THE UNIVERSITY OF KENT

Regulations on student discipline in relation to non-academic matters

The regulations which follow are current with effect from 18 September 2015.

Introduction

1. The Regulations on student discipline in relation to non-academic matters are built on the principle that all students are expected to maintain a standard of conduct which supports the University’s commitment to create a community that advances knowledge and stimulates intellectual creativity, good order and the good name and reputation of the University.

2. In registering with the University, students agree to be bound by all relevant provisions of the Regulations of the University and other formal documents concerning non-academic aspects of student life. Other relevant documents include the Student Charter and the Support to Study Procedure. All other documents that may apply can be found in the Regulations for Students.

3. The Regulations on student discipline relate to any activities engaged in, or services and facilities enjoyed, as a student of the University, or in the vicinity of any premises owned, leased or managed by the University. Disciplinary action may also be taken against a student in respect of any alleged misconduct wherever and whenever it may have taken place when it is considered necessary to protect the interests and reputation of the University and its members.

4. Student members of the University will be held responsible for the conduct of their guests and for any damage caused by their guests whilst they are on the University’s campuses. No person who has been excluded from a University campus may be invited onto University property as a student guest.

5. The Regulations on student Discipline are not a criminal process. The standard of proof applied is that of ‘natural justice’, which means that adjudication is unbiased and given in good faith, and that each party is aware of arguments and documents given by the other.

6. In cases where acts could amount to a violation of both the criminal law and the University’s Regulations, the University has decided, in line with the Zellick Report, to adopt special procedures. These normally mean that 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 cases the Vice-Chancellor or nominee may, however, decide to take disciplinary action. Paragraphs 15 to 19 of the Regulations include information on the arrangements for dealing with cases of possible criminal proceedings. Allegations of bribery are a major offence and will be dealt with in line with the University’s Anti-Bribery and Corruption Policy.

7. Kent Union also has disciplinary procedures in place for student members. The Union is committed to providing high quality services to its members and customers and to protecting its staff, members, customers and visitors from anti-social behaviour. To this end, it is essential that anti-social behaviour is not tolerated and is dealt with swiftly and effectively. Student members are also responsible for ensuring that Kent Union activities operate within the law and within the guidelines set out in Kent Unions policies and procedures. Anti-social or inappropriate behaviour will be handled under the Kent Union Student Discipline Procedure.

8. These regulations are intended to assist:

   a) those responsible for carrying out disciplinary actions and applying disciplinary procedures and regulations to do so in an effective, fair and consistent manner as possible;

   b) those charged with disciplinary offences (and their advisers or representatives) to understand the proceedings which are to be taken and their rights in relation to those proceedings.

A flow chart outlining the processes mentioned in these regulations can be found in Appendix 1.
Roles and Responsibilities

9. The officers/bodies responsible for implementing these regulations are as follows:
   a) Masters of the Colleges, in the first instance
   b) The Deans of the Faculties and their nominees for appeals against Masters decisions
   c) The Senior Master
   d) A Disciplinary Panel
   e) An Appeal Panel
   f) The Student Discipline Grievance Committee
   g) Members of the Executive Group

10. Where an officer responsible for the implementation of other student Regulations decides there has been 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. Responsible officers (or appointed nominees) include the following:
   i) IT Facilities: Director of Information Services;
   ii) Laboratory Regulations: Director of the Laboratory concerned;
   iii) Library Regulations: Director of Information Services;
   iv) Traffic Regulations: Director of Estates;
   v) Room agreements for University Accommodation: Director of Commercial Services;
   vi) Agreements concerning the use of facilities for which Kent Hospitality is responsible: Director of Commercial Services.

11. 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 enforce the compensation or refer the case to the Senior Master for possible disciplinary proceedings.

