

**KINGSTON
UNIVERSITY**

**STUDENT
DISCIPLINARY
PROCEDURE**

July 2009

INDEX

GLOSSARY OF TERMS	3
1.0 INTRODUCTION	4
• Purpose and Scope	4
• Overview	5
• Student Misconduct subject to other Procedures	6
➤ Halls Licence/Headed Tenancy Agreements	
➤ Fitness to Practise/Professional Courses	
➤ Fitness to Practice Panels	
➤ Academic Misconduct	
➤ Students' Union	
➤ Students Employed as Staff	
➤ Submission of Fraudulent Documentation at Enrolment	
➤ Failure to Declare a Criminal Conviction – Admissions/Enrolment	
2.0 BEHAVIOURAL EXPECTATIONS OF STUDENTS	10
3.0 MINOR MISCONDUCT	11
• Definition	11
• Process	11
• Referral to the Student Affairs Office	13
• Appeal	13
4.0 MAJOR MISCONDUCT	16
• Definition	16
• Process	17
• Referral to the Student Disciplinary Committee	19
• Appeal	19
5.0 GROSS MISCONDUCT	23
• Definition	23
• Process	23
• Appeal	27
6.0 SUSPENSION	32
7.0 MISCONDUCT WHICH IS ALSO A CRIMINAL OFFENCE	33
8.0 STUDENTS WITH DISABILITIES/MENTAL HEALTH PROBLEMS	34
9.0 OFFICE FOR THE INDEPENDENT ADJUDICATOR FOR HE (OIA)	34
10.0 MONITORING OF OPERATION OF THE PROCEDURE	34
APPENDICES	
Appendix A – Kingston University Expectations	36
Appendix B – Sources of Advice/Guidance for Staff and Students	37
Appendix C – Guidance for Staff on Dealing with Inappropriate Behaviour	38
Appendix D – Guidelines for Staff on Dealing with Misconduct Cases	39

GLOSSARY OF TERMS

For the purposes of this Procedure, the following expressions have the meanings indicated

EXPRESSION	MEANING
Days	University Working days
Staff	Members of staff including staff of the Kingston University Service Company (KUSCO) or any other wholly owned subsidiary company of the University
Vice-Chancellor	the Vice-Chancellor, the Deputy or Pro Vice-Chancellor or such other person designated to act on his/her behalf by the Vice-Chancellor in his/her absence from the University.
University Secretary	the University Secretary or any person designated by him/her acting as Secretary to the Appeal Panel or the Student Disciplinary Committee, or Governors' Appeal Committee, as the case may be.
Student Affairs Office	the Head of Student Affairs Office, the Student Affairs Advisor or such other senior member of staff as may be designated by the Director of Student Services and Administration
'Friend' or 'Representative'	Any person requested by the student to represent and/or accompany him/her at a Hearing. A solicitor, acting in a professional legal capacity, will not be permitted to represent a student.
President of the Students' Union	the President of KUSU or other Sabbatical Officer of KUSU as may be designated by the President of KUSU

1.0 INTRODUCTION

Purpose and Scope

1.1 The university mission statement states that “Kingston University is its people. Their success is its success. It is committed to being a community in which the views of all its members – whether academic or non-academic staff, teachers or students, senior staff or junior – are treated with respect. It accepts its responsibility to promote happiness and harmony in the work-place and to recognise the career, and other, aspirations of all its members. It believes that the liberal, critical and democratic values, which it celebrates and seeks to inculcate in its students, must also be reflected in its culture as an institution.” To that end, it seeks to generate a working environment in which such values may flourish. The ‘University Shared Expectations’ at Appendix A outlines the University’s expectations of its students and vice versa.

1.2 However, the University is aware that there will be occasions in which such expectations are not met. The purpose of the Student Disciplinary Procedure is to outline the process for dealing with allegations of student misconduct as they arise. The procedure also aims to provide clear and unequivocal guidelines for members of the University community to deal with instances of unacceptable behaviour and to reassure them that the University will support them in challenging student misconduct.

1.3 The Student Disciplinary Procedure shall apply to any Kingston University student enrolled on a programme of study and studying at the University. Students undertaking Kingston University courses at partner institutions will normally be subject to the disciplinary procedures applicable at those institutions. The partner institution shall notify the University of the outcome(s) of any disciplinary process for cases of gross misconduct as defined under this procedure. Students registered at St Georges and attending classes at the University shall be subject to St Georges’ disciplinary procedures. Should any instances of misconduct occur whilst a student from a partner institution is in attendance at the University then the Student Affairs Office shall liaise with the partner institution in determining whose procedures shall be applicable.

1.4 The procedure is designed primarily to be educative as opposed to merely punitive, by assisting students in understanding and complying with behavioural standards and facilitating improvements where a student’s conduct is not appropriate. A list of University contacts to provide support and assistance to staff and students in relation to this procedure can be found at Appendix B.

1.5 This procedure will normally be applied in respect of alleged student misconduct occurring in, or in the vicinity of, premises owned or leased by the University. However, the University also reserves the right to take disciplinary action against a student in respect of any misconduct wherever it may have taken place when that misconduct (a) jeopardises or damages the good name or reputation of the University or (b) raises questions about whether the

student concerned should remain a student of the University because he or she poses a danger to other students, the staff, or to the good order of the University community as a whole.

1.6 Students have the opportunity to respond to any allegations of misconduct and have the right to be accompanied at all stages of the process. As this is an internal disciplinary procedure, a solicitor will not be permitted to represent a student. Where a student decides to involve solicitors in relation to an allegation of misconduct, the University Secretary shall determine the appropriate process for handling the matter; this may include referral to the University's legal representatives.

Overview

1.7 In accordance with the Articles of Government for the University, the overall responsibility for the maintenance of student discipline lies with the Vice Chancellor, who has delegated authority to members of University staff to deal with instances of student misconduct.

Role of the Student Affairs Office

1.8 In particular, the Student Affairs Office has delegated authority to:

- (i) Maintain the institutional policies and procedures and guidance relating to student behaviour,
- (ii) Provide advice to colleagues in cases of minor misconduct and act as final decision maker in cases of appeal
- (iii) Investigate cases of major misconduct and to issue penalties, as appropriate
- (iv) Provide the appropriate evidence in support of cases of alleged serious misconduct
- (v) Ensure that a standard approach to the consideration of allegations of misconduct is adopted, and that the penalties applied are consistent across the institution. This shall include determining, in liaison with Faculties and departments, the appropriate level at which allegations shall be investigated informed by the respective definitions of misconduct contained in this procedure.

1.9 In determining a penalty in relation to major misconduct, the Student Affairs Office will normally liaise with the relevant Faculty/departmental representative. However, the final decision on the penalty to be applied remains the sole remit of the Student Affairs Office.

1.10 The Student Affairs Office offers advice and guidance to staff and students on the operation and application of this procedure. Staff in the Student Affairs Office can be contacted on 020 8417 6111 (Ex 66111 internal)/ 020 8417 6110 (Ex 66110 internal, or studentaffairs@kingston.ac.uk). The Student Affairs Office shall also provide training to Faculty/Department staff regarding the application of this procedure to allegations of misconduct.

Role of Faculties and Departments

1.11 It is important that alleged instances of inappropriate behaviour are dealt with consistently across the institution, and that all members of staff feel suitably empowered and supported when such situations arise. Guidelines for staff on dealing with inappropriate behaviour can be found at Appendix C.

1.12 Each faculty and Department will have a nominated member(s) of staff with the specific responsibility of overseeing cases of minor misconduct and consulting with the Student Affairs Office in more serious cases. Faculties and departments should notify the Student Affairs Office at the beginning of each academic year of the contact details for staff who have been assigned responsibility for disciplinary matters. These colleagues will meet periodically to consider matters of student behaviour and make appropriate recommendations to the Quality Enhancement Committee regarding potential amendments to either the Student Disciplinary Procedure or the underpinning procedures.

Categories of Misconduct

1.13 Misconduct is divided into three categories to reflect the different levels of student misbehaviour. The different categories of misconduct together with staff responsible for the process at that level is as follows:

- *Minor Misconduct* – examples would include persistent low level nuisance or disruptive behaviour in classes or in a particular area dealt with by the nominated staff in the affected Faculty/department (Section 3). Appendix D provides guidance for staff on investigating student minor misconduct;
- *Major Misconduct* – including behaviour of an abusive or threatening nature or failure to comply with penalties issued for minor misconduct which is referred to the Student Affairs Office to investigate (Section 4);
- *Gross Misconduct* – this would encompass behaviour that may be physically threatening, a persistent refusal to comply with University regulations or with previous penalties applied under this procedure or conduct which calls into question a student's enrolment at the University. Allegations of gross misconduct will be referred to a Student Disciplinary Committee to hear the allegations (Section 5).

Student Misconduct subject to other Procedures

1.14 As stated below, certain types of student misconduct may be dealt with initially under procedures other than the Student Disciplinary Procedure but may ultimately be referred for action under this procedure depending on the seriousness and nature of the misconduct:

a) Halls Licence/Headed Tenancy Agreements

Halls Management staff have delegated authority to deal with misconduct in Halls of Residence under the Halls licence. The types of misconduct that the Halls staff will investigate and issue disciplinary penalties for, as appropriate, will include, largely, breaches of the health and safety regulations, e.g.:

- Covering of detector heads,
- Malicious activation of fire equipment including extinguishers and fire alarms
- Smoking of illegal substances
- Non-compliance with the no smoking regulations in Halls
- Abusive / threatening behaviour towards staff and fellow residents.

