case Manager. Where both the Case Managers consider that the appeal does not meet any of the requirements set out in Regulation 119 above, the appeal will be dismissed, and the Case Manager will write to the Student explaining the grounds for the dismissal and that this communication constitutes a Completion of Procedures letter. Where an outcome cannot be agreed, a third Case Manager will be consulted, and a majority decision will be made.

122. Where OSCAR has requested the Student to provide additional information and the Student fails to do so within 10 University working days of the request being sent to the Student's University email address, the Student will be sent a further reminder and warned that their appeal will be closed if a response is not received within a further calendar month.
123. If at any stage evidence put forward to support the appeal can be shown to have been dishonestly acquired or is itself dishonest, the appeal will be closed and the evidence submitted to the University's disciplinary procedures, where applicable. The same approach will be taken if it can be shown that the Student has tried to mislead the University about their case.

### **Disciplinary Appeal Panels**

124. Disciplinary Appeal Panels are convened by OSCAR and conduct their business in accordance with the [Procedure for hearings by Panels](#) which detail how Panels work including, the right of a Student to attend a hearing and to be accompanied. It is expected that those asked to attend a hearing will acquaint themselves with the Procedure and these Regulations.

#### **Membership of a Disciplinary Appeal Panel**

125. The membership of a Disciplinary Appeal Panel comprises three members from the pool of trained Panel members as follows:
- a member of the pool of trained Chair persons;
  - a member of University staff;
  - a sabbatical officer or a Student member nominated by the Surrey Students' Union.
126. A member of OSCAR will be in attendance as Secretary to the Appeal Panel.
127. Members of a Disciplinary Appeal Panel should have no current academic or personal connection with the Student (or Students) considered by the Appeal Panel. Members of the Appeal Panel should have had no connection with the Disciplinary Panel that previously heard the matter.

### **Findings and outcomes of a Disciplinary Appeal Panel**

128. A Disciplinary Appeal Panel may come to one of six findings:
- i. that the findings of the Disciplinary Panel should be confirmed and the appeal dismissed;
  - ii. that a finding and/or penalty imposed by the Disciplinary Panel should be varied. This could result in the same, a lesser or more severe penalty being imposed;
  - iii. that there has been a failure to follow the University's regulations and/or procedures or to follow them with due care such as to deny the Student a fair hearing;
  - iv. that there was bias or prejudice towards the Student in the way the Disciplinary Panel reached its findings or in other aspects of the disciplinary procedure;

- v. that relevant new evidence that was not available to the Disciplinary Panel at the time for valid reasons should be taken into account;
  - vi. that the decision of the Disciplinary Panel was unreasonable and/or that the penalty was not proportionate with the evidence presented in all of the circumstances.
129. Where the finding is as in (ii), (iii), (iv), (v) and/or (vi) above the Disciplinary Appeal Panel may:
- direct that the matter be heard anew by a differently constituted Disciplinary Panel,
  - substitute the findings of the Disciplinary Panel with its own findings. This could result in a lesser or more severe penalty being imposed,
  - or, where the unfairness to the Student is extreme, nullify the findings of the Disciplinary Panel, end the disciplinary procedure and, if relevant, reinstate the Student.
130. If any aspect of the appeal is upheld, the Disciplinary Appeal Panel will also consider whether there has been any undue adverse impact upon the Student, and whether the University should provide a remedy.
131. Following a hearing by a Disciplinary Appeal Panel, a Responding Party will be informed, in writing, of the decision and the reasoning for that decision ordinarily within five University working days of the outcome being reached. Full written reasoning will be provided to the Responding Party as soon as reasonably practicable. The communication will be sent via the Responding Party's University email account. The Secretary's letter also states that it constitutes the completion of the University's procedures and that the Student can request a review of the University's decision by the Office of the Independent Adjudicator.
132. Directly Affected Parties are entitled to be informed of the outcome of an appeal, as per Regulations 56-62 above.

### **Reconsideration of an allegation in light of new evidence**

133. It may be appropriate for the University to reconsider an allegation if new evidence emerges which, for good reason, could not have been obtained at the time. In deciding whether it is appropriate to consider an allegation for a second time, the University will consider:
- iv. whether the outcome of the first process has been called into question, and if so why;
  - v. the strength and reliability of the evidence;
  - vi. the length of time that has elapsed and the effect of this on the reliability of any evidence to be considered;
  - vii. the severity of the alleged offence;
  - viii. the impact on the Student of undergoing a second Misconduct process;
  - ix. whether leaving the matter unaddressed would impact on matters of fitness to practise, or on any obligations the provider has to professional or regulatory bodies in respect of the particular Student's character.

134. Reconsideration of an allegation will only take place in exceptional circumstances and following approval from the Head of OSCAR. In these circumstances, the Student will have a reasonable opportunity to provide written representations to the Head of OSCAR as to whether a disciplinary process should be undertaken and the Head of OSCAR's decision in this regard shall be final.

