

THE UNIVERSITY OF KENT

2 Regulations on student discipline in relation to non-academic matters

The Regulations which follow are current with effect from 1 October 2009.

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Regulations on Student Discipline in relation to non-academic matters

(1) Introduction

(i) Purpose of these Regulations

These Regulations, and accompanying guidance notes and appendices, bring together details of the procedures concerning Student Discipline in relation to non-academic matters in the University. They are intended to be as comprehensive and comprehensible as possible to assist:

- those responsible for carrying out disciplinary functions and applying disciplinary procedures and Regulations to do so in as effective, fair and consistent manner as possible;
- those charged with disciplinary offences (and their advisers or representatives) to understand the proceedings which are to be taken and their rights within those proceedings.

(ii) Status and Use of these Regulations

These Regulations have been approved by Senate and Council. In registering as students of the University students undertake to abide by these Regulations.

(iii) Relationship between these Regulations and other proceedings (e.g. criminal proceedings and in the case of serious assault or rape)

In cases where acts could amount to a violation of both the criminal law and the University's Regulations, the University has decided, following consideration of the Zellick Report, to adopt special procedures. These require that normally internal disciplinary procedures, other than the initial collection of statements and other evidence, be adjourned until the outcome of proceedings in the criminal justice system is known. In such a case the Vice-Chancellor may, however, decide to take disciplinary action as indicated in (2) (i.iii) below. Section (5) below includes details of the arrangements adopted for dealing with cases of possible criminal proceedings.

(2) The University's Disciplinary Framework

(i) General Context

(i.i) The disciplinary procedures contained in these Regulations are based on natural justice. This entitles a student subject to disciplinary proceedings to a 'fair hearing' which, at a minimum, will require that:

- the student is given adequate notice of any charge(s) including details of the evidence on which it is based; the proceedings which will take place; her/his rights within those proceedings; and the decision reached;
- the student is given the right to make effective representation in relation to the charge(s);

- an unbiased person or body conducts the hearing within a reasonable time;
- the decision will be based on a determination of fact or of reasonable probability.

(i.ii) These Regulations work in conjunction with other regulations and formal documents concerning non-academic aspects of student life (some of which are listed in Section (ii.ii) below).

(i.iii) The Vice-Chancellor has responsibility for good order in the University and in certain circumstances, in the interests of the University as a whole or that of an individual member(s), may decide, temporarily, for a fixed period or permanently, to exclude a student from the University (or part thereof) and/or suspend the student from attendance in any academic or other activities. In the absence of the Vice-Chancellor these powers may be exercised by a Deputy Vice-Chancellor or Pro-Vice-Chancellor (or Senior Master in the absence of all these officers).

(ii) Disciplinary Responsibilities

(ii.i) The officers/bodies charged with responsibility for implementation of these Regulations are as follows:

- (a)** the Masters of the Colleges, in the first instance (and for 'Minor' offences), and the Deans of the Faculties and their nominees for appeals against decisions made by a Master
- (b)** the Disciplinary Panel, which considers 'Major' offences
- (c)** Appeal Bodies
 - i)** the Appeal Panel, which considers appeals made against decisions made by the Disciplinary Panel
 - ii)** the Student Discipline Grievance Committee, which considers allegations of procedural fault, bias, irregularity or other inadequacy following determination by the Senior Deputy Vice-Chancellor that a case should be reviewed.

(ii.ii) Other officers charged with responsibility for implementation of other regulations and formal documents concerning non-academic matters which apply to students include the following:

Regulations/Responsible Officer*

- IT Facilities
Director of Information Services
 - Laboratory Regulations
Director of the Laboratory concerned
 - Library Regulations
Director of Information Services
 - Traffic Regulations
Director of Estates
 - Room Agreements for University Accommodation
Director of Commercial Services
- Agreements concerning the use of facilities for which Kent Hospitality is responsible
Director of Commercial Services
* or appointed nominee

Note:

(a) Where the responsible officer concerned for the above decides that there is a significant or aggravated breach s/he may refer the matter to the Master of the student's college with a request that it be dealt with under these Regulations on student discipline in relation to non-academic matters.

(b) In the case of an allegation relating to damage or vandalism, the relevant senior officer will provide a brief statement of the allegation and the cost of the damage to the student. If the student concerned denies the allegation or is unwilling to pay the remedial costs of the damage the Master will deal with the case. The Master will decide whether to initiate disciplinary proceedings, whether to enforce the compensation or both of these.