The range of penalties that Halls Management can apply may include:

- Formal and final written warnings;
- Voluntary work on Halls premises up to a maximum of 6 hours
- The issuing of a Notice to Quit from Halls

(A more comprehensive student set of procedures, including the student right to appeal, are available from Halls Receptions).

For Headed Tenancy properties, any disciplinary action will be taken in the first instance by Accommodation Services under the Headed Tenancy agreement.

Any misconduct in Halls and Headed Tenancy properties that may have implications for an individual's continued enrolment as a student at the University will be subsequently referred by Halls Management or Accommodation Services to the Student Affairs Office for investigation under this procedure. This would be applicable to allegations of major or gross misconduct.

b) Fitness to Practise

Students enrolled on courses leading to a professional qualification or to the right to practice a particular profession may have responsibilities over and above those of other students at the University. This particularly applies to any professional codes of conduct that students are required to comply with whilst undertaking their training. Examples of Professional Courses at the University include the following

- Nursing
- Midwifery
- Diagnostic Radiography
- Therapeutic Radiography
- Social Work
- Physiotherapy

- Pharmacy
- CIPD, Accounting and Law
- Courses accredited by the Teacher Training Agency

Where a student's alleged misconduct is considered to be contrary to behavioural expectations required by a course's professional code and, therefore, has implications for his/her suitability to continue with the course (e.g. the incurring of a criminal conviction during studies or any behaviour which is considered to be unprofessional), the Faculty representative will conduct an initial investigation into the alleged misconduct in accordance with the process outlined for minor misconduct in section 3 of this procedure. Following an investigation, the Faculty representative may decide a) no further action is required b) to issue a disciplinary penalty for minor misconduct (see para 3.5) or c) for more serious cases of misconduct to refer the matter either to the Student Affairs Office where the procedures outlined in section 4 shall apply or to a Fitness to Practise Panel (see below).

Where it is a professional requirement, more serious cases of misconduct shall be referred to a Fitness to Practise Panel. A Fitness to Practise Panel shall be convened where there are concerns regarding a student's suitability to remain on a professional programme on grounds of conduct, health or competence. The Fitness to Practise Panel will operate in accordance with the process outlined for the Student Disciplinary Committees as per section 5 of this procedure in so far as professional requirements permit. The membership of the panel will reflect professional requirements in addition to reflecting those for the composition of a Student Disciplinary Committee (see para 5.7). The recommendations of the Fitness to Practise Panel will be forwarded to the Vice-Chancellor for approval as per paras 5.12 and paras 5.13. A student will have the right to appeal against the decision in accordance with the process outlined in paras 5.14 to 5.21 of this procedure. In accordance with the Safeguarding Vulnerable Groups guidelines, the University is required or may choose to notify the Independent Safeguarding Authority if a student is discontinued from the course on fitness to practise grounds that relate to children or vulnerable adults.

For those Faculties where a Fitness to Practise Panel has an advisory role, any recommendations from the panel regarding instances of student misconduct can be forwarded to the relevant disciplinary stage depending on the level of misconduct. For cases of major misconduct referred to the Student Affairs Office, a member of the Fitness to Practise Panel shall be part of the Disciplinary Interview panel in accordance with section 4.6 of this procedure. In relation to allegations of gross misconduct referred to a Student Disciplinary Committee, a member of the Fitness to Practise panel shall be called as a witness by the Student Affairs Office. The recommendations of the Fitness to Practise panel shall be included as part of the documentation submitted for consideration by the Student Disciplinary Committee.

c) Academic Misconduct

Allegations of academic misconduct (e.g. cheating in exams, plagiarism) are investigated under the University's Academic Misconduct Procedures and are, therefore, not subject to this procedure.

d) Misconduct in the Students' Union

Allegations of student misconduct taking place on the Kingston University Students' Union (KUSU) premises shall be dealt with under KUSU's disciplinary procedures. An outcome of a disciplinary process undertaken by KUSU may be to refer the matter to the University to deal under this procedure. The behaviour of sabbaticals of the Students' Union will be dealt with under KUSU's relevant disciplinary processes. The University reserves the right to consider an incident that occurs on KUSU premises under the Student Disciplinary Procedure.

e) Misconduct involving students employed as staff

Where students are employed as staff of the University, allegations of misconduct pertaining to their employment shall normally be dealt with under their terms and conditions of employment. Any misconduct that may have implications for an individual's enrolment status as a student at the University will be referred to the Student Affairs Office for investigation under this procedure.

All other local regulations such as those in the Learning Resource Centres will be used to deal with instances of minor misconduct that are alleged to have occurred in these areas. The penalties applied in these occasions will be consistent with those identified as appropriate within the Student Disciplinary Procedure.

f) Submission of Fraudulent Documentation at Enrolment

Any student suspected of submitting fraudulent documentation (e.g. birth certificates, qualifications, passports, driving licence etc) at enrolment will have their enrolment held as 'Incomplete Enrolment' pending an investigation by the Faculty. The investigation will be conducted in accordance with the processes outlined in the Admissions procedure. The student will be asked by their Faculty to provide additional documentation to confirm details on their application. The matter may also be reported to the Police. If the Police confirm fraudulent documentation or if a student is unable to provide additional proof of identity or qualifications then his/her enrolment will be automatically terminated up to a maximum of 30 days after the student was made 'Incomplete Enrolment'. Any allegations of fraudulent documentation found post-enrolment shall be investigated in accordance with the process outlined in the Admissions procedure. The outcome of such an investigation could lead to a student's registration being terminated with immediate effect where submission of fraudulent documentation is proven.

g) Failure to Disclose a Criminal Conviction – Admissions/Enrolment

If a student fails to disclose a criminal conviction as part of his/her application to the University, then the University reserves the right to immediately terminate that student's enrolment. The process outlined in the Admissions Procedure shall apply with the Faculty conducting the initial investigation. Termination of a student's enrolment will normally be invoked where there is health and safety concerns relating to the nature of the conviction and/or, in the case of professional courses, the conviction or failure to disclose the conviction raises issues about a student's suitability to pursue that particular course.

2.0 BEHAVIOURAL EXPECTATIONS OF STUDENTS

General

2.1 Students are expected to adhere to the ground rules set out by lecturers in classes and to comply with regulations that are applicable in other locations of the University such as the Learning Resource Centres and in Halls of Residence. In accordance with the University's Diversity and Equality Policy Statement, the University is committed to promoting equality of opportunity for all whereby every member of the University community has the right, as appropriate, to study or work or to participate in social activities without fear of harassment or bullying, in an environment of dignity and respect.

2.2 Appendix A 'The Community of Kingston University: Expectations of Students and Staff' sets out how students and staff as members of the University community are expected to conduct themselves.

Bullying and Harassment

2.3 Bullying can be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Harassment is unwanted conduct affecting the dignity of all staff and students, and may be an isolated incident or a series of persistent actions. It may be related to age, sex, sexual orientation, gender re-assignment, race, colour, nationality, ethnic origin, disability, religion or belief or any personal characteristic of the individual. Harassment and bullying behaviour will not be tolerated and will be dealt with under this procedure.

3.0 MINOR MISCONDUCT

Definition

3.1 Minor misconduct includes persistent disruptive behaviour which causes a disturbance to others or which may impact on health and safety at a lower level. Although such behaviour is not threatening in its nature, it will cause a nuisance to staff and students and if not addressed can escalate. Instances of minor misconduct will normally involve students not complying on a couple of occasions with regulations applicable to specific areas of the University such as classes and the Learning Resource Centres or the requests of staff. Depending on the situation, such behaviour will initially be addressed through staff reminding students about what constitutes acceptable behaviour for their particular area. Should the behaviour not improve then staff may verbally warn the student and then ultimately apply one or more of the range of penalties in paragraph 3.5.

3.2. The following are examples of the type of behaviour which if persistently exhibited by a student or if a student fails to comply with previous requests to modify his/her behaviour is categorised as minor misconduct although this list is illustrative only and not designed to be prescriptive:

- Repeated use of mobile phones in classes and/or Quiet Zones of the Learning Resource Centres
- Refusal to comply with regulations applicable to study areas and departments – e.g. eating and drinking in unauthorised areas
- Misuse or unauthorised use of University facilities or property – e.g. sending SPAM via University computer facilities. Depending on the offence, such misconduct may be categorised as major misconduct - Section 4)
- Non-compliance with requests of staff e.g. Silent/Quiet Zones of Learning Resource Centres, requests to show University ID
- Persistent late arrival for appointments and classes
- Non-compliance with ground rules for acceptable behaviour outlined by academic staff in lectures, seminars etc
- Addressing staff in an impolite manner
- Dropping litter on University premises
- Continually leaving a mess in computer rooms and lectures

Process

Reporting of Allegations

3.3 Any members of staff and students are entitled to report any allegations of minor misconduct to a nominated faculty / departmental representative in the relevant Faculty/department responsible for dealing with student behaviour. Appendix D provides guidance for staff responsible for investigating student misconduct at this level. In cases of disruptive behaviour, a student may be asked to leave a class and/or study area. Should it be considered that the student's attendance may pose a continuing disruptive

influence, a faculty / departmental representative may request that a student does not access a particular class or study area until the investigation into the alleged minor misconduct has been completed. This will normally be up to a maximum of five University working days in order to minimise any impact on the student's learning experience. Should a longer period of time be required to complete the investigation then the student shall be notified accordingly and will have the right to make a representation to the Dean of Faculty or Head of Department regarding any request not to access a class or study area.

