



Union Disciplinary Regulations

Introduction and Scope

The Union disciplinary regulations apply to the following students:

- Those registered on the Foundation Year and award-bearing programmes delivered by the University; this includes new students who have been through the online registration process and have yet to complete the main registration process
- Students on their Professional Training Year
- 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)

For the purpose of these regulations, a student may also refer to a group of students, as well as a club or society student group. Clubs or Societies going through disciplinarys maybe treated as a collective or as an individual, based on the discretion of the investigating officer.

It is expected that students, their representatives and staff 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.

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

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

Managing Student Conduct

The Chief Executive Officer and President both have joint general responsibility for ensuring the good order of the Union. The responsibility for overseeing and managing student conduct is delegated by both the Chief Executive Officer and the President to:

- An Investigating Officer in respect of initial investigations of misconduct and minor misconduct; and
- Disciplinary Panels and Disciplinary Appeal Panels in respect of major offences which includes complex cases requiring further investigation

For serious and complex cases the initial investigation can also be carried out by the Chief Executive Officer or their Nominee. In cases where there would be a conflict of interest for the named Investigating Officer to investigate an instance of misconduct, the investigation will normally be carried out by the Chief Executive or their nominee.

Burden of Proof

In Union disciplinary matters it is for the Union to show that it is more likely than not that the student committed the misconduct. The burden of proof switches to the student at the appeal stage.

Standard of Proof

The standard of proof applied in Union disciplinary matters is that of the balance of probability; that on the evidence put forward it is more likely than not that something was or was not the case.

Timeliness

The Union's disciplinary procedures will be conducted as quickly as possible and normally within 90 days from the start of the investigation.

These procedures will progress as follows:

- The initial investigation and conclusion of either progression to panel, minor offence penalty or no action should, normally, take no more than 30 days.
- The panel hearing be conducted and completed in more than 30 days after the initial investigation outcome.
- The appeal against either a minor or major offence penalty will be complete after 30 days of the outcome.

The Union's timeframes do not include time frames for if the matter is referred to the University for investigation. These timeframes are outlined in the University's Student Disciplinary Regulations

Misconduct

The Union may take disciplinary action where the student's behaviour has affected:

- a. Another student or Union employee
- b. Members of the public
- c. Others visiting, working, or studying at the University
- d. The reputation of the Student's Union

In addition to misconduct which happens within the Students Union or during Student Union activities, the Union may take disciplinary action in response to misconduct which takes place on the digital environment or when off Union/University premises. For the sake of clarity, this includes misconduct that occurs during club or society trips that take place within the United Kingdom and abroad.

Misconduct is likely to fall into one of the categories below. The examples listed are illustrative and are not exhaustive. Some instances of misconduct may feature in more than one category depending on the circumstances.


1. 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
2. Actions which cause actual or potential damage to property of others
3. Actions which cause actual or potential reputational damage to the Union, including actions that could reasonably be anticipated to bring the Union into disrepute
4. Actions which disrupt the normal operations, and/or safe use of, the Union
5. Action which breaches the Union's Byelaws

Please note that any behaviour that could be categorised as the following will be dealt with under the University's Student Disciplinary Regulations for student disciplinarys:

- Sexual misconduct as described in the University's Sexual Misconduct Policy
- Targeting an individual due to their 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
- Possession of an offensive weapon/firearm including imitation or replica products
- Dealing of drugs on Union premises

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 minor and major offences can be found in Appendix A. However, the Union reserves the right to consider any allegation of misconduct as major, depending on severity, regardless of its inclusion in the detailed minor offence examples.



The Union reserves the right to escalate an investigation to the University if the potential misconduct is considered to be of appropriate severity.

The Disciplinary Process

If misconduct is suspected, the Union will handle this through the following stages:

1. Initial Investigation
2. Disciplinary Panel
3. Disciplinary Appeal Panel

Initial Investigation

Where the Union becomes aware of a possible misconduct under these Regulations an Investigating Officer will be appointed to start an initial investigation.

This investigation will involve, where appropriate:

- Talking to the student under investigation
- Talking to any witnesses
- Talking to those who have raised the potential misconduct
- Gathering any additional evidence available


The student will always be given the opportunity to provide information that they wish to be taken into consideration and to make representations verbally and/or in writing to the Investigating Officer about the possible misconduct identified.