(3) Disciplinary Procedures

(i) Overview

(i.i) The University's disciplinary procedures consist, essentially, of three stages:

- (a) Investigation
- (b) Hearing
- (c) Appeals

(i.ii) The diagram in Appendix VI gives an overview of these disciplinary procedures.

(ii) Investigation and initial decision or summary disposal

(ii.i) Where a report to a Master about a student member of her/his College involves possible violations of the criminal law or allegations of serious assault or rape, the Master should refer to Section (5) below.

(ii.ii) In all other cases, where, having received a report about the behaviour of a student member of her/his College, the Master decides to conduct further enquiries with a view to initiating disciplinary proceedings:

(ii.ii.i) s/he can do so either her/himself or through another Master, who, will either then deal with the matter or will then report to the Master her/his findings and recommendations for further action in writing; the procedural guide set out in Appendix II should be followed.

(ii.iii) At the end of such enquiries the Master may decide that:

(ii.iii.i) the case should be disposed of summarily (see Note below), or

(ii.iii.ii) a formal disciplinary hearing by the Master or a Disciplinary Panel is required:

(a) for an offence defined as "Minor" in Appendix I the Master will hear and determine the case.

(b) for an offence defined as "Major" in Appendix I the case should be referred to the officer designated by the Vice-Chancellor who will establish a Disciplinary Panel to hear and determine the case or remit the case to be determined by the Master if deemed appropriate.

Note: Summary disposal under (ii.iii.i) above would be appropriate in the following circumstances

i) where the Master determines on investigation that there is no case to answer

or

ii) the Master decides to dismiss the case there being no University interest in pursuing it

or where the offence is "Minor" as defined in Appendix I

and

iii) the student has admitted the offence;

or

iv) the student does not admit the offence but in the judgement of the Master unreasonably so and it would be vexatious to refer the matter to a formal hearing;

or

v) where in the judgement of the Master a formal hearing would be unlikely to add significantly to the information available to arrive at a decision

If disposing of a case summarily under iv the Master may impose an informal reprimand or a formal warning or a fine of £100 or less by way of sanction; or the student may agree to some other sanction proposed by the Master.

(iii) Disciplinary Hearings

The procedures used will be as set out in Appendix III and in accordance with the principles of 'natural justice' outlined in (2) (i.i) above.

(4) Appeals

The procedures used will be as set out in Appendix IV and in accordance with the principles of 'natural justice' set out in (2) (i.i) above with a decision based on a determination of fact or of reasonable probability.

(5) Potential Criminal Proceedings

In cases where criminal proceedings are under consideration, in hand or have been completed the procedures used will be as set out in Appendix IV.

KRG/JRH/JLP 23.09.2009

Appendix I

Schedule of 'Minor' and 'Major' offences and maximum possible penalties

Note: The 'Minor' and 'Major' offences listed below are given for illustrative purposes.

(i) 'Minor' Offences

i.e. those which can be disposed of by a Master either immediately, summarily or after a disciplinary hearing include the following:

- (a) failure by a student to provide her/his correct name, college and other information or ID when so requested by a member of staff;
- (b) obstruction of staff in the performance of their duties or the normal business of the University (this includes non-compliance with a request from a Master to attend the Master's Office);
- (c) verbal or written abuse of others by word or deed;
- (d) unauthorised possession or use of a key to University property;
- (e) misuse or abuse of University equipment valued at less than £2,000;
- (f) non-compliance with University notices concerning access to or the use of buildings or facilities;
- (g) disorderly, insulting or anti-social conduct (including excessive noise and not keeping University accommodation in a reasonable state of cleanliness and tidiness);
- (h) theft, damage to or defacement of University property valued at less than £2,000;
- (i) assault causing bodily harm requiring minor treatment;
- (j) any act or omission which, if committed by a member of staff, would breach the Health and Safety at Work Act or contravention of University Safety Policy or the local safety policies for University buildings or facilities. Non-compliance with such safety requirements is regarded as extremely serious so in certain circumstances or in the case of a second offence a Master may refer the matter to be dealt with by the Disciplinary Panel.

Examples include the following:

- i) intentional or reckless interference with mechanical, electrical or other services or installations;
- ii) misuse of fire appliances;
- iii) an unwarranted sounding or raising of the fire alarm(s);
- iv) failure to comply with the University's no-smoking policy;
- v) failure to respond appropriately to a fire alarm;
- vi) non-compliance with safety notices, instructions or directions;
- vii) unauthorised access to a restricted area.