Conduct of Investigation

3.4 The faculty /departmental representative will conduct an investigation into the student's conduct which shall involve collation of evidence from staff and students involved (e.g. witness statements, incident reports, copies of correspondence). Within five days of receipt of the allegations, the student will be requested in writing to attend a meeting with the faculty / departmental representative. The written correspondence to the student will include details of the allegations regarding his/her misconduct. At the meeting, the student will have the opportunity to present his/her version of events and to respond to the allegations. The letter shall also make clear that should the student not attend without giving prior notification and/or a valid reason then the matter may be considered in his/her absence and a penalty may be issued, as appropriate. The student will be entitled to bring a friend or representative of the Students' Union to this meeting.

Penalties and Outcome

3.5 Based on the evidence, the faculty/departmental representative will determine on the balance of probabilities whether minor misconduct has occurred. In determining an appropriate penalty, previous instances of minor misconduct by the student in his/her Faculty or another department may also be taken into consideration. For instance, if a student has already received a formal warning for previous misconduct then a good behaviour bond may be issued to deter future misconduct. One or more of the following penalties may be applied for instances of minor misconduct:

- Formal written warning;
- Suspension from classes and/or use of facilities for up to a maximum of seven days. Suspension should only be used as a penalty where a student's presence in an area has caused a major disruption;
- Suspended Fine up to £200 as a good behaviour bond. This amount will normally be payable should the student exhibit similar behaviour in the future and will normally be contributed to the Student Hardship Fund (Student Funding Service). A good behaviour bond should only be issued as a penalty to discourage future misconduct by a student and will normally be payable when a student continues to misbehave;
- Payment of replacement costs up to £250 for loss/damage to University and/or student property

- A reflective written piece of work up to 1500 words on the student's behaviour

3.6 The student will normally be notified of the outcome of the disciplinary process in writing within five days of the meeting with the faculty / departmental representative. Penalties involving the suspension from use of facilities will normally be applied two days after the student has been advised of the outcome. The Faculty / departmental representative will retain a copy of the letter for the Faculty/department – in the case of the Faculty, the student's file – and the information will be entered on the Student Behaviour database.

Referral to Student Affairs Office

3.7 On completion of a disciplinary investigation, the Faculty / departmental representative may determine that the alleged misconduct is more serious than initially considered. In such circumstances, the Faculty / departmental representative will refer the matter to the Student Affairs Office (Section 4).

Appeal

Grounds for Appeal

3.8 The student has the right to appeal to the Student Affairs Office against a penalty issued for minor misconduct on the following grounds:

- The penalty issued was disproportionate to the offence
- There was a procedural irregularity
- The finding was unjustifiable in that it was one which no reasonable person could have reached on the available evidence.
- The availability of new evidence which could affect the outcome reached. The student will need to demonstrate why such evidence was not presented at the relevant stage of this procedure

3.9 The appeal must relate to one or more of the above grounds otherwise it will be dismissed by the Student Affairs Office. The appeal accompanied by supporting documentation must be submitted to the Student Affairs Office within five days of the date of the letter advising the student of the penalty for minor misconduct. Any appeals submitted after the five day period will not be considered.

Appeal Hearing

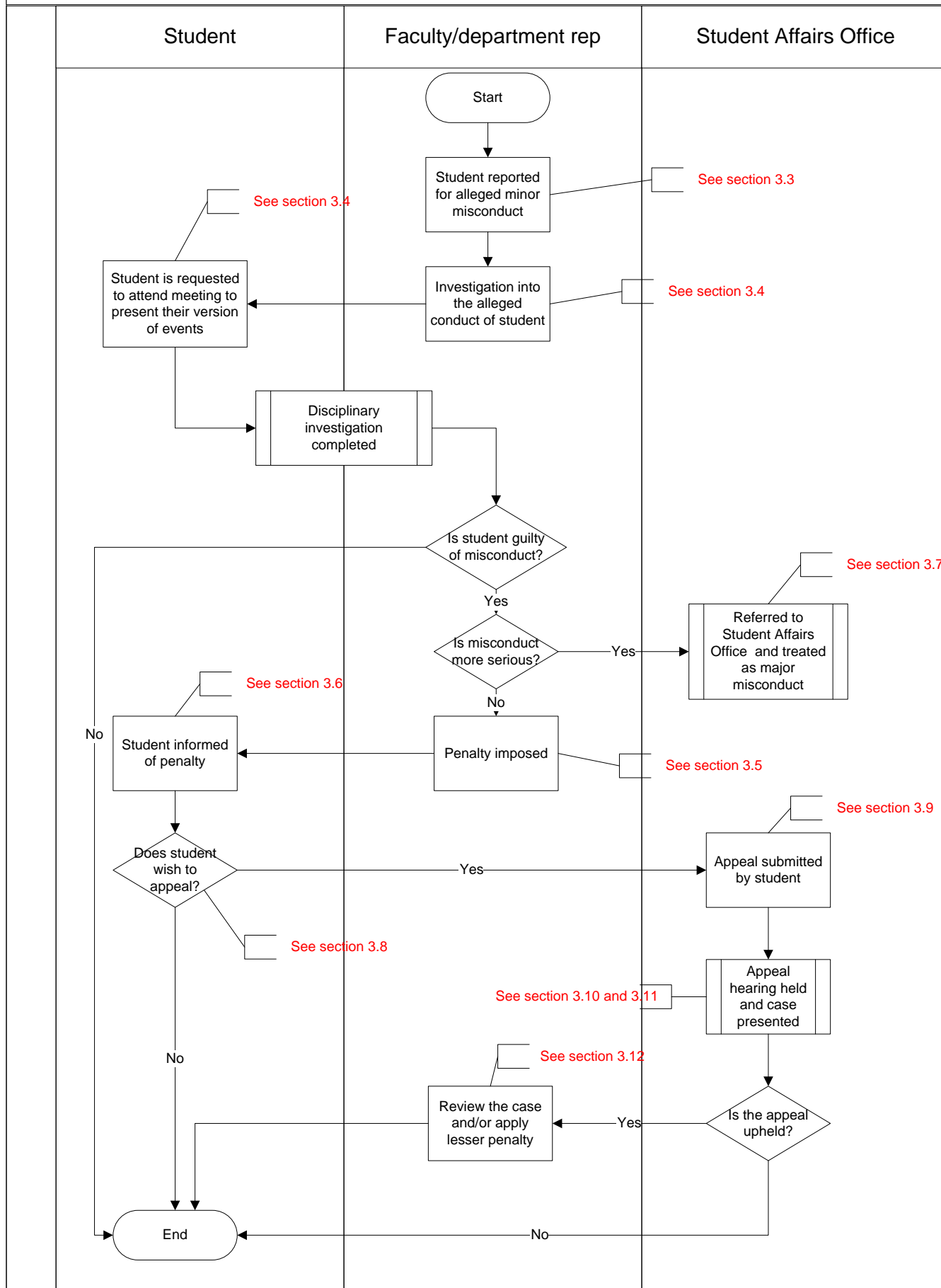
3.10 The Student Affairs Office will arrange an Appeal Hearing within five days of receipt of the student's appeal and this will be heard by the Head of the Student Affairs Office or his/her nominee. The Appeal Hearing will focus solely on the student's grounds for appeal and will not constitute a rehearing of the previous disciplinary level. Pending the outcome of the Appeal Hearing, any disciplinary penalty issued against the student will be suspended. The student is entitled to bring a friend or member of the Students' Union to the Appeal Hearing. The student is also able to call relevant witnesses.

3.11 At the Appeal Hearing, the student shall present his/her appeal. Presentation of the appeal will normally involve calling relevant witnesses and the submission of supporting documentation. The Student Affairs Office will ask questions relating to the ground(s) for appeal. On the basis of the evidence submitted, the Student Affairs Office will then determine in private whether the appeal should be upheld or dismissed.

Outcome of Appeal Hearing

3.12 The outcome of the Appeal will be communicated in writing to the student within five days of the Appeal Hearing. Should the appeal be dismissed then the penalty imposed by the Faculty/department shall be immediately applied. If the appeal is upheld, the Student Affairs Office may a) dismiss the disciplinary case against the student b) apply a lesser penalty or c) request that the Faculty/department review the case. As far as the University's internal processes are concerned, the decision of the Student Affairs Office is final. However, if a student remains dissatisfied, (s)he can make an application to the Office for the Independent Adjudicator (OIA) as outlined in Section 9.

Minor misconduct



4.0 MAJOR MISCONDUCT

Definition

4.1 Major misconduct includes behaviour of an abusive or threatening nature, a failure to comply with penalties issued for minor misconduct or where a student's actions compromise the health and safety of other students and staff. The following are examples of behaviour categorised as major misconduct although this list is illustrative only and not designed to be prescriptive:

- Non-compliance with penalties imposed for minor misconduct
- Abusive/threatening language towards staff and students including bullying and harassment
- False or malicious allegations against University staff – e.g. fabricated complaints/accusations of staff performance and/or conduct that may have been raised initially as part of the Student Complaints Procedure
- Bullying or harassment of a student or member of staff via any means of communication including phone, text, e-mails or on internet forums such as Facebook, Twitter or blogs. This would also include the publishing of offensive material about an individual
- Damage to or defacement of University property or the property of other members of the University community caused intentionally or recklessly
- Bringing the University into disrepute through noise and/or anti-social behaviour in the local community
- Theft of University property (*Depending on the offence, such misconduct may be categorised as gross misconduct- Section 5*)
- Fraud, deceit or dishonesty in relation to the University or its staff or in relation to being a student at the University
- Tampering with fire equipment (*Depending on the offence, such misconduct may be categorised as gross misconduct- Section 5*)

NB Offences of this nature committed by residents in Halls of Residence will be dealt with by the Halls Management under the Halls licence (see para 1.14a)

- Obstruction or disruption of University processes and procedures (e.g. non-co-operation with disciplinary investigations for minor misconduct, improper completion of enrolment) or roles, responsibilities and activities of members of the University community
- Conduct which constitutes a criminal offence (*see also Section 5*) where that conduct took place a) on University premises b) affected other members of the University community or c) damages the good name of the University

Process

Reporting of Allegations

4.2 Any allegations of major misconduct are to be referred to the Student Affairs Office for investigation together with supporting evidence. The Faculty/departmental representative shall be responsible for referring major misconduct cases together with documentary evidence to the Student Affairs Office. The Student Affairs Office will be responsible for conducting an investigation into the alleged misconduct. The initial stage of the investigation will comprise a collection of relevant evidence (e.g. witness statements, incident reports, correspondence including transcripts of phone conversations and text messages) and an examination of any University database entries relating to the student.