The Investigating Officer will then write to the student informing them of one of the following outcomes:

- No misconduct committed
- Minor Misconduct with penalty issued
- Possible Major offence or complex case, recommendation for panel
- Recommendation of escalation to University's Student Disciplinary Regulations

An Investigating Officer is permitted to apply a minor offence penalty (for list of minor offences see Appendix B), whilst major offence penalties can only be applied by a Disciplinary Panel or a Disciplinary Appeal Panel.

A recommendation of escalation to the University's Student Disciplinary Regulations can only be applied by the Chief Executive Officer.



If the Investigating Officer finds that misconduct has occurred, they should also take into account any of the following when considering which minor penalty should be applied:

1. The student demonstrated insight and/or remorse
2. The student demonstrated honesty and integrity during the disciplinary process
3. The student can provide independent 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
4. This is a first offence, or whether there is a previous finding or findings of similar misconduct
5. The student's response to any reasonable warnings or concerns about their behaviour prior to the misconduct occurring
6. The misconduct was, to any extent, intended or premeditated.

If a finding of misconduct is made due wholly or in part to a student complaint, the reporting party will not normally be provided with details of the Investigating Officer's outcome. However, the reporting party may make a request to the Union for these details and such requests will be considered on a case-by-case basis.


Appeal against a decision or penalty imposed by an Investigating Officer

Students can appeal the decision by an Investigating Officer to apply one or more of the penalties listed in above.

When making an appeal against the imposition of a penalty by an Investigating Officer, the student is required to show that they have evidence to demonstrate that one or more of the following grounds apply:

- That the Investigating Officer failed to follow the Union's regulations and/or procedures or failed to follow them with due care
- That the Investigating Officer has shown bias or prejudice towards the student in the way that they handled the matter that led to the imposition of the penalty
- That relevant new evidence has become available that should be considered and there are valid reasons why it was not available to the Investigating Officer at the time they imposed the penalty
- That the decision was unreasonable and/or the penalty imposed by the Investigating Officer was not proportionate in all of the circumstances.

Appeals against a decision and/or a penalty imposed by an Investigating Officer must be made within 10 working days using the relevant form, which can be found on the Union website. Appeals against a penalty imposed by an Investigating Officer that are received by Union are dealt with by the Chief Executive Officer.



If an appeal is received after the 10-working day deadline the student will be asked to provide any good reasons as to why the appeal is late with evidence. The evidence will be considered by the Chief Executive Officer who will determine whether the good reasons are valid. If the Chief Executive Officer cannot decide, the president will be consulted, and a decision will be made. A decision on the validity of the good reasons will normally be made within five working days of receiving the information. If the good reasons are not deemed valid the appeal will not be considered and the penalty will remain in place. If there are valid good reasons the appeal will be accepted, and a panel will be convened or the misconduct dismissed.

Disciplinary Panel

Where an Investigating Officer, having reviewed the information and evidence available to them, considers that the matter requires detailed investigation, or that the misconduct that has been identified might reasonably warrant a major offence penalty, they will recommend that a panel is convened.

Repeated offences, including repetition of the similar minor offence or an accumulation of different minor offences, may be dealt with by the Union as a single matter that merits, if proven, imposition of a major offence penalty and these instances will be referred to a panel.

All panels are convened by the Chief Executive Officer or their nominee. The Chief Executive will then review the information and determine if enough information was gathered during the initial investigation. The Chief Executive can request that the Investigating Officer gather further information as part of the process. During this stage the student will be given the opportunity to provide any further information or evidence they wish to be considered.

If in the course of their investigation it becomes apparent to an Investigating Officer or the Chief Executive that an alleged misconduct may also constitute a criminal offence, they will consult with the University to determine whether the matter has been or needs to be referred to the police and whether to continue with their investigations.

Where the Union can be confident that continuing its own internal disciplinary procedures will not hinder or prejudice simultaneous police or criminal proceedings it will allow its own disciplinary action to take its course.