- (k) unauthorised possession by a student of poisons, explosives, firearms or other objects deemed offensive weapons;
- (l) the inappropriate use of sound equipment on campus or in University accommodation;
- (m) repeated breaches of Regulations involving 'Minor' offences.
- (n) conduct which brings the name of the University into disrepute.
- (o) the submission of fraudulent information and/or evidence with regard to University processes.

The Master may, depending on the circumstances, deem that any 'Minor' offence be treated as a 'Major' offence.

(ii) 'Major' Offences

i.e. those which can normally only be disposed of by a Disciplinary Panel following referral by a Master include the following:

Note: In certain circumstances the Vice-Chancellor or her/his delegate may instruct a Master to deal with these offences. In such a case the penalties available to the Master will include those available to a Disciplinary Panel listed in (iii)b below.

- (a) offences against the law (e.g. relating to assault, drugs, firearms, harassment, rape, theft) following the outcome of criminal justice proceedings;
- (b) criminal offences on which police action has been concluded (i.e. including a conditional discharge, caution or warning);
- (c) any action by a student which could give rise to criminal prosecution against the student or an action in law against the University, its officers or members or to the withdrawal of any licence held by or on behalf of the University;
- (d) occupation or use of University property contrary to regulations or other provisions made by the University;
- (e) assault, causing or liable to cause bodily harm requiring a significant level of treatment;
- (f) insulting or violent behaviour including that involving racial, sexual or other abuse, harassment or threat of violence;
- (g) theft, damage or of defacement of University property valued at £2,000 or more;
- (h) misuse or abuse of University equipment valued at £2,000 or more;
- (i) repeated breaches of Regulations.

(iii) Penalties

Note: As the Master or Panel/Committee determines one or more of the penalties from the appropriate list may be imposed on a student contravening these Regulations.

(a) Available to a Master for a case originally heard by a Master, or by a Master or Dean, on appeal:

- i) an informal reprimand;
- ii) a formal warning concerning the consequences of further breaches of Regulations;
- iii) a requirement to compensate for or make good damage and loss; and to meet any costs (not to exceed £2,000) incurred in the investigation of a breach of the Regulations, and/or to provide an apology or apologies in writing and/or in person;
- iv) a fine (not exceeding £2,000) (a period of payment to be stated);

Note: If the Master so decides part or all of a fine may be suspended subject to any conditions s/he determines.

- v) community service, at the Master's discretion and subject to monitoring by the Master concerned, and, if not completed satisfactorily, further penalty as the Master determines.
- vi) a recommendation to Kent Hospitality that a licence agreement for University accommodation be revoked (or such to another appropriate person in the case of property outside the University's control);
- vii) a recommendation to the student's academic school that character references for employment and other purposes reflect this conduct.

- viii) exclusion, absolutely or on stated conditions, from the use of the whole or part of Collegiate or other University facilities;
- ix) confirmation of any disciplinary decision made by the officer in charge of a building in cases which involved infringement of the Regulations governing the use of the building concerned;
- x) confirmation of any disciplinary decision made by the appropriate officer under Regulations for the Library, Computing Facilities and for Traffic in the University or other Regulations;
- xi) a requirement to remove from the campus, University or other accommodation, temporarily or permanently, any item s/he deems inappropriate.

(b) Available to a Disciplinary Panel or the Appeal Panel or by the Student Discipline Grievance Committee on appeal:

- i) the penalties listed in (a) above;
- ii) suspension from any class or classes, and exclusion, absolutely or on stated conditions, from residence in University residential facilities or from any part of the University or its precincts; any such suspension or exclusion shall be reported to the Secretary of the Council;
- iii) exclusion from entry to any examination, either absolutely or subject to stated conditions;
- iv) termination of registration as a student of the University, either absolutely or for a stated period and return subject to stated conditions;
- v) the withholding of the award of a degree or diploma or certificate either permanently, subject to the approval of the Senate, or until appropriate conditions are fulfilled;
- vi) a requirement to compensate for or make good damage and loss; and to meet any costs incurred in the investigation of a breach of the Regulations;
- vii) a fine not exceeding £3,000 (a period of payment to be stated).