#### **Students who are no longer registered**

135. In exceptional circumstances, and following consultation with the University Secretary and General Counsel, the University may proceed with the disciplinary process after a Student has voluntarily withdrawn from their programme, or after a Student's registration with the University has ended for any other reason. In these circumstances, the Student will have a reasonable opportunity to provide written representations to the University Secretary and General Counsel as to whether a disciplinary process should be undertaken and the University Secretary and General Counsel's decision in this regard shall be final. If the University Secretary and General Counsel's decision is to proceed with the disciplinary process, the process will then follow the usual procedures set out in these *Regulations*, as far as reasonably practicable. This will only apply to alleged major offences involving harm against another individual or major offences with a direct connection to the student's academic studies. The case must already have been under the formal consideration of these *Regulations* at the time that the Student's registration ended.

#### **Intermediate exit award**

136. Where a Student's registration is terminated as a result of a Disciplinary or Disciplinary Appeal Panel hearing, OSCAR ensures that the Student receives any intermediate exit award to which they are entitled and a copy of their transcript or its equivalent.

#### **Records of proven misconduct**

137. Information on the Student's misconduct offence and any penalty imposed by the University will be held by OSCAR, but will not be divulged on transcripts.

#### **How can I complain if I am dissatisfied with the outcome of my disciplinary proceedings?**

138. 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 disciplinary case. Students can find more information about making a complaint to the OIA, what it can and cannot look at and what it can do to put things right here: <https://www.oiahe.org.uk/students> .
139. Normally, Students need to follow the *Student Disciplinary Regulations* 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 disciplinary processes and there are no



further steps they can take internally. If a Student's complaint/appeal is not upheld, the University of Surrey will issue them with a Completion of Procedures Letter automatically. If their complaint/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> .

## **Legal Support**

140. Where a Student wishes to instruct legal support during any stage of the Student disciplinary process, they should notify the Office of Student Complaints, Appeals and Regulation (OSCAR) promptly. In such circumstances, the University may choose to consult its own legal counsel. If the case is under investigation by an Authorised Person at the time the Student instructs legal support, the Authorised Person will normally refer the matter to OSCAR. In such cases, OSCAR will normally write to the Student to inform them that the Misconduct will be dealt with under the procedures relating to major offences, as set out in these *Regulations*. If a Student wishes to be legally supported/represented at a hearing by a Disciplinary Panel or Disciplinary Appeal Panel, this should be considered in accordance with the process set out in the [Procedure for hearings by Panels](#).

## **Training**

141. Authorised Persons and Panel Members (whether on appeal or at first instance) are provided with specialist training for their role as well as refresher training as required.

## **Confidentiality/Information Sharing**

142. The University collects information sensitively and treats it with appropriate confidentiality, irrespective of the mechanism used to raise an Incident of Misconduct.
143. The University deals with Student disciplinary matters 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: [Academic and student regulations and procedures | University of Surrey](#)). 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. 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.

Details of relevant privacy notices can be found here: <https://www.surrey.ac.uk/student-support-services-privacy-notice>.

144. Under data protection legislation, the University may share personal data with the consent of the data subject, unless there is a stated exception. If, during any proceedings in which an individual is involved, they request access to such data as being relevant to the proceedings, the individual may be referred to the “Make a Privacy Request” web form at: <https://www.surrey.ac.uk/information-governance/make-privacy-request>.
145. Many of the University's programmes of study are subject to accreditation by Professional, Statutory or Regulatory Bodies (PSRBs). Some of these require the University to inform them where a Student's conduct calls into question their fitness to work within a particular profession, including conduct that poses a threat to the well-being or safety of others. The University may also be required by its agreements with PSRBs to notify them of Misconduct that calls into question the Student's integrity, such as criminal acts (even when not notified to the police) or dishonesty.
146. Where the University takes action under these Regulations to deal with alleged Misconduct or offences that are subsequently found to have occurred, it reserves the right to take separate action to deal with the same matter under its [Regulations for Fitness to Practise](#) and to use evidence compiled as part of a University disciplinary procedures in any fitness to practise hearing.
147. In exceptional circumstances, information may be shared with appropriate authorities, including external entities (e.g. Police, Social Services), without the consent of the data subject. This includes, but is not limited to, where it is necessary to protect the vital interests of the data subject and/or where a safeguarding concern has been raised. This may include information of a personal and/or sensitive nature. With respect to safeguarding concerns, this would normally be in consultation with a member of the University's Safeguarding Team.
148. A failure to appropriately respect confidentiality and/or data protection requirements could result in disciplinary action being taken against that individual.
149. Anonymised aggregated information concerning Student Disciplinary, Fitness to Practise, or other Student/staff casework, may be shared publicly, and/or form part of training exercises, where such information is considered to be of wider interest or relevance. This would be in accordance with relevant privacy notices, and normally in consultation with the Information and Governance team, if appropriate.