Student Conduct Regulations

12. The following behaviour shall be treated as breach of student regulations and may result in disciplinary action being taken:

Misconduct in relation to people
   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) inappropriate behaviour including verbal or written abuse of others by word deed or online;
   d) insulting or violent behaviour including that involving racial, sexual or other abuse, harassment, threat of violence or cyberbullying;

Misconduct involving disruption
   e) anti-social behaviour (including inappropriate behaviour online);
   f) behaviour incompatible with membership of the University as an academic and social community which may adversely affect the University’s local community and/or attract adverse publicity;

Misconduct in relation to property, facilities or services
   g) unauthorised possession or misuse of a key to University property;
   h) misuse or abuse of University equipment or property;
   i) non-compliance with University policies and procedures concerning access to or the use of buildings or facilities;
   j) theft, damage, disorderly behaviour in, or defacement of property;
   k) contravention of any license agreements;

Misconduct in relation to health and safety
   l) any act or omission which, if committed by a member of staff, would breach Health and Safety legislation or contravention of University Safety Policy or the local safety policies for University buildings or facilities. Non-compliance with such safety requirements will be regarded as a very serious matter. Examples include the following:
Misconduct in relation to Noise
n) inappropriate noise levels on or off campus;

Misconduct in relation to information and evidence
o) the submission of fraudulent information and/or falsified evidence in University processes or failure to provide appropriate evidence in relation to convictions;

Misconduct in relation to serious offences against the law
p) offences against the law (e.g. relating to assault, drugs, firearms, harassment, rape, theft) following the outcome of criminal justice proceedings;
q) criminal offences on which Police action has been concluded (i.e. including a conditional discharge, caution or warning);
r) 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;
s) occupation or use of University property contrary to law and/or regulations or other provisions made by the University;
t) assault, causing or liable to cause bodily harm;
u) unauthorised possession by a student of poisons, explosives, firearms or other objects deemed offensive weapons;
v) bribery and corruption (as stated in the University’s Anti-Bribery and Corruption Policy);

Misconduct involving misrepresentation
w) impersonation/conspiracy to impersonation/attempting to influence an officer improperly in relation to matters covered by these Regulations;

Repeat offences
x) repeated breaches of Regulations.

Exclusions

13. The Vice-Chancellor has responsibility for good order in the University. In certain circumstances in the interest of the University as a whole or that of an individual member(s) the Vice-Chancellor may decide to exclude/suspend 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).

14. Notification of an exclusion/suspension will include a right of appeal and allow the student a further opportunity to ask for his/her position to be reviewed after one month of the original appeal decision. The student will have a further opportunity (ies) to request a review every two months while the exclusion/suspension remains in place.

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

15. 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.

16. 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 paragraphs 13 and 14.

17. 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.

18. 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).

19. 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 Student Conduct and Complaints Manager. The Student Conduct and Complaints Manager will inform the Senior Master and the Vice-Chancellor or a Deputy or Pro Vice-Chancellor, who will decide whether or not to take any action and the timing of such action. The Student Conduct and Complaints Manager will advise the Master if and when s/he is required to take action and the procedures to be used.

Investigating Allegations

20. In cases where a report to a Master about a student involves possible violations of the criminal law or allegations of rape or serious assault, the Master will refer to Paragraphs 15 to 19 of these Regulations.

21. In all other cases, where having received a report about the behaviour of a student, the Master, where necessary, in association with another University member of staff or through another Master, decides whether to conduct further enquiries with a view to possibly dismissing the case summarily or referring the case to the Senior Master.

22. Meetings with the Master take precedence over all other social engagements and attendance is mandatory during term-time. Students, who fail to attend a meeting with the Master without good reason, will be subject to a fine.

23. Repeated failure to attend meetings with a Master will result in the Master proceeding in the student’s absence, including the imposition of an appropriate penalty where necessary or a referral of the matter to the Senior Master for consideration by a Disciplinary Panel.

24. All students are entitled to be accompanied to a Masters meeting by another member of the University, a representative of Kent Union or a relative who may speak on his/her behalf and if appropriate call witnesses to speak for him/her. A student should not be accompanied by an instructed legal representative even if the instructed legal representative is a member of the University, a staff member or Kent Union representative. Anyone accompanying the student should also not be connected to the incident concerned.

25. No mechanical or digital recording of the meeting(s) conducted by the Master will be permitted. An accurate and agreed record of the meeting(s) will be taken.

Procedures for investigation and initial decision by a Master

26. The procedures will follow the principles of ‘natural justice’ (see paragraph 5). In investigating the matter, the Master will usually review the evidence and may convene a meeting or series of meetings to formally discuss the allegations with the subject of the complaint, the person making the complaint and any other persons involved. In cases where the alleged offence(s) involve(s) more than one student, all or any of the cases may be dealt with at the same time. The investigation may include the Master obtaining written statements from such individuals and consideration of evidence obtained via a CCTV system.