Appendix II

Procedures for investigation and initial decision by a Master of a complaint

(i) The procedures will follow the principles of 'natural justice' set out in (2) (i.i) of the Regulations. The investigation will normally involve the Master in interviewing those concerned and include obtaining written statements from such individuals.

(ii) Details of the complaint, the Master's enquiries and recommendations for further action will be summarised in a written statement. A copy of the summary statement shall be given to the Master and the student concerned.

(iii) Following (ii) above, the Master considering the case shall:

invite the student to an interview*;
hear what the student has to say;
take any other steps which may seem reasonable or necessary in the circumstances to determine whether or not a breach of Regulations has been committed;

and
take an initial decision on the matter.

* reasonable notice to be given.

(iv) Following (iii) above the Master's decision shall be conveyed to the student in writing within one week of the interview referred to in (iii) above except where a different period is agreed by the Master and the student concerned. This decision may be:

- (a) that no further action is required;
- (b) to dispose of the case summarily, as set out in the Note to (3) (ii.iii.i) above;
- (c) that a formal disciplinary hearing is required either, in the case of a 'Minor' offence, by the Master, or, in the case of a 'Major' offence, by the Disciplinary Panel.

In both cases under (c) above the Master is required to provide a written explanation of her/his decision to the student concerned and, in the case of a 'Major' offence to the Secretary of the Council.

(v) The procedures for the conduct of hearings by a Master or the Disciplinary Panel following iv (c) above are given in Appendix III.

Appendix III

Procedures for the conduct of Disciplinary Hearings (by a Master and by the Disciplinary Panel)

(i) A Master hearing a case may, if s/he so wishes, hear the case with one or two other members of the University*, whose role is restricted to advising the Master, and a Secretary** in attendance.

- * academic or academic-related staff
- ** as determined by the Master

(ii) The Disciplinary Panel will normally be chaired by a Pro-Vice-Chancellor* and consist of a Master and an additional member** and a Secretary*** in attendance.

- * where this is not possible the Chair will be a senior member of the academic or academic-related staff.
- ** academic or academic-related staff
- *** as determined by the Secretary of the Council

(iii) The Master or the Chair of the Disciplinary Panel (or the Secretary, where a Secretary has been appointed) is responsible for ensuring that the student is informed, in writing, of the following:

- the matters to be considered by the Master/Disciplinary Panel;
- the student's right to representation and presentation of her/his case;

and with reasonable notice

- the date of the hearing of the case*; and subsequently
- the outcome;
- and, where appropriate, any right of appeal (to be made within seven days of the decision being appealed against being notified).

* i.e. reasonable notice for i above and at least one week before the date of the hearing for ii above

(iv) The student is entitled to be accompanied by another member of the University or a representative of the Students' Union who may speak on her/his behalf and, if appropriate, call witnesses to speak for her/him.

(v) The student is entitled to present a statement of her/his case and other relevant supporting documents.

(vi) Except where the contrary is justifiable in law or required by University regulations or, exceptionally, so decided by the Master/Chair of the Disciplinary Panel and notified to the student concerned (or her/his representative), the student is entitled:

- to receive copies of all documents used in the consideration of her/his case, and
- to hear and examine evidence presented for consideration of her/his case.

(vii) The Master/Chair of the Disciplinary Panel hearing a student's case may refuse to admit any written or verbal evidence s/he deems to be irrelevant or inappropriate to the case being considered. The Master/Chair shall give the reasons for such refusal at the end of the hearing of the student's case.

(viii) The Master/Chair of the Disciplinary Panel may call witnesses to speak to the hearing. In the case of a Master's hearing this would normally include the other Master where s/he was responsible for initial investigation of the matter being considered. In the case of a hearing by the Disciplinary Panel this would normally include the Master who referred the matter to it.

(ix) Other than indicated above the Master/Chair of the Disciplinary Panel may determine the procedures to be used provided these are in accordance with the principles of natural justice. (Section (2) (i.i) of the Regulations refers.)

In the event that a student does not attend any meeting concerning her/his case the Master/Chair of the Disciplinary Panel may proceed as s/he decides is appropriate subject to the student being given adequate and reasonable notice of the meeting.

Appendix IV

Procedures for the conduct of Appeals (by a Dean (or nominee), the Appeal Panel and by the Student Discipline Grievance Committee.)

Note: Where "Dean" is referred to below, this should be taken as also referring to the Dean's nominee hearing an appeal.