Conduct of Investigation – Disciplinary Interview

4.3 Within five days of receipt of the allegations, the student(s) will be requested to attend a Disciplinary Interview. The Disciplinary Interview will form part of the Student Affairs Office's investigation and also provides an opportunity for the student to present his/her version of events. The Disciplinary Interview will normally take place within five days of the request requiring the student to attend. The letter requesting the student's attendance at the Interview will include details of the allegations together with any documentary evidence that is available at this stage.

4.4 Should a student not comply with a request to attend a Disciplinary Interview, (s)he may be suspended from the University pending his/her attendance at a rescheduled Interview. A Disciplinary Interview may also proceed in the absence of a student should the student fail to have attended a previously scheduled appointment without valid reason. Should a student not be able to attend a Disciplinary Interview, (s)he is required to contact the Student Affairs Office as soon as practically possible and to provide a valid reason for his/her inability to attend. A valid reason would be the attendance at a class or non-attendance due to illness with the student required to provide supporting evidence (e.g. timetable, medical certificate) for all such instances. Where a valid reason is not provided then the student will be expected to attend at the stipulated time. Only in circumstances where a valid reason is provided will a Disciplinary Interview be rescheduled.

4.5 The student is entitled to bring a friend or member of the Students' Union to the Disciplinary Interview and to call any witnesses and submit relevant evidence in support of his/her case. If the aggrieved party is unable to attend, then a written submission together with any supporting documentation will be provided to the Student Affairs Office in advance of the Disciplinary Interview.

4.6 The Disciplinary Interview shall be chaired by the Head of the Student Affairs Office or his/her nominee with a member of the Student Affairs Office also present to make a record of the discussions. A representative from the

affected department/Faculty will normally be part of the Disciplinary Interview panel. However, the representative shall not be the directly aggrieved party and will normally be a section or departmental head. The Disciplinary Interview shall proceed as follows:

- At the beginning of the Interview, the Chair will outline the allegations made against the student and will refer to any relevant evidence which shall include the calling of witnesses.
- The student will then be asked to respond to the allegations and will have the opportunity to call any witnesses as part of this process as well as submitting any evidence.
- Throughout this process, the Chair will question the respective parties in attendance and any questions from either party are to be directed through the Chair.
- At the conclusion of the Disciplinary Interview, members of the panel will withdraw to consider whether major misconduct has taken place. Following a Disciplinary Interview, additional information may also be requested from the student and/or other party involved prior to arriving at a decision.

Penalties and Outcome

4.7 Based on the evidence submitted, members of the Disciplinary Interview panel will determine on the balance of probabilities whether major misconduct has taken place. Factors informing the decision and the proposed outcome will also be discussed with the relevant Faculty/department, as appropriate. Should it be determined that major misconduct has taken place, then the student will be issued with a final written warning – this will advise the student that any future related misconduct will be referred to a Student Disciplinary Committee - together with one of more of the following penalties:

- Suspension from the University or use of facilities or classes for up to 30 days
- Suspended Fine up to £1000 as a good behaviour bond. This amount will normally be payable should the student not comply with any disciplinary penalties or any future misconduct be related. Should a student be required to pay the good behaviour bond then the amount will be credited to the Student Hardship Fund (Student Funding Service)
- Payment of replacement/compensation costs for loss/damage to University and/or student property
- Compensation for wasting staff time as a direct result of student's misconduct on the basis of £25 per hour up to a maximum of 5 hours
- Community service up to a maximum of 12 hours
- Issuing a notice to quit on a student resident in a University Halls of Residence or in a Headed Tenancy property (*see also Halls Licence and Headed Tenancies*)

4.8 The student will normally be notified of the outcome in writing within five days of the Disciplinary Interview. The Faculty/department will be copied into any relevant correspondence.

4.9 A student has the right to appeal on specific grounds (see Appeal section below) against the Student Affairs Office's decision. However if an appeal is not received within the stipulated timeframe – within seven days of the date of the letter informing the student of the disciplinary outcome – then the student will be deemed to have accepted the disciplinary penalty and will be expected to comply with any penalties

Referral to Student Disciplinary Committee

4.10 On completion of a disciplinary investigation, the Student Affairs Office may determine that the alleged behaviour is gross misconduct. In such circumstances, the Student Affairs Office will request that a Student Disciplinary Committee is convened by the University Secretary's department. The procedures outlined in Section 5 'Gross Misconduct' will then apply.

Appeal

Grounds for Appeal

4.11 A student has the right to appeal against the decision of the Student Affairs Office within seven days of the date of the letter advising the student of the outcome of the disciplinary process. The appeal must be based on one or more of the following grounds and must be supported by appropriate evidence:

- The penalty issued was disproportionate to the offence
- There was a procedural irregularity
- The finding was unjustifiable in that it was one which no reasonable person could have reached on the available evidence.
- The availability of new evidence which could affect the outcome reached. The student will need to demonstrate why such evidence was not presented at the relevant stage of this procedure

4.12 The student will appeal to the University Secretary in writing within the seven day timescale. Any appeals submitted outside of the time period will not be considered unless the student can demonstrate a valid reason (e.g. medical grounds) supported by evidence why (s)he has been unable to make the deadline. On receipt of an appeal, the University Secretary will determine whether the appeal falls within one or more of the grounds. Should an appeal not fall within one or more of the grounds for appeal, it will be rejected by the University Secretary and the student informed that (s)he has no grounds for an appeal and that the penalty determined by the Student Affairs Office stands.

Appeal Panel

4.13 Should an appeal fall within one or more of the grounds for appeal, the University Secretary will convene an Appeal Panel. Any disciplinary penalty issued against the student will be suspended pending the outcome of the Appeal Panel. The Appeal Panel shall comprise the following members who will not have had any prior involvement or knowledge of the case:

- Dean of Faculty/Professor/Head of School or Director/Head of a service department as Chair
- Member of academic staff of senior grade or a manager of professional grade
- A nominee of KUSU

Arrangements for the Appeal Hearing

4.14 The University Secretary is responsible for making the following arrangements for the Appeal Hearing:

- The student shall be given five days notice of the date of the Appeal Panel by the University Secretary.
- The student is entitled to be accompanied to an Appeal by a friend or representative of the Students' Union.
- The student and the Student Affairs Office are both entitled to call witnesses to the Appeal and must provide names of any witnesses that they wish to call to the University Secretary three days before the date of the Appeal. The student and the Student Affairs Office have responsibility for calling their witnesses to the Appeal Hearing in terms of attendance
- The student's submission to the Appeal Panel will comprise his/her grounds for appeal and supporting evidence to substantiate those grounds.
- The Student Affairs Office will also be asked to provide a response to the student's grounds for appeal.
- The Student Affairs Office's written response together with the student's submission will comprise the documentation for consideration by the Appeals Panel.
- Copies of the documentation will be circulated to the members of the Panel, the student and the Student Affairs Office no less than five days before the date of the Appeal.

Conduct of the Appeal Hearing

4.15 The Appeal Hearing will focus solely on the student's grounds for appeal and will not constitute a rehearing of the previous disciplinary level. The University Secretary shall be in attendance throughout the proceedings to provide advice to the Panel on matters of procedure and to act as Clerk to the Panel. Should the student fail to attend without valid reason (e.g. medical grounds), then the Appeal may still proceed in his/her absence. The quorum

of the Appeal Panel is two members which shall include the Chair. The proceedings of the Appeal Hearing will be as follows:

- The Chair shall invite the student to present his/her appeal which can be made by either oral or written submission.
- The student will also be able to call on any witnesses as part of the presentation to the Appeal Panel.
- Members of the Appeal Panel and the Student Affairs Office will be able to ask questions of the student and his/her witnesses.
- When the student's presentation of his/her appeal has concluded, the Chair will then invite the Student Affairs Office to provide its response and to call any witnesses, as appropriate.
- Members of the Appeals Panel and the student will have the opportunity to address any questions to the Student Affairs Office and any witnesses that it calls.
- At the conclusion of the Student Affairs Office's presentation, the Chair will ask if the student and the Student Affairs Office wish to make a final statement to the Appeal Panel in support of their respective cases.
- The Appeal Panel will then withdraw to consider in private whether the ground(s) for appeal should be upheld or not.