27. The Master considering the case shall take any 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.
28. If a fine and/or formal warning are imposed, the Master’s decision shall be conveyed to the student in writing (to include a description of the alleged breach of Regulations) at the conclusion of the investigation. This decision may be:

   a) that no further action is required;
   b) to dispose of the case summarily;
   c) to refer the case to the Senior Master for a decision on whether it should be considered by a Disciplinary Panel.

*A list of penalties available to Masters can be found in Appendix 2*

**Appealing against a Master’s decision**

29. A student may appeal against the outcome and/or penalty imposed by a Master under these Regulations on one or more of the following grounds:

   a) that there is evidence of a failure to follow the procedures set out in these Regulations or other administrative error, which casts reasonable doubt on the reliability of the decision; and/or
   b) that fresh evidence can be presented, which could not reasonably have been made available before the original decision was made, and which casts reasonable doubt on the reliability of that decision.

30. An appeal will only be considered if this is submitted:

   a) including the grounds for the appeal and the remedial action sought;
   b) providing all necessary documentary evidence substantiating the grounds of the appeal;
   c) within 10 working days from the date of the letter notifying the student of the decision;
   d) in writing to the Student Conduct and Complaints Office at sccoffice@kent.ac.uk

31. The grounds for appeal will be considered by the Student Conduct and Complaints Manager. Students meeting the grounds for appeal will be referred to the appropriate Dean of Faculty, or a nominated representative, for review.

32. Where fresh evidence that could have reasonably been available at the previous consideration is presented, the case will be referred back to the Master concerned, as determined by the Student Conduct and Complaints Manager, Dean or their nominated representative.

33. Where there is evidence that the documentation submitted in support of an appeal has been falsified the Dean, or nominated representative, will disregard such evidence and the appeal will be considered using the remaining evidence.

34. Once the Dean or a nominated representative has considered the appeal, an outcome of the appeal will be conveyed in writing to the Student. If the appeal is not upheld there is no further right to appeal, except on grounds of procedural fault, bias, irregularity or other inadequacy, where the Appeal can be heard by the Student Discipline Grievance Committee (paragraph 65 onwards)

**Disciplinary Panel**

35. Disciplinary Panels deal with the most serious disciplinary issues within the University. College Masters can refer students to the Senior Master for a decision as to whether a case should be heard by a Disciplinary Panel.

36. A Master referring the case to the Senior Master will advise the Student Conduct and Complaints Manager and provide him/her with the supporting documentation for the case.

37. The Student Conduct and Complaints Manager, in consultation with the Senior Master, will appoint the members of the Disciplinary Panel and a Secretary for the Panel. A Disciplinary Panel will normally be chaired by a Pro Vice-Chancellor or Deputy Vice-Chancellor and should include a College Master (not the referring Master) and another member of academic or non-academic staff.

38. The Secretary is responsible for ensuring that the student is informed, in writing, of the following:

   a) The matters to be considered by the Disciplinary Panel
   b) The student’s right to representation and presentation of his/her case.
and with reasonable notice

c) The date of the hearing of the case, at least one week before the date of the hearing, and, where possible, the venue for the Disciplinary Panel will be held at the student’s main campus of study;

d) The outcome, including a written explanation of the decision; and

e) Where appropriate, any right of appeal based on procedural grounds and the timeframe.

39. The student is entitled to be accompanied by another member of the University, a representative of Kent Union or a relative who may speak on her/his behalf and, if appropriate, call witnesses to speak for her/him. A student may not be accompanied by an instructed legal representative even if the instructed legal representative is a member of the University, a representative of Kent Union or a relative.

40. The student is entitled to present a statement of her/his case and other relevant supporting documents except where the contrary is justifiable in law or required by University Regulations or, exceptionally, so decided by the Chair and notified to the student concerned (or her/his representative), the student is entitled:

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

c) To receive support and guidance from Kent Union Advice Centre (further information can be found at: http://www.kentunion.co.uk/welfare/advice-centre/)

41. In exceptional cases, as determined by the Chair of the Disciplinary Panel, the documents may include an anonymised report prepared by a third party on behalf of another/others in order to preserve confidentiality.

42. The 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 Chair shall give the reasons for such refusal at the end of the hearing of the student’s case.

43. No mechanical or digital recording of the Disciplinary Panel meeting will be permitted. An accurate and agreed record of the Disciplinary Panel meeting will be taken.

44. Other than indicated above the Chair of the Disciplinary Panel may determine the procedures to be used provided these are in accordance with the principles of natural justice.