Membership of Disciplinary Panel

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

- A senior member of Union Staff (Chair)
- A member of Union Staff
- An elected officer

An additional member of staff will be in attendance as Secretary to the Panel

Members of a Disciplinary Panel should have no current professional or personal connection with the student(s).

Findings and outcomes of Disciplinary Panel

A Disciplinary Panel may come to one of two findings:

- That no misconduct has been committed
- That misconduct has been committed

Where misconduct has been committed the Panel will then consider what penalty to apply by reviewing whether:


1. The student demonstrated insight and/or remorse
2. The student demonstrated honesty and integrity during the disciplinary process
3. The student can provide independent 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
4. This is a first offence, or whether there is a previous finding or findings of similar misconduct
5. The student's response to any reasonable warnings or concerns about their behaviour prior to the misconduct occurring
6. The misconduct was, to any extent, intended or premeditated

Where a Disciplinary Panel has determined that the misconduct by a student merits a minor offence penalty, the Panel may impose one or more of penalties listed in Appendix B.

Where a Disciplinary Panel has determined that the misconduct by a student merits a major offence penalty, the Panel may impose one or more of penalties listed under Major or Minor in Appendix B.

The penalty imposed by a Disciplinary Panel takes immediate effect.

Following a hearing by a Disciplinary Panel the Secretary conveys the findings of the Panel to the student and all relevant parties in writing. The student is informed of their right to appeal against the findings of the Panel within the specified time limit of 10 working days.



A Panel decision remains in force until the outcome of any appeal is known.

Students making an appeal against the findings and/or penalty made by a Disciplinary Panel do so by completing the relevant form which can be found on the Union website. Appeals must be received by the Chief Executive Officer within 10 working days of the Panel conveying its findings to the student in writing. If the appeal is received on time it will be assigned to the Chief Executive or a nominee.

If an appeal is received after the 10 working day deadline the student should provide any good reasons as to why the appeal is late with evidence. The evidence will be considered by the Chief Executive Officer who will determine whether the good reasons are valid.

If the Chief Executive Officer cannot decide, the President will be consulted and a decision will be made. A decision on the validity of the good reasons will normally be made within five working days of receiving the information.

If the good reasons are not deemed valid the appeal will not be considered and the penalty will remain in place.

When making an appeal the student is required to show that they have evidence to demonstrate that one or more of the following grounds apply:

- That the Panel failed to follow the Union's regulations and/or procedures or failed to follow them with due care
- That the Panel has shown bias or prejudice towards the student in reaching its findings or imposing the penalty
- That relevant new evidence has become available that should be considered and there are valid reasons why it was not available to the Panel at the time
- That the decision of the Panel was unreasonable and/or the penalty was not proportionate in all of the circumstances.

When the Chief Executive Officer receives an appeal against the findings and/or penalty imposed by a Disciplinary Panel they will check whether:

- The student has identified the grounds on which the appeal has been made
- The grounds are supported by relevant evidence.

Where the Chief Executive Officer considered the appeal does not meet any of the requirements set out above the appeal will be dismissed and the student will be written to explaining the grounds for the dismissal and that this communication closes the matter. If an appeal has met the requirements a Disciplinary Appeal Panel will be convened.

Disciplinary Appeal Panels

Disciplinary Appeal Panels are convened by the Chief Executive Officer.

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

- A trustee of the Students' Union (Chair)
- A staff member of the Union
- An elected officer

An additional member of staff will be in attendance as Secretary to the Panel.

Members of a Disciplinary Panel should have no current professional or personal connection with the student(s).

A Disciplinary Appeal Panel may come to one of six findings:

1. That the findings of the Disciplinary Panel should be confirmed and the appeal dismissed;
2. That there has been a failure to follow the Unions's regulations and/or procedures or to follow them with due care such as to deny the student a fair hearing;
3. 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
4. That relevant new evidence that was not available to the Disciplinary Panel at the time for valid reasons should be taken into account;
5. 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.

Where the finding is as in (2), (3), (4) and/or (5) above the Disciplinary Appeal Panel may:

- Substitute the findings of the Disciplinary Panel with its own findings
- Or, where the unfairness to the student is extreme, nullify the findings of the Disciplinary Panel, end the disciplinary procedure.

The Disciplinary Appeal Panel will also consider whether there has been any adverse impact upon the student and whether the Union should provide a remedy.