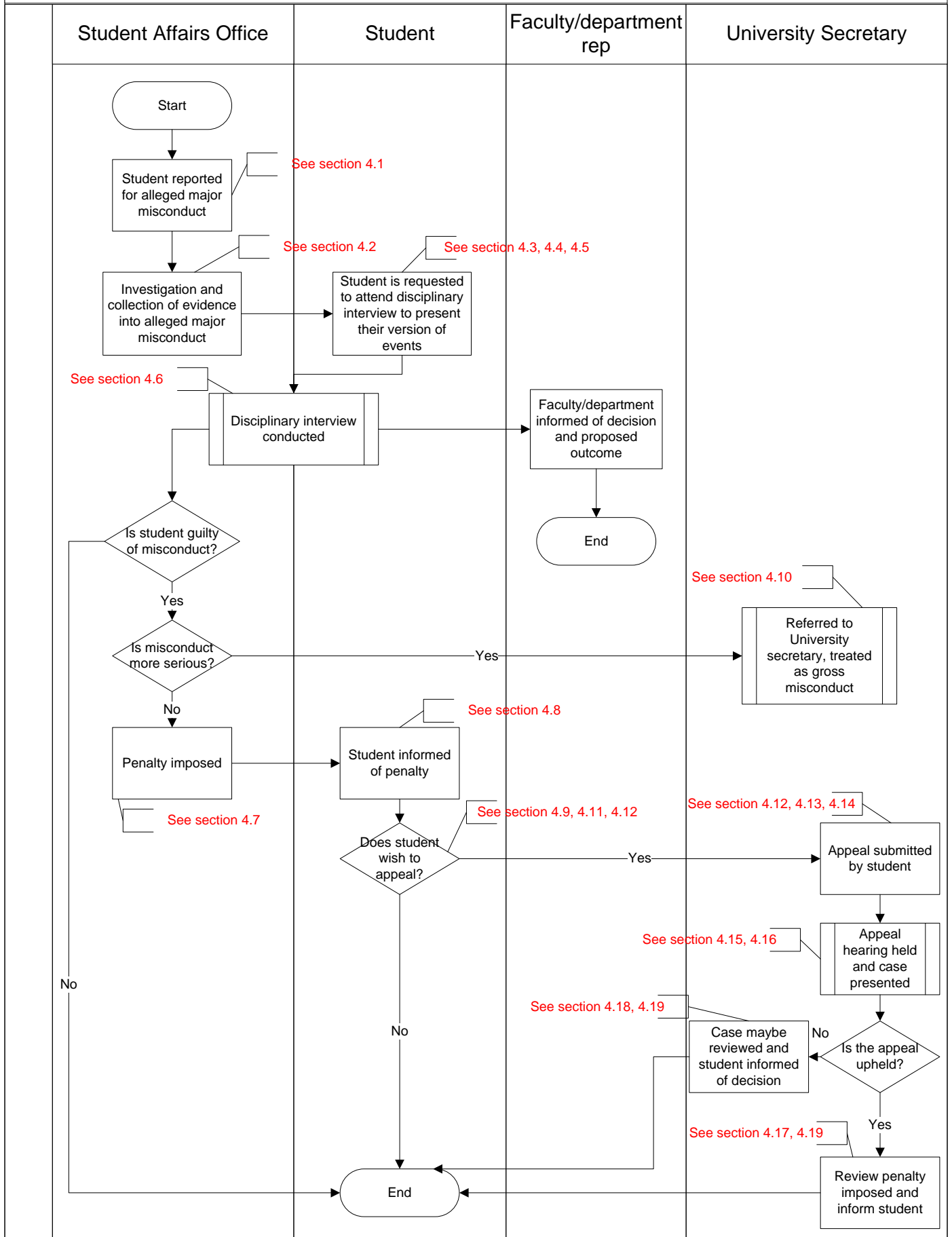
Outcome of the Appeal Panel

4.16 Should the Appeal Panel uphold the appeal, it may a) dismiss the disciplinary case against the student b) impose a lesser penalty or c) refer the matter back to the Student Affairs Office for further investigation.

4.17 If the Appeals Panel rejects the appeal, it may a) confirm the decision of the Student Affairs Office or b) impose a lesser penalty. In certain circumstances where an Appeals Panel considers that more serious misconduct has taken place, it may recommend to the University Secretary that a Student Disciplinary Committee be convened to hear the case.

4.18 The student will be notified of the decision on the Appeal Panel in writing by the University Secretary within five days of the Appeal. As far as the University's internal processes are concerned, the decision of the Appeals Panel is final. However, if a student remains dissatisfied, (s)he can make an application to the Office for the Independent Adjudicator (OIA) as outlined in Section 9.

Major misconduct



5.0 GROSS MISCONDUCT

Definition

5.1 Gross misconduct includes behaviour that may be physically threatening, a persistent refusal to comply with University regulations or with previous penalties applied under the Student Disciplinary Procedure or conduct which calls into question a student's enrolment at the University.

5.2 The following are examples of the type of behaviour categorised as gross misconduct although this list is illustrative and is not designed to be prescriptive:

- Dealing in illegal substances
- Physical assault on a member of staff and/or student
- Use or threat to use a weapon
- Criminal Conviction for any of the above and for offences against the person of a violent or sexual nature

NB The above examples of gross misconduct will normally result in a student's expulsion from the University.

- Theft of University property
- Non-compliance with a disciplinary penalty issued by the Student Affairs Office
- Non-co-operation with a disciplinary investigation conducted by the Student Affairs Office (e.g. non-attendance without valid reason at a Disciplinary interview)
- Fraud, deceit or dishonesty in relation to the University or its staff or in relation to being a student at the University (e.g. claiming home fees status as an overseas student, applications to Student Funding Service, identity fraud)
- Malicious activation of fire alarms (e.g. activation of a fire alarm during examinations)

Process

Reporting of Allegations

5.3 Any allegations that is categorised as gross misconduct will be immediately forwarded to the Student Affairs Office, including any evidence (e.g. witness statements, incident reports, copies of e-mails, notes of meetings, transcripts of conversations/text messages etc). The Faculty/departmental representative shall be responsible for referring gross misconduct cases together with documentary evidence to the Student Affairs Office. The Student Affairs Office will determine, based on the definitions/examples above, whether the allegations fall within the gross misconduct category. Should the Student Affairs Office consider the allegations to constitute major or minor misconduct then the affected student/Faculty/department shall be advised accordingly and the matter dealt

with at the appropriate level – the Student Affairs Office shall deal with instances of major misconduct and the Faculty/department with minor misconduct.

5.4 Should the Student Affairs Office decide that the allegations constitute gross misconduct then it will collate the relevant documentation together with supporting evidence which the student/Faculty/department will be asked to provide. If the Student Affairs Office considers the student to pose a health and safety risk to other members of the University community given the nature of the allegations, it may recommend to the Vice-Chancellor that the student is suspended from the University or excluded from specified premises/campuses of the University pending the completion of disciplinary procedures (see Section 6).

Arrangements for the Student Disciplinary Committee

5.5 The Student Affairs Office will forward the documentation together with an overview of the case to the University's Secretary's department and request that a Student Disciplinary Committee be convened to hear the allegations. The documentation and overview of the case provided by the Student Affairs Office will form the basis of the paperwork to be considered by the Student Disciplinary Committee. The Student Disciplinary Committee shall normally be held as soon as practically possible and within 25 days of receipt of the allegation of serious misconduct sent by the Student Affairs Office. The University Secretary will be responsible for the administrative arrangements for the Student Disciplinary Committee.

5.6 The student will be invited by the University Secretary to provide a written response to the allegations. Any statement from the student should be submitted to the University Secretary no later than seven days before the date of the Student Disciplinary Committee in order that it can be included in the papers circulated to members of the Committee, the Student Affairs Office and the student. The statement should include any relevant witness statements.

5.7 The composition of the Student Disciplinary Committee is as follows and no member of the Committee shall have had prior involvement or knowledge of the case:

- Dean of Faculty/Professor/Head of School or Director/Head of a service department as Chair
- Member of academic staff of senior grade or a manager of professional grade
- A nominee of KUSU

5.8 The student, members of the Student Disciplinary Committee and the Student Affairs Office shall be sent the relevant paperwork no later than five days before the date of the Committee together with a copy of this Procedure. The student is entitled to bring a friend or representative of the Students' Union to the Committee. The student and the Student Affairs Office have the

right to call witnesses to support their respective cases. The student and the Student Affairs Office have responsibility for calling their witnesses to the Appeal Hearing in terms of attendance. The names of any witnesses are to be provided to the University Secretary no later than 7 days before the date of the Committee in order that this information can be provided in the paperwork for consideration at the Committee. Should a student or the Student Affairs Office wish for any witnesses' details to be withheld (e.g. cases of harassment) then any such requests should be made to the University Secretary in advance of the Student Disciplinary Committee.

Student Absence

5.9 Should a student fail to attend a Student Disciplinary Committee without valid reason, then, provided the Committee is satisfied that the relevant paperwork was duly sent to the student, the Committee may decide to proceed in the student's absence. Alternatively, the Committee may decide to adjourn the hearing but to recommend the student's suspension to the Vice-Chancellor pending the rescheduling of the Committee. A valid reason for a student's non-attendance would be on medical grounds which would be supported by appropriate evidence (i.e. medical certificate). However, in such circumstances, the student would be expected to notify the University Secretary as soon as practically possible of his/her non-attendance. Provided a valid reason has been provided, the Committee would normally be rescheduled. The decision of the Committee on whether to adjourn or proceed in the student's absence is final.