45. In the event that a student does not attend any meeting concerning her/his case the 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.

46. The Secretary to the Disciplinary Panel meeting will write to the student within five working days with the decision of the Disciplinary Panel.

A list of penalties available to a Disciplinary Panel can be found in Appendix 2

Appeal on procedural grounds against a decision by a Disciplinary Panel

47. Students are able to appeal the final decision of a Disciplinary Panel based on alleged procedural fault, bias, irregularity or other inadequacy and the University will treat in good faith any appeal which is brought forward by a student under these procedures. However the submission of an appeal is no guarantee of its successful outcome.

48. A student may appeal against the outcome of a Disciplinary Panel on one or more of the following grounds:

   a) that there is evidence of a failure to follow the procedures set out in these Regulations or of other administrative error, which casts reasonable doubt on the reliability of the decision; and/or

   b) that fresh evidence can be presented, which could not reasonably have been made available before the original decision was made, and which casts reasonable doubt on the reliability of that decision.
49. If fresh evidence which could have been available at the previous consideration is presented, the evidence will be referred back to the Disciplinary Panel as determined by the Chair of the Appeal Panel.

50. An appeal will only be considered if this is submitted:
   a) including the grounds for the appeal and the remedial action sought;
   b) providing all necessary documentary evidence substantiating the grounds of the appeal;
   c) within 10 working days from the date of the letter notifying the student of the decision;
   d) in writing to the Student Conduct and Complaints Office at sccoffice@kent.ac.uk

51. Where there is evidence that the documentation submitted in support of an appeal has been falsified, the Chair of the Appeal Panel will disregard such evidence and the appeal will thereafter be considered on the basis of the remaining evidence.

52. The Chair of the Appeal Panel will determine whether there is a case for consideration. If the Chair determines there is a case to answer the appeal will be referred to an Appeal Panel.

53. If the Chair of the Appeal Panel determines there is no case for consideration there is no further right for the student to appeal and a Completions of Procedures letter will be issued by the University. The student may then seek a review of his/her complaint by the Office of the Independent Adjudicator for Higher Education. (see paragraph 81)

54. The Appeal Panel will consist of three members with a Secretary in attendance. The three members will be made up of academic or academic related staff with one designated as Chair by the Director of Student Services.

55. The Chair of the Appeal Panel or the Secretary is responsible for ensuring that the student is informed, in writing, of the following:
   a) the matters to be considered by the Appeal Panel;
   b) the student’s right to representation and presentation of her/his case;
   c) To receive support and guidance from the Kent Union Advice Centre (further information can be found at: http://www.kentunion.co.uk/welfare/advice-centre/ )

   and with reasonable notice

   d) the date of the hearing of the case, at least one week before the date of the hearing ;

   and subsequently

   e) the outcome (including a written explanation of the decision); and

   f) where appropriate, any right of appeal (to be made within 10 working days from the date of the letter notifying the student of the decision)

56. Except where the contrary is justifiable in law or required by University regulations or, exceptionally, so decided by the Chair of the Appeal Panel and notified to the student concerned (or her/his representative), the student is entitled:
   a) to receive copies of all documents used in consideration of her/his case; and
   b) to hear and examine any evidence presented for consideration in her/his case.

57. In exceptional cases, as determined by the Chair of the Appeal Panel, the documents may include an anonymised report prepared by a third party on behalf of another/others in order to preserve confidentiality.

58. The student is entitled to be accompanied by another member of the University, a representative of Kent Union or a relative who may speak on her/his behalf and, if appropriate, call witnesses to speak for her/him. A student may not be accompanied by a nominated legal representative even if the nominated legal representative is a member of the University, a representative of Kent Union or a relative.
59. The student is entitled to present a statement of her/his case and other relevant supporting documents.

60. The Chair of the Appeal 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 Chair shall give the reasons for such refusal at the end of the hearing of the student's case.

61. No mechanical or digital recording of the Appeal Panel will be permitted. An accurate and agreed record of the meeting will be taken.

62. Other than indicated above the Chair of the Appeal Panel may determine the procedures to be used provided these are in accordance with the principles of natural justice.

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

64. If the Appeal Panel does not uphold the appeal, there is no further right for the student to appeal (except in cases of procedural fault, bias, irregularity or other inadequacy; see Student Discipline Grievance Committee from paragraph 65 onwards).