(i) The Dean hearing a case may, if s/he so wishes, hear the case with one or two other members of the University*, whose role is restricted to advising the Dean, and a Secretary** in attendance

* Academic or academic-related staff

Note: Except in exceptional circumstances one member should be a Master but a Master(s) involved in the original determination would not normally be involved in the Appeal.

** as determined by the Dean

(ii) The Appeal Panel will consist of three members*, and a Secretary** in attendance.

* academic or academic-related staff with one designated by the Secretary of the Council as Chair

** as determined by the Secretary of the Council

(iii) The Student Discipline Grievance Committee will consist of three members* and a Secretary** in attendance.

* academic or academic-related staff or lay members of the Council with one designated by the Secretary of the Council as Chair

** as determined by the Secretary of the Council

(iv) The Dean or the Chair of the Panel/Committee (or the Secretary, where a Secretary has been appointed) is responsible for ensuring that the student is informed, in writing, of the following:

- the matters to be considered by the Dean/Panel/Committee;
- the student's right to representation and presentation of her/his case;

and with reasonable notice

- the date of the hearing of the case*; and subsequently
- the outcome; and
- where appropriate, any right of appeal (to be made within seven days of the decision being appealed against being notified)

* i.e. at least two weeks before the date of the hearing

(v) The student is entitled to be accompanied by another member of the University or a representative of the Students' Union who may speak on her/his behalf and, if appropriate, call witnesses to speak for her/him.

(vi) The student is entitled to present a statement of her/his case and other relevant supporting documents.

(vii) Except where the contrary is justifiable in law or required by University regulations or, exceptionally, so decided by the Dean/Chair and notified to the student concerned (or her/his representative), the student is entitled:

- to receive copies of all documents used in consideration of her/his case; and
- to hear and examine any evidence presented for consideration in her/his case.

(viii) The Dean/Chair of the Appeal Panel/Student Discipline Grievance Committee hearing a student's case may refuse to admit any written or verbal evidence s/he deems to be irrelevant or inappropriate to the case being considered. The Chair shall give the reasons for such refusal at the end of the hearing of the student's case.

(ix) The Dean/Chair of the Appeal Panel/Student Discipline Grievance Committee may call witnesses to speak to the hearing.

(x) Other than indicated above the Dean/Chair of the Appeal Panel/Student Discipline Grievance Committee may determine the procedures to be used provided these are in accordance with the principles of natural justice. (Section (2) (i.i) of the Regulations

refers.)

In the event that a student does not attend any meeting concerning her/his case the Dean/Chair of the Appeal Panel/Student Discipline Grievance Committee may proceed as s/he decides is appropriate subject to the student being given adequate and reasonable notice of the meeting.

Appendix V

Arrangements relating to cases where criminal procedures are under consideration, in hand or have been completed

(i) The University recognises its responsibility to comply with the law, and where necessary, to co-operate with the appropriate agencies in any investigations into alleged criminal activity on the campus, to ensure that no criminal activity takes place on campus or otherwise to enforce the law.

(ii) Normally the University will take no action against a student in respect of any alleged offence which breaches both the criminal law and the University's regulations and on which police action is under consideration/in hand or pending except that in such a case the Vice-Chancellor (or, acting on her/his behalf, a Deputy, Pro-Vice-Chancellor or, if none of these officers are available, the Senior Master) may decide to take action as outlined in Section (2) (i.iii) above.

(iii) Following completion of police enquiries and action any disciplinary action under these Regulations will take into account the penalty, if any, imposed by the Courts or by the Police.

(iv) The University's decision as to whether and when to commence disciplinary proceedings under these Regulations is likely to depend on a number of considerations which, depending on the circumstances, may include the following:

- (a) the seriousness of the alleged offence(s);
- (b) the speed with which the matter proceeds through the criminal justice system;
- (c) the outcome of the criminal proceedings;
- (d) where appropriate, the wishes of both the victim(s) and the offender(s);
- (e) where appropriate, the availability of the alleged offender(s).

Procedure:

A Master, or other member of the University, when receiving a report that a student has been involved in a case in which criminal procedures are under consideration, in hand or have been completed, should report this immediately to the Secretary of the Council. The Secretary of the Council will inform the Vice-Chancellor, who will decide whether or not to take any action as outlined in (2) (i.iii) above and/or under these Regulations and the timing of such action. The Secretary of the Council will advise the Master whether and when s/he is required to take action, including action under these Regulations, and the procedures to be used.

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