Conduct of Student Disciplinary Committee

5.10 The Committee shall be advised on the procedure by the University Secretary who shall act as the clerk during the hearing. The quorum of the Committee is two members. The proceedings for the Student Disciplinary Committee shall be as follows:

- The Chair shall open proceedings by outlining the process and will summarise the allegations made against the student.
- The Chair will then invite the Student Affairs Office to present the University case and to call on any witnesses in support of that case.
- The members of the Committee and the student will have the opportunity to ask questions of the Student Affairs Office and its witnesses with any questions directed through the Chair.
- The student will then be asked to respond to the allegations and to call any witnesses in support of his/her case.
- The members of the Committee and the Student Affairs Office will be able to ask any questions which shall be directed through the Chair.
- At the end of the respective submissions, the Chair will invite the student and Student Affairs Office to make any concluding statements prior to the Committee withdrawing to consider its decision in private

Penalties and Outcome

5.11 Based on the evidence submitted, the Committee will determine on the balance of probabilities whether serious misconduct has taken place. Should the Committee determine that serious misconduct took place, it can recommend the following range of penalties to the Vice-Chancellor:

- The expulsion of the student from the University with immediate effect. Such a penalty will be applicable but not limited to the following cases: dealing in illegal substances; physical assault on a member of staff or student; and use or threat to use a weapon
- A suspended expulsion for the remainder of the current academic year or duration of a student's studies. Any further evidence of misconduct and/or failure to comply with penalties agreed by the Vice-Chancellor will normally result in the student being expelled with immediate effect from the University without referral to a Student Disciplinary Committee
- A fine or financial penalty. In cases where it has been proven that a student has submitted fraudulent documentation to gain a financial advantage (e.g. claiming home fee status as an overseas student), (s)he shall be required to pay back any difference in amounts;
- Suspension from the University for a period up to a year;
- A final written warning and/or a good behaviour bond ranging between £1000 to £2000. Any student issued with these penalties who is brought before the Committee at a later date and allegations of further misconduct proven, will be immediately expelled from the University and the good behaviour bond, if applicable, will be added to their debt to the University
- Community service to the University community for a period up to a maximum of 50 hours

Approval of the Vice-Chancellor

5.12 The University Secretary, on behalf of the Student Disciplinary Committee, will inform the Vice-Chancellor of the Committee's recommendations and will provide a report summarising the case and the reasons for the Committee's conclusions. The Vice-Chancellor can either approve the Committee's recommendations or may decide to impose a lesser penalty. The Vice-Chancellor shall within five days of receipt of the Committee's recommendations give written notice to the student, the University Secretary, Chair of the Committee and the Student Affairs Office of his/her decision and of the penalty/penalties that (s)he has decided to impose.

5.13 A student has the right to appeal against the decision of the Vice-Chancellor within 10 days of the date of the letter from the Vice-Chancellor notifying the student of the decision. The appeals process and the grounds under which a student may appeal are outlined in the section below. Should the student not submit an appeal within the 10 day time frame, then (s)he shall be deemed to have accepted the decision of the Vice-Chancellor and will be required to comply with any disciplinary penalties. Should a student not comply with any disciplinary penalties then the University Secretary shall refer

the matter back to the Student Disciplinary Committee. If the allegation of non-compliance is proven then the student shall be expelled with immediate effect from the University.

Appeal

Grounds for Appeal

5.14 A student has the right to appeal against the decision of the Vice-Chancellor within 10 days of the date of the Vice Chancellor's letter informing the student of his/her decision. The appeal must be based on one or more of the following grounds and must be supported by appropriate evidence:

- The penalty issued was disproportionate to the offence
- There was a procedural irregularity
- The finding was unjustifiable in that it was one which no reasonable person could have reached on the available evidence.
- The availability of new evidence which could affect the outcome reached. The student will need to demonstrate why such evidence was not presented at the relevant stage of this procedure

5.15 The student will appeal to the University Secretary in writing within the 10 day timescale. Any appeals submitted outside of the time period will not be considered unless the student can demonstrate a valid reason (e.g. medical grounds) supported by evidence why (s)he has been unable to make the deadline. On receipt of an appeal, the University Secretary will determine whether the appeal falls within one or more of the grounds. Should an appeal not fall within one or more of the grounds for appeal, it will be rejected by the University Secretary and the student informed that (s)he has no grounds for an appeal and that the penalty determined by the Vice-Chancellor shall stand.

Administrative Arrangements for the Governors' Appeal Committee

5.16 Should an appeal fall within one or more of the grounds for appeal, the University Secretary will convene a Governors' Appeal Committee. Any disciplinary penalty issued against the student will be suspended pending the outcome of the Governors' Appeal Committee. The Appeal Committee shall comprise the following who will not have had any prior involvement or knowledge of the case:

- One member of the Board of Governors – other than the Vice-Chancellor, staff or student Governors – who shall act as Chair
- One staff Governor or a member of Executive Board
- President of the Students' Union

5.17 The University Secretary shall be responsible for the administrative arrangements in convening a Governor's Appeal Committee. The Committee shall be held as soon as practically possible and normally within 25 days of receipt of the appeal. Timescales in organising the Appeal Committee may be dependent on the time of year and the availability of eligible members to sit on

the Committee. The following arrangements shall apply in respect of the Governors' Appeal Committee:

- The student and the University representative, nominated by the Vice-Chancellor, shall be given *no later than five days notice of the date* of the Appeal Committee by the University Secretary.
- The student is entitled to be accompanied to the Appeal Committee by a friend or representative of the Students' Union.
- The student and the University representative are both entitled to call witnesses to the Appeal and must provide names of any witnesses that they wish to call to the University Secretary no later than seven days before the date of the Appeal. The student and the University representative have responsibility for calling their witnesses to the Appeal Hearing in terms of attendance.
- The student's submission to the Appeal Committee will normally comprise his/her grounds for appeal and supporting evidence to substantiate those grounds.
- The University representative will also be asked to provide a response to the student's grounds for appeal no later than seven days before the date of the Appeal.
- The University representative's written response, the student's submission and the Vice-Chancellor's letter advising the student of the disciplinary outcome will comprise the documentation for consideration by the Governor's Appeal Committee.
- Copies of the documentation will be circulated to the members of the Committee, the student and the University representative no less than five days before the date of the Appeal.

Proceedings of the Governors' Appeal Committee

5.18 The Governors' Appeal Committee will focus solely on the student's grounds for appeal and will not constitute a rehearing of the previous disciplinary level. At the Appeal, the University Secretary shall be in attendance throughout the proceedings to provide advice to the Committee on matters of procedure and to act as Clerk to the Committee. The quorum of the Committee is two members which shall include the Chair. Should the student fail to attend without valid reason (e.g. medical grounds), then the Appeal may still proceed in his/her absence. The Governors' Appeal Committee shall be conducted as follows:

- At the beginning of the Appeal, the Chair shall invite the student to present his/her appeal which can be made by either oral or written submission.
- The student will also be able to call on any witnesses as part of the presentation to the Appeal Committee.
- Members of the Appeal Panel and the University representative will be able to ask questions of the student and his/her witnesses.

- When the student's presentation of his/her appeal has concluded, the Chair will then invite the University representative to provide his/her response and to call any witnesses, as appropriate.
- Members of the Appeals Committee and the student will have the opportunity to address any questions to the University representative and any witnesses that (s)he calls.
- At the conclusion of the University representative's presentation, the Chair will ask if the student and the Student Affairs Office wish to make a final statement to the Appeal Committee in support of their respective cases.
- The Appeal Committee will then withdraw to consider in private whether the ground(s) for appeal should be upheld or not.