Following a hearing by a Disciplinary Appeal Panel the Secretary conveys the findings of the Panel to the student and all relevant parties in writing. The Secretary's letter also states that it constitutes the completion of the Union's procedures.

It may be appropriate for the Union 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 Union will consider:

- Whether the outcome of the first process has been called into question, and if so, why
- The strength and reliability of the evidence
- The length of time that has elapsed and the effect of this on the reliability of any evidence to be considered
- The severity of the alleged offence
- The impact on the student of undergoing a second misconduct process;
- Whether leaving the matter unaddressed could potentially impact on matters of fitness to practise, or on any obligations the University has to professional or regulatory bodies in respect of the particular student's character. In these instances, the Union will refer the matter to the University.

Reconsideration of an allegation will only take place in exceptional circumstances and following approval from the Union President.

Appendix A

Minor Offences	Major Offences <i>(Recommended to Union Panel)</i>	Severe Offences <i>(likely to be recommended to University)</i>
Vandalism such as removal of signs or graffiti	Significant damage to venue	Severe instance could be referred
Theft of minor items	Substantial theft or from a person's possession	Mugging/violent theft
Verbal abuse to staff or students	Physical assault	Sexual assault/Harassment
		Targeting an individual due to their possession, or perceived possession, of a protected characteristic
	Indecent exposure	Severe instance could be referred
Possession of drugs	Usage of drugs	Dealing drugs
Breaking in/aiding & abetting others to gain entry	Entering the building whilst membership restricted	Severe instance could be referred
		Possession of offensive weapon
Drunk to the point of removal	Failure to comply with door staff	Severe instance could be referred
	Abuse of Fire and Safety Rules	Severe instance could be referred
Advertising tickets for sale against instruction	Ticket touting	Severe instance could be referred
Aiding someone to enter a venue or in-person event against Covid guidelines	Entering a venue or an in-person event against Covid guidelines	Severe instance could be referred
	Smoking/vaping in venue	Severe instance could be referred
Passing of campus card/ID	Significant instance could be referred	Severe instance could be referred

Actions which could have reasonably brought the Union into disrepute	Actions which brought the Union into disrepute	Actions which brought Union and University into disrepute
Irresponsible behaviour on any external trip	Unacceptable behaviour on an external trip	Severe instance could be referred
Interference of a Union Event	Significant instance could be referred	Severe instance could be referred
Disruption with the election process	Tampering with the election process	Severe instance could be referred
	Failure to respect the rights of others to freedom of belief and freedom of speech	Severe instance could be referred
Misuse of position of responsibility	Serious misuse of position of responsibility	Severe instance could be referred
	Fraud or deceit during any internal Union process	Severe instance could be referred
	Dangerous Driving whilst in Union vehicle	Severe instance could be referred
Breaches of Club or Society Code of Conduct	Significant instance could be referred	Severe instance could be referred

Appendix B

Minor Penalties:

- Written warning
- A requirement to offer an apology
- seizure and retention of items for a specified period for the purpose of maintaining the safety and wellbeing of others
- Temporary restriction (up to 6 calendar months):
 - on entrance to trading services
 - on entrance to the University licensed premises
 - of access to Union events
 - of access to University and/or Union sporting facilities
 - on voting
- Temporary exclusion from Team Surrey Club(s)
- Temporary exclusion from training
- Temporary exclusion from participating in Society activities
- Financial penalty only to recover the cost of any vandalism or damage relating to the incident in question
- A fine of up to £200 against the clubs' own funds

Major Penalties:

- Longer temporary (more than 6 calendar months) or Permanent restriction:
 - on entrance to trading services
 - on entrance to the University licensed premises
 - of access to Union events
 - of access to University and/or Union sporting facilities
 - on voting
- Permanent exclusion from Team Surrey Club(s)
- Permanent exclusion from training
- Permanent exclusion from participating in Society activities
- Removal from position of responsibility (Sports club or society committee role)
- Prevention from holding office
- Censure of a member
- Recommendation to the board of trustees that a removal from office referendum is held
- Recommendation of the removal of student union membership. *This must be presented to the Board of Trustees who alone have the power to remove full membership*