**Student Discipline Grievance Committee**

65. The Student Discipline Grievance Committee is the final stage a student can appeal against a disciplinary decision based on alleged procedural fault, bias, irregularity or other inadequacy. The University will treat in good faith any appeal which is brought forward by a student under these procedures.

66. The submission of an appeal is no guarantee of its successful outcome.

67. Where relevant to the case, a deregistered student who has been permitted to continue with his/her studies pending the outcome of an appeal may be required to withdraw from the University immediately should his/her appeal to an Appeal Panel fail.

68. An appeal to the Student Discipline Grievance Committee will only be considered if it is submitted:
   
a) including grounds for appeal and remedial action sought
b) providing all the necessary documentary evidence substantiating the grounds of the appeal:
   c) Within 10 working days of the letter notifying the student of the outcome of an Appeal or the decision of a Disciplinary Panel:
   d) in writing to the Student Conduct and Complaints Office at sccoffice@kent.ac.uk

69. The Senior Deputy Vice-Chancellor (or another Deputy Vice-Chancellor or Pro Vice-Chancellor) will determine whether there is a case to answer. If the Senior Deputy Vice-Chancellor or another Deputy Vice-Chancellor or Pro Vice-Chancellor agrees that there is a case to answer the appeal will be referred to a Student Discipline Grievance Committee.

70. If the Senior Deputy Vice-Chancellor (or another Deputy Vice-Chancellor or Pro Vice-Chancellor) determines there is no case to answer then there is no further right for the student to appeal and a Completion of Procedures letter will be issued by the University. The student may then seek a review of his/her complaint by the Office of the Independent Adjudicator for Higher Education to review (see paragraph 81).

71. The Student Discipline Grievance Committee will consist of three members made up of academic or academic-related staff or lay members of the Council with a Secretary in attendance. The appointed Secretary of the Council will designate one of the above members of staff as Chair.

72. The Secretary is responsible for ensuring that the student is informed, in writing, of the following:
   
a) the matters to be considered by the Committee;
b) the student’s right to representation and presentation of her/his case;
c) To receive support and guidance from Kent Union Advice Centre (further information can be found at: http://www.kentunion.co.uk/welfare/advice-centre/)
and with reasonable notice

d) the date of the hearing of the case, at least one week before the date of the hearing;

and subsequently

e) the outcome, including a written explanation of the decision.

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

a) to receive copies of all documents used in consideration of her/his case; and

b) to hear and examine any evidence presented for consideration in her/his case.

74. In exceptional cases, as determined by the Chair of the Student Discipline Grievance Committee, the documents may include an anonymised report prepared by a third party on behalf of another/others in order to preserve confidentiality.

75. The student is entitled to present a statement of her/his case and other relevant supporting documents and the student will be informed in a timely manner of any right to attend, any right to be accompanied or represented, and if so by whom. Appeals procedures are internal to the University and do not have the same degree of formality as a court of law. A student may not be accompanied by a nominated legal representative even if the nominated legal representative is a member of the University, a representative of Kent Union or a relative.

76. The Chair of the 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.

77. No mechanical or digital recording of the Student Discipline Grievance Committee will be permitted. An accurate and agreed record of the meeting will be taken.

78. Other than indicated above the Student Discipline Grievance Committee may determine the procedures to be used provided these are in accordance with the principles of natural justice.

79. In the event that a student does not attend any meeting concerning her/his case the Chair of the 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.

80. If the Student Discipline Grievance Committee determines there is no case to uphold, there is no further right for the student to appeal, and a Completion of Procedures letter will be issued by the University. The student may then seek a review of his/her complaint by the Office of the Independent Adjudicator for Higher Education. (see paragraph 81)

The Office of the Independent Adjudicator for Higher Education

81. The Office of the Independent Adjudicator for Higher Education (OIAHE) provides an independent scheme for the review of student complaints or appeals. When all the University’s internal stages for dealing with student disciplinary appeals have been exhausted, the University will issue a Completion of Procedures letter. Students wishing to avail themselves of the opportunity for an independent review by the OIA must submit their application to the OIA within 12 months of the issue of the Completion of Procedures letter. Full details of the scheme will be enclosed with the Completion of Procedures letter.

Note: Further information may be obtained from the OIA’s website: www.oiahe.org.uk

Queries should be directed to the Student Conduct and Complaints Manager, Student Services, M1.02, Keynes College (sccooffice@kent.ac.uk).

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