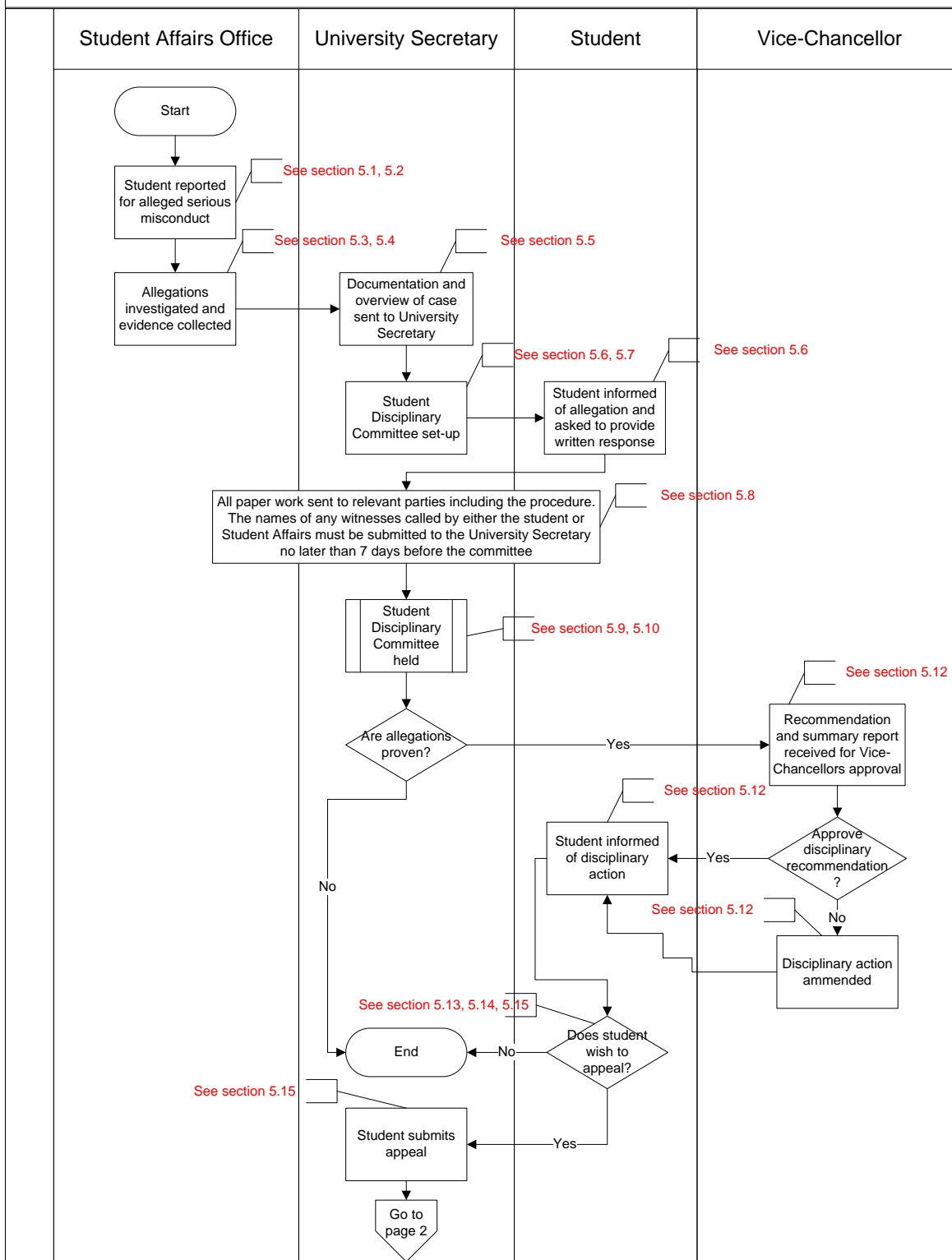
Outcome of the Appeal Committee

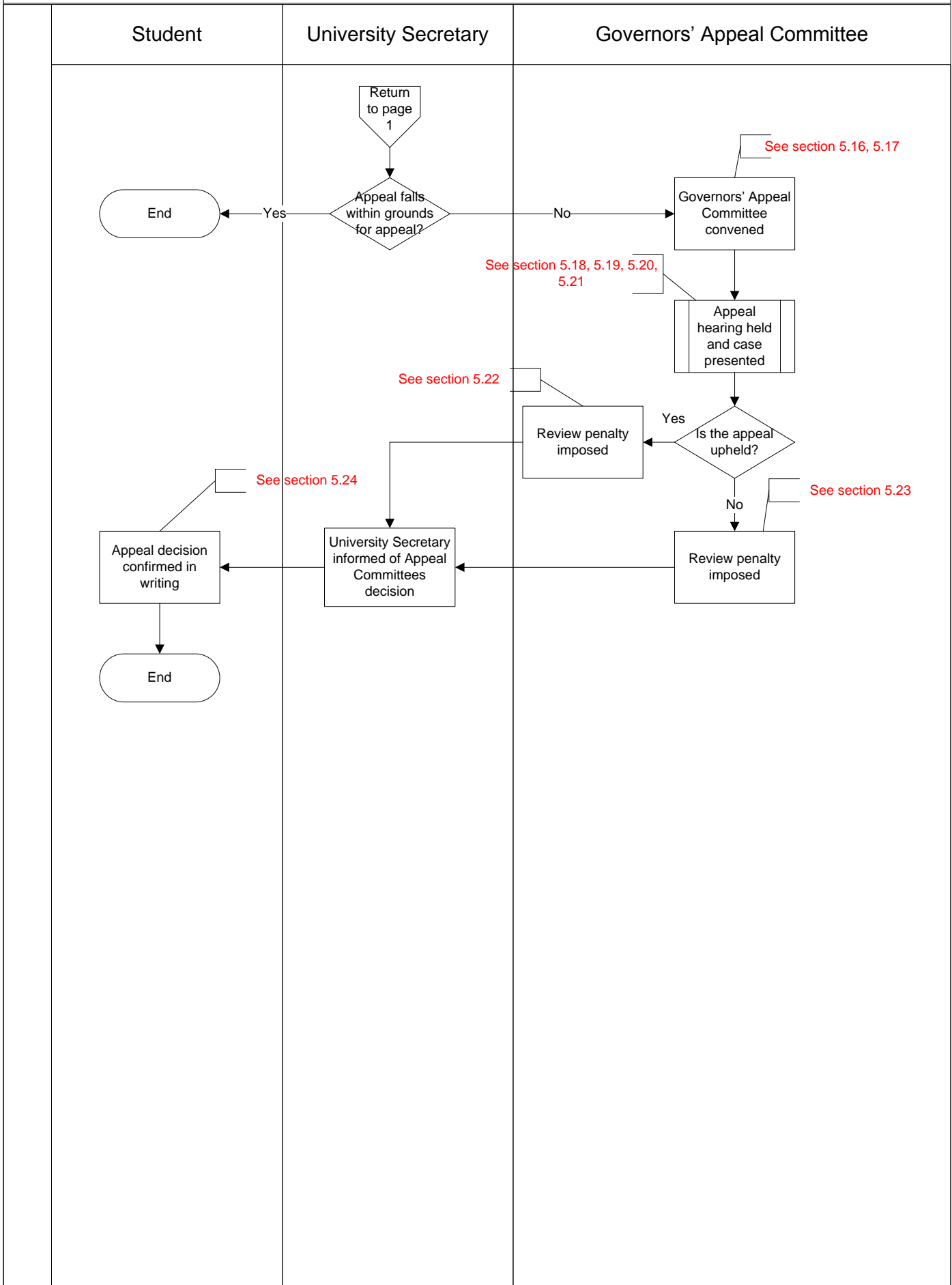
5.19 Should the Appeal Committee uphold the appeal, it may a) dismiss the disciplinary case against the student b) impose a lesser penalty or c) refer the matter back to a Student Disciplinary Committee.

5.20 If the Appeals Committee rejects the appeal, it may a) confirm the decision of the Vice-Chancellor or b) impose a lesser penalty to that determined by the Vice-Chancellor.

5.21 The decision of the Appeals Committee will be confirmed in writing to the student by the University Secretary within five days of the Appeal. As far as the University's internal processes are concerned, the decision of the Appeals Committee is final. However, if a student remains dissatisfied, (s)he can make an application to the Office for the Independent Adjudicator (OIA) as outlined in Section 9.

Gross misconduct – Page 1 of 2





6.0 SUSPENSION

6.1 A student who is the subject of a complaint of misconduct under this procedure, or against whom a criminal charge is pending or is the subject of a police investigation may be suspended from the University by the Vice-Chancellor pending the completion of these respective processes.

6.2 Suspension involves a total or partial prohibition of attendance at or access to University premises and on any participation in University activities. It may be subject to qualification, such as permission to attend for the purpose of an examination or a requirement that the student should have no contact of any kind with a named person or persons. In exceptional circumstances, a student may be suspended from his/her halls of residence if instructed to do so at the request of the police, the courts, or by the Vice-Chancellor. The suspension is not a penalty but a measure taken on health and safety grounds where there is a potential risk to members of the University community and/or its premises

6.3 The Student Affairs Office will recommend the suspension of a student from the University to the Vice-Chancellor where there is a health and safety risk posed by the student's presence on campus or in exercising a duty of care towards other staff and students. If the Vice-Chancellor approves the recommendation to suspend, the student will be notified of the decision in writing by the Vice-Chancellor with the suspension becoming immediately applicable. The letter shall advise the student that (s)he has the right to make representations to the Vice-Chancellor within seven days of notification of the suspension.

6.4 Should a student wish to make representations, (s)he should contact the Vice-Chancellor's Office to make an appointment. The student will normally have the opportunity to make a representation in person unless health and safety considerations make a written representation more appropriate. Following a students' representation and any advice received from the Student Affairs Office, the Vice-Chancellor may decide that the suspension is continued or that the suspension be commuted to an exclusion from specified areas of the University campus and/or from having contact with named individuals. Alternatively, the Vice-Chancellor may determine that in light of developments (e.g. Police investigation), the suspension is no longer required. The student shall be informed in writing of the Vice-Chancellor's decision within five days of the meeting.

6.5 A suspension will be reviewed thereafter every three weeks by the Vice-Chancellor on the advice of the Student Affairs Office. The student or his/her representative will be responsible for informing the Vice-Chancellor's Office of any developments which may have any implications for the terms of the suspension.

6.6 A suspension may remain in force pending the outcome of a Police investigation or court case or the completion of disciplinary procedures outlined in this Procedure.

7.0 MISCONDUCT WHICH IS ALSO A CRIMINAL OFFENCE

7.1 A student is obliged to inform the Student Affairs Office if (s)he is subject to a Police investigation relating to offences against the person, whether of a violent or sexual nature, or pertaining to unlawfully supplying illegal substances. Any member of staff in receipt of such information should also immediately notify the Student Affairs Office. If the nature of the allegations poses a potential health and safety risk for staff and students, then the University may consider the suspension of the student pending the completion of the Police investigation and/or court case (Section 6.0). Students failing to disclose criminal convictions and/or submitting fraudulent documentation (e.g. passport, birth certificate etc) as part of their application/enrolment to the University will be dealt with in accordance with the procedure outlined in paragraphs 1.14 (g) and (h).

7.2 For more serious allegations of misconduct where the Police are involved, any disciplinary action on the part of the University will normally be deferred pending the outcome of any Police investigation or court case, as appropriate. However, the University reserves the right to continue disciplinary action for those cases where it is considered appropriate to do so in view of the length of time it can take for Police investigations/court action to be concluded. For cases where disciplinary action is deferred, the University may consider the suspension of the student or his/her exclusion from specified sites and/or named individuals pending the outcome of Police investigations/court case if there are health and safety implications relating to the allegations (see Section 6).

7.3 The Student Affairs Office will advise the student of the deferral of any disciplinary action by the University. The student will be responsible for informing the Student Affairs Office of any developments/updates concerning Police/court action. The Police may also share relevant information with the Student Affairs Office to inform any disciplinary action, if applicable, under this Procedure.

7.4 Where a student has been sentenced by a court, the Court's penalty shall be taken into account in determining any penalty issued under this Procedure. This can mean that an internal penalty is reduced or that the external penalty indicated the seriousness of the offence. However, any student who has been convicted of assaulting a member of staff or student, dealing in illegal substances or using/threatening to use a weapon will normally face expulsion from the University. Students imprisoned for a period of 21 days or greater will be deemed to have withdrawn from the University. The Vice-Chancellor shall decide whether a student be re-admitted to the University on the basis of advice and evidence provided by the Student Affairs Office.

8.0 STUDENTS WITH DISABILITIES/MENTAL HEALTH PROBLEMS

8.1 The Mental Health Protocol sets out the procedure for staff to follow in cases where a student's behaviour may be attributable to a mental health problem. If it appears to those considering an allegation of misconduct that the student in question may have a disability then the advice of Health and Counselling will be sought. Where appropriate, any disciplinary action may be adjourned for the preparation of a medical report. If there is medical evidence that a student has a disability which may have contributed to the behaviour against which disciplinary action is sought, the disciplinary process may be suspended or terminated by the Student Affairs Office if it is felt appropriate to do so.

8.2 It may be made a condition of suspension or termination of the proceedings that the student seeks medical treatment. If the student does not co-operate with the University in relation to investigation of health matters (for example, by refusing to obtain medical reports as requested or to see the University's Mental Health Liaison/Head of Health and Counselling) then the matter be referred for consideration under the Student Disciplinary Procedure. Such a decision shall be made following consultation with Mental Health Liaison/Head of Health and Counselling.

8.3 For students with disabilities, staff charged with making the arrangements for disciplinary proceedings should request details from the student of any reasonable adjustment that needs to be made. The Disability Support Service may be involved in considering an assessment of these needs.

9.0 OFFICE OF THE INDEPENDENT ADJUDICATOR FOR HE (OIA)

9.1 The Office of the Independent Adjudicator for Higher Education (OIA) provides an independent scheme for the review of student complaints which includes the right to appeal against a final decision by a disciplinary or appeal body. Where a student has completed all the available processes under this procedure, the University will issue the student with a 'Completion of Procedures Letter'. A student will need to submit his/her application to the OIA within three months of the date of the Completion of Procedures letter. Further information about procedures for referring a matter to the OIA is available from the University Secretary or Student Affairs Office or can be accessed via the OIA's website www.oiahe.org.uk.

10.0 MONITORING OF THE OPERATION OF THE PROCEDURE

10.1 The Student Affairs Office will meet periodically with the nominated Faculty / departmental representatives from the Faculties/departments to review the operation and application of the policy and to share practice in addressing student misconduct.

10.2 The Student Affairs Office will present an annual report on student discipline to the Quality Enhancement Committee and the Executive Board which shall also include any issues arising out of the disciplinary investigations.

10.3 The operation of this procedure shall be reviewed on an annual basis by the Student Affairs Office in collaboration with faculty/departmental representatives and KUSU. Accordingly, the Student Disciplinary Procedure will be revised in light of operational experience and/or any relevant developments (e.g. sector guidelines, legal advice etc).

APPENDIX A: THE COMMUNITY OF KINGSTON UNIVERSITY: EXPECTATIONS OF STUDENTS AND STAFF

This document sets out the expectations and responsibilities that students and staff as members of the same University Community have towards each other.

Students and Staff will:

- Communicate with each other in a polite and courteous manner
- Treat each other fairly and without discrimination
- Respect each other's diverse backgrounds, cultures, beliefs and practices
- Treat everyone in and around the University with courtesy and respect

University Staff will:

- Provide feedback on assignments within 4 weeks
- Ensure students' enquiries are responded to through an identified point of contact within 5 working days
- Provide accurate information on courses, assessment and sources of advice/support in a timely fashion

Students will:

- Take responsibility for their learning and conduct while at the University
- Attend all teaching sessions, arrive on time and not disrupt others in sessions or in the Learning Resource Centres
- Contribute to discussions in classrooms and to undertake work assigned to them
- Submit assignments within published deadlines that is entirely their own work

APPENDIX B: SOURCES OF ADVICE/GUIDANCE FOR STAFF AND STUDENTS

Student Affairs Office

What we can offer

- Dealing with major/gross misconduct cases on behalf of Faculties/Departments
- Advice and guidance for staff on handling minor misconduct cases
- Advice and guidance for staff and students on the operation of the procedure
- Training for staff on the operation of the procedure and for challenging inappropriate behaviour

Location

Cooper House, ground floor

Opening Times for Drop Ins

10am to 4pm Monday to Friday

Contact Details

Telephone: 020 8417 6111/Extension 66111 or 020 8417 6110 Extension 66110

E-mail: studentaffairs@kingston.ac.uk

Students' Union Advice and Representation Centre (ARC)

What we can offer?

- Advice and guidance on the procedure for students
- Representation at Hearings/Disciplinary meetings

Location

Advice and Representation Centre – 1st Floor of Students' Union, Town House – Penrhyn Road campus

Opening Times for Drop Ins

9.30am to 5pm Mondays to Fridays

Contact Details

Telephone: 020 8547 7974

E-mail: arc@kingston.ac.uk

Web: www.kusu.co.uk/helpingyou

University Secretary's Department

NB APPLICABLE FOR ONLY STUDENT DISCIPLINARY COMMITTEES, APPEAL COMMITTEES AND GOVERNORS' APPEAL COMMITTEES

What we can offer?

- Advice and guidance on the operation of Student Disciplinary Committees, Appeal and Governors Appeal Committees

Contact Details

Telephone: 020 8417 3026 (Ex 63026)

E-mail: S.Weir@kingston.ac.uk

APPENDIX C: GUIDANCE FOR STAFF ON DEALING WITH INAPPROPRIATE BEHAVIOUR

Proactive Strategies

- Make students aware of how they are expected to behave and wherever possible involve them in this process (e.g. devising ground rules in lectures)
- Stress the benefits of behaving appropriately and complying with rules/regulation – e.g. create a productive learning environment
- Remind students periodically of rules and behavioural expectations (e.g. at the beginning of each term)

Guidelines for Dealing with Inappropriate Behaviour

When confronted with inappropriate behaviour:

- Remind the student(s) of the relevant regulations relating to behavioural expectations (e.g. ground rules)
- Stay Calm – don't be drawn into an argument
- Recognise when to draw a line – don't take abuse.
- Set limits for the student - defining permissible behaviour and consequences
- Minimise the opportunity for other students to get involved – maintain eye contact with the student involved and move the scene of conflict away from other students wherever possible. In lectures/tutorials, try and see the student after classes.
- If the student refuses to comply with a request to moderate his/her behaviour, seek the assistance of a colleague or ask the student to leave
- Call security if a student refuses to leave and/or continues to exhibit inappropriate behaviour despite warnings to desist from such conduct. Academic staff may consider suspending lectures
- If a student's behaviour is perceived to pose a threat to the health and safety of staff, other students in the vicinity or to him/herself then security should be called immediately on 66666. The staff member should move away from the area of conflict and await the arrival of security
- Make a factual record of events and actions taken
- Seek advice from the Student Affairs Office

Mental Health/Disability and Student Behaviour

- If you are concerned about a student's behaviour but where that behaviour is not perceived as posing any health and safety concerns then the Health and Counselling Service are able to provide advice and guidance and can be contacted on 020 8547 7206 (external) and 62019 (internal)
- Where a student's behaviour does pose a threat to the health and safety of staff, other students and/or the student posing a risk to him/herself, then security should be called immediately on Ex 66666.
- Staff should also refer to the Mental Health Protocol with further advice and guidance being available from Health and Counselling Service

APPENDIX D: GUIDELINES FOR STAFF ON DEALING WITH MINOR MISCONDUCT CASES

The following guidelines are designed to assist those staff in investigating cases of minor misconduct as per Section 3 of the Student Disciplinary Procedure

Dealing with the Student

- Pre-warn the Student – give the student advance warning of any meeting and allegations. Advise that (s)he can bring a friend or representative of the Students' Union. Written notice should be given of the meeting
- Be transparent – fully explain at the beginning of the meeting what is going to happen in terms of the process. Advise the student that will learn of outcome after meeting within five University working days though the student may be notified at end of meeting should circumstances permit (i.e. all available evidence to make a decision)
- Ensure a balanced version of events is acquired – afford the student an opportunity to give his/her version of events
- Keep a record – have another staff member formally record the meeting with the student

Types of Evidence to Consider

- Oral and Written testimonies of staff and other students who were involved or who witnessed the incident – *NB caution regarding submissions by advocates of either party involved*
- Any form of Communication – text messages, Facebook/MySpace entries, letters, notes, notices
- Relevant Objects and Materials, if applicable
- CCTV footage, if applicable

Determining whether Misconduct took Place

- Balance of Probabilities – you need to determine whether something is more probable than not based on the evidence submitted
- Student's Conduct vs Regulations – was the student's behaviour inappropriate in relation to the environment where the misconduct took place and/or the person who was the recipient of that behaviour?

The Decision

- Be consistent – in the treatment of the student compared with other similar circumstances
- Mitigation – once decision made whether student is guilty or innocent, any mitigation presented by the student may be taken into account in determining the appropriate penalty
- Inform the Student and provide a reason for the decision – the reason should be clear and sufficient for the student to know why the decision was reached
- Make Student aware of Appeal stage should (s)he remain unhappy with the outcome, including grounds for appeal and how to appeal. This should be included in the written notification sent to the student

Aftermath

- Consider whether there is a need for changes to practices and procedures following an instance of student